

South Australia

Prevention of Cruelty to Animals Variation Regulations 2008

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 2008*.

2—Commencement

These regulations will come into operation on the day on which the *Prevention of Cruelty to Animals (Animal Welfare) Amendment Act 2008* comes into operation.

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—Variation of regulation 1—Short title

Regulation 1—delete "*Prevention of Cruelty to Animals*" and substitute:
Animal Welfare

5—Variation of regulation 4—Interpretation

Regulation 4, definition of *Act*—delete "*Prevention of Cruelty to Animals*" and substitute:
Animal Welfare

6—Substitution of heading to Part 2

Heading to Part 2—delete the heading and substitute:

Part 2—Animal welfare offences

7—Substitution of regulation 6

Regulation 6—delete the regulation and substitute:

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 an animal of the genus *Bos* or *Bubalus*; or
 - (b) the person—
 - (i) traps an animal in a steel jaw trap that has been set in contravention of regulation 11; or

- (ii) catches a bird by using a gel that has been applied in contravention of regulation 12.
- (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) dock a dog's tail if satisfied the procedure is required for therapeutic purposes; or
 - (c) crop an animal's ear if satisfied the procedure is required for therapeutic purposes.

8—Variation of regulation 7—Use of electroimmobilisers

- (1) Regulation 7(1)—delete "section 14" and substitute:
section 15
- (2) Regulation 7(3), penalty provision—delete the penalty provision and substitute:
Maximum penalty: \$2 500.
Expiation fee: \$210.

9—Variation of regulation 8—Use of certain other electrical devices

- Regulation 8(1)—delete "section 14" and substitute:
section 15

10—Revocation of regulation 9

- Regulation 9—delete the regulation

11—Variation of regulation 10—Codes of practice

- Regulation 10, penalty provision—delete the penalty provision and substitute:
Maximum penalty: \$2 500.
Expiation fee: \$210.

12—Variation of regulation 11—Use of steel jaw traps prohibited in certain circumstances

- (1) Regulation 11(1), penalty provision—delete the penalty provision and substitute:
Maximum penalty: \$2 500.
Expiation fee: \$210.
- (2) Regulation 11(2), penalty provision—delete the penalty provision and substitute:
Maximum penalty: \$2 500.
Expiation fee: \$210.

13—Variation of regulation 12—Use of gel to catch or deter birds prohibited

Regulation 12, penalty provision—delete the penalty provision and substitute:

Maximum penalty: \$2 500.

Expiation fee: \$210.

14—Revocation of regulations 13A and 13B

Regulations 13A and 13B—delete the regulations

15—Variation of regulation 13D—Only horses and cattle to be used in rodeo events

Regulation 13D, penalty provision—delete the penalty provision and substitute:

Maximum penalty: \$2 500.

Expiation fee: \$210.

16—Variation of regulation 13F—General requirements for conducting rodeos

(1) Regulation 13F(1), penalty provision—delete the penalty provision and substitute:

Maximum penalty: \$2 500.

(2) Regulation 13F(2), penalty provision—delete the penalty provision and substitute:

Maximum penalty: \$2 500.

(3) Regulation 13F(3), penalty provision—delete the penalty provision and substitute:

Maximum penalty: \$2 500.

(4) Regulation 13F(4), penalty provision—delete the penalty provision and substitute:

Maximum penalty: \$2 500.

Expiation fee: \$210.

(5) Regulation 13F(5), penalty provision—delete the penalty provision and substitute:

Maximum penalty: \$2 500.

Expiation fee: \$210.

17—Variation of regulation 13G—Inspections by designated rodeo judge

Regulation 13G, penalty provision—delete the penalty provision and substitute:

Maximum penalty: \$2 500.

Expiation fee: \$210.

18—Variation of regulation 13H—Regulation of use and care of rodeo animals

(1) Regulation 13H(1), penalty provision—delete the penalty provision and substitute:

Maximum penalty: \$2 500.

(2) Regulation 13H(2), penalty provision—delete the penalty provision and substitute:

Maximum penalty: \$2 500.

Expiation fee: \$210.

19—Variation of regulation 13I—Requirements and prohibitions relating to equipment

- (1) Regulation 13I(1), penalty provision—delete the penalty provision and substitute:
Maximum penalty: \$2 500.
Expiation fee: \$210.
- (2) Regulation 13I(2), penalty provision—delete the penalty provision and substitute:
Maximum penalty: \$2 500.
Expiation fee: \$210.
- (3) Regulation 13I(3), penalty provision—delete the penalty provision and substitute:
Maximum penalty: \$2 500.
Expiation fee: \$210.
- (4) Regulation 13I(4), penalty provision—delete the penalty provision and substitute:
Maximum penalty: \$2 500.

20—Variation of regulation 13K—Reports to Minister on conduct of rodeo

- Regulation 13K(1), penalty provision—delete the penalty provision and substitute:
Maximum penalty: \$2 500.
Expiation fee: \$210.

21—Variation of regulation 13M—General requirements

- (1) Regulation 13M(1), penalty provision—delete the penalty provision and substitute:
Maximum penalty: \$2 500.
- (2) Regulation 13M(2), penalty provision—delete the penalty provision and substitute:
Maximum penalty: \$2 500.

22—Variation of regulation 13N—Requirements relating to confining domestic fowls in cages

- (1) Regulation 13N(1), penalty provision—delete the penalty provision and substitute:
Maximum penalty: \$2 500.
Expiation fee: \$210.
- (2) Regulation 13N(2), penalty provision—delete the penalty provision and substitute:
Maximum penalty: \$2 500.
Expiation fee: \$210.

23—Variation of regulation 14—Certain research prohibited except for limited purposes

- Regulation 14(1), penalty provision—delete the penalty provision and substitute:
Maximum penalty: \$2 500.

24—Insertion of regulation 17

Before regulation 18 insert:

17—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 member of a police force 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.
- (2) An inspector is authorised to give expiation notices for an alleged offence against the Act or these regulations.

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's Deputy

with the advice and consent of the Executive Council
on 18 September 2008

No 259 of 2008

EHCS06/0016