

South Australia

Animal Welfare Variation Regulations 2016

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 Variation Regulations 2016*.

2—Commencement

These regulations will come into operation 4 months after the day on which they are made (see *Subordinate Legislation Act 1978*).

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 *Animal Welfare Regulations 2012*

4—Variation of regulation 7—Use of electroimmobilisers

- (1) Regulation 7(1)(a)—delete paragraph (a) and substitute:
 - (a) the animal is—
 - (i) a class 1 animal (other than cattle under the age of 6 months); or
 - (ii) a class 2, class 3 or class 4 animal; and
- (2) Regulation 7(1)(c)—delete paragraph (c) and substitute:
 - (c) the electroimmobiliser—
 - (i) is used only for the purpose of restraining the animal for as short a time as is practicable while a husbandry procedure is carried out on the animal; and
 - (ii) is not used on the animal as an alternative method for relieving pain; and
- (3) Regulation 7(6), definition of *electroimmobiliser*—delete the definition

5—Insertion of Parts 8 and 9

After Part 7 insert:

Part 8—Cattle

62—Interpretation

- (1) In this Part—

calf rearing system means the intensive raising of calves for the purposes of production whereby the calves are kept in an enclosure (whether indoors or outdoors) containing feeding and watering facilities by which the calves are completely hand or mechanically fed and watered;

cattle feedlot means a confined yard or other enclosure (whether indoors or outdoors) with feeding and watering facilities in which cattle are completely hand or mechanically fed and watered for the primary purpose of beef production, but does not include—

 - (a) the keeping of cattle in such manner on a short term basis—
 - (i) for the purpose of weaning, dipping or other husbandry procedure; or
 - (ii) for the purposes of drought or other emergency feeding; or
 - (iii) at a sale yard or abattoir; or

(b) the keeping of calves in a calf rearing system;

cattle health management plan—see regulation 72(6);

dairy cow or ***dairy cattle*** means a cow or cattle kept in the course of the business of a dairy;

dehorning, in relation to cattle, means removing any sensitive part of the horn of an animal (but does not include a procedure whereby only the insensitive part of the horn is removed);

disbudding, in relation to cattle, means preventing the development of an animal's horns by destroying or removing the horn producing tissue of the animal before it attaches to its skull;

feed pad means a dedicated yard or enclosure in which supplementary food is provided to cattle.

- (2) This Part is in addition to and does not derogate from the operation of—
- (a) the *Agricultural and Veterinary Products (Control of Use) Act 2002*; or
 - (b) the *Livestock Act 1997*; or
 - (c) the *Veterinary Practice Act 2003*.

63—General requirements

- (1) A person who has the care, control and management of cattle must take reasonable steps to minimise the risk of harm to the cattle from extreme weather conditions, disease and injury.
Maximum penalty: \$2 500.
- (2) A person who has the care, control and management of dairy cattle must ensure that, within 12 hours after birth, a calf has received colostrum or a colostrum substitute.
Maximum penalty: \$2 500.
Expiation fee: \$210.
- (3) A person who has the care, control and management of cattle must ensure that the cattle are inspected to assess the health and well-being of the cattle, at such intervals and in such manner as is reasonable in the circumstances, having regard to the following:
- (a) the stocking density of the cattle;
 - (b) the availability of suitable feed;
 - (c) the reliability of water supply;
 - (d) the age of the cattle;
 - (e) the pregnancy status of the cattle;
 - (f) the climatic conditions;
 - (g) any other factors that are relevant in the circumstances.
- Maximum penalty: \$2 500.

- (4) A person who has the care, control and management of cattle must ensure that an animal identified as being sick, diseased or injured is, as soon as is reasonably practicable—
- (a) provided with such medical treatment or other assistance as is reasonable and necessary in the circumstances; or
 - (b) humanely destroyed.

Maximum penalty: \$2 500.

- (5) A person driving cattle must ensure that the cattle are given sufficient rest to ensure the cattle do not collapse from exhaustion.

Maximum penalty: \$2 500.

- (6) A person who has the care, control and management of cattle must, if an animal is tethered, ensure that the animal is given adequate and appropriate exercise every day.

Maximum penalty: \$2 500.

- (7) Subregulation (6) does not apply to cattle that are tethered for the purposes of public display at an agricultural show, field day or other similar event.

64—Facilities and equipment

A person who owns cattle must ensure that any buildings, yards, enclosures, paddocks, ramps and other facilities and equipment used in the handling and keeping of the cattle are suitable for the purpose, appropriately maintained and operated or used in such a manner so as to minimise the risk of injury to the cattle.

Maximum penalty: \$2 500.

65—Use of dogs

A person may only use a dog to assist in the control, handling or movement of cattle if—

- (a) the dog is under effective control at all times; and
- (b) in the case of the control, handling or movement of a bobby calf—the dog is wearing a muzzle.

Maximum penalty: \$2 500.

Expiation fee: \$210.

66—Identification of cattle

A person must not identify cattle by means of placing a permanent hot iron or freeze brand on the head of an animal.

Maximum penalty: \$2 500.

Expiation fee: \$210.

67—Castration and spaying

- (1) Subject to subregulation (2), a person who has the care, control and management of cattle must ensure that castration is not carried out on an animal that is 6 months of age or older unless the animal is given a suitable analgesic or is anaesthetised.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (2) If the first yarding of an animal does not occur before the animal is 6 months of age, castration may be carried out on that animal without being given a suitable analgesic or anaesthetic despite the fact that it is 6 months of age or older provided that—

(a) castration is carried out at the first yarding of the animal;
and

(b) the animal is less than 12 months of age.

- (3) A person must not spay a cow using the flank approach unless the person is a veterinary surgeon.

Maximum penalty: \$2 500.

Expiation fee: \$210.

68—Dehorning and disbudding of cattle

A person who has the care, control and management of cattle must ensure that—

(a) dehorning is not carried out on an animal 6 months of age or older unless the animal is given a suitable analgesic or is anaesthetised; and

(b) disbudding is not carried out on cattle by the use of caustic chemicals unless—

(i) the animal is a calf that is less than 14 days of age;
and

(ii) the skin on the head of the calf is dry immediately before the commencement of the procedure and is kept dry for at least 12 hours immediately after the procedure; and

(iii) the calf is segregated from its mother for at least 4 hours immediately after the procedure.

Maximum penalty: \$2 500.

Expiation fee: \$210.

69—Breeding management

- (1) A person must not carry out laparoscopic insemination or the surgical transfer of an embryo on cattle unless the person is a veterinary surgeon or is acting under the direct supervision of a veterinary surgeon.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (2) A person who has the care, control and management of cattle must ensure that induction of calving is carried out only under the direction of a veterinary surgeon.

Maximum penalty: \$2 500.

Expiation fee: \$210.

70—Calf rearing systems

A person who has the care, control and management of a calf in a calf rearing system must ensure—

- (a) that the calf is provided with adequate food containing sufficient nutrients to prevent anaemia in the calf and to otherwise ensure the calf's good health and vitality; and
- (b) that the calf is given sufficient access to water each day to ensure the calf's good health and vitality; and
- (c) that the calf is inspected at least once a day to assess the calf's health and well-being; and
- (d) in the case of a calf housed in a pen—that the calf has sufficient room to be able to stand with fully extended legs, turn around and lie down on its sternum.

Maximum penalty: \$2 500.

Expiation fee: \$210.

71—Dairy management

A person who has the care, control and management of a lactating dairy cow must ensure—

- (a) that the cow is inspected at least once a day to assess the cow's health and well-being; and
- (b) that appropriate measures are taken to minimise the risk of harm to the cow from heat stress.

Maximum penalty: \$2 500.

Expiation fee: \$210.

72—Cattle feedlots

- (1) A person who has the care, control and management of cattle kept in a cattle feedlot must ensure—
 - (a) that there is a minimum area of 9 square metres per standard cattle unit for cattle held in the enclosure; and
 - (b) that the cattle are inspected at least once a day to assess the health and well-being of the cattle; and
 - (c) that the cattle are provided with adequate feed each day containing sufficient nutrients to ensure the good health and vitality of the cattle; and
 - (d) that the cattle are given sufficient access to water each day to ensure the good health and vitality of the cattle; and
 - (e) that the feedlot has ready access to backup equipment or a system that may be relied on to provide feed or water to the cattle in the event of a failure or malfunction of the regular feeding and watering system.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (2) For the purposes of subregulation (1), 1 standard cattle unit is equivalent to an animal with a live body weight of 600 kilograms.
- (3) A person who has the care, control and management of cattle kept in a cattle feedlot must ensure—
 - (a) that there is a cattle health management plan for the feedlot in respect of the cattle; and
 - (b) that the plan is implemented when necessary in the circumstances to ensure the health and vitality of the cattle.

Maximum penalty: \$2 500.

- (4) A person who has the care, control and management of cattle kept in a cattle feedlot must ensure that the feedlot is cleaned and maintained to ensure that the yards or other enclosures can drain freely.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (5) A person who has the care, control and management of cattle kept in a cattle feedlot must ensure that while calving, a cow and any calf produced are housed separately to other cattle in the feedlot.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (6) For the purposes of this regulation—
- cattle health management plan*** for a feedlot means a plan that—
- (a) contains an annual assessment of the potential heat load risk to the health and well-being of the cattle kept in the feedlot and specifies measures and action to be taken to prevent or minimise that risk; and
 - (b) specifies measures and action to be taken in the event of an excessive heat load emergency (an ***Excessive Heat Load Action Plan***); and
 - (c) identifies potential health and biosecurity risks to the cattle and specifies action to prevent or minimise that risk; and
 - (d) specifies measures and action to be taken in the event of a biosecurity emergency; and
 - (e) contains any other requirements specified by the Minister.

Part 9—Sheep

73—Interpretation

- (1) In this Part—
- intensive sheep production system*** means the intensive management of sheep for the purposes of production whereby the sheep are kept in a yard or other enclosure (whether indoors or outdoors) containing feeding and watering facilities by which the sheep are completely hand or mechanically fed and watered, but does not include the keeping of sheep in such manner on a short term basis—
- (a) for the purpose of weaning, dipping or other husbandry procedure; or
 - (b) for the purposes of drought or other emergency feeding; or
 - (c) at a sale yard or abattoir;
- pizzle dropping*** means the alteration of the anatomy of the prepuce of a sheep by incising the surrounding skin.
- (2) This Part is in addition to and does not derogate from the operation of—
- (a) the *Agricultural and Veterinary Products (Control of Use) Act 2002*; or
 - (b) the *Livestock Act 1997*; or
 - (c) the *Veterinary Practice Act 2003*.

74—General requirements

- (1) A person who has the care, control and management of a sheep must take reasonable steps to minimise the risk of harm to the sheep from extreme weather conditions, disease and injury.

Maximum penalty: \$2 500.

- (2) A person who has the care, control and management of a sheep must ensure that the sheep is inspected to assess its health and well-being, at such intervals and in such manner as is reasonable in the circumstances, having regard to the following:
- (a) the stocking density of the sheep;
 - (b) the availability of suitable feed;
 - (c) the reliability of water supply;
 - (d) the age of the sheep;
 - (e) the pregnancy status of the sheep;
 - (f) the climatic conditions;
 - (g) any other factors that are relevant in the circumstances.

Maximum penalty: \$2 500.

- (3) A person who has the care, control and management of a sheep (other than a sheep that is self-shedding) must take reasonable steps to ensure that the sheep is sheared at least once every 2 years.

Maximum penalty: \$2 500.

- (4) A person who has the care, control and management of a sheep must, if the sheep is tethered, ensure that it is given reasonable opportunity to exercise at least once every day.

Maximum penalty: \$2 500.

- (5) A person must not—

- (a) trim or grind the teeth of a sheep; or
- (b) carry out pizzle dropping on a sheep.

Maximum penalty: \$2 500.

Expiation fee: \$210.

75—Facilities and equipment

A person who owns a sheep must ensure that any buildings, yards, enclosures, paddocks, ramps and other facilities and equipment used in the handling and keeping of the sheep are suitable for the purpose, appropriately maintained and operated or used in such a manner, so as to minimise the risk of injury to the sheep.

Maximum penalty: \$2 500.

76—Use of dogs

A person may only use a dog to assist in the control, handling or movement of a sheep if—

- (a) the dog is under effective control at all times; and

- (b) 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.

77—Tail docking

- (1) A person who has the care, control and management of a sheep that is 6 months of age or older must ensure that tail docking is not carried out on the sheep unless—
 - (a) it is given a suitable analgesic or is anaesthetised; and
 - (b) it is provided with appropriate treatment to control haemorrhaging following the procedure.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (2) A person who docks the tail of a sheep must leave a tail stump with at least 1 palpable free joint.

Maximum penalty: \$2 500.

Expiation fee: \$210.

78—Castration

- (1) A person who has the care, control and management of a sheep that is 6 months of age or older must ensure that castration is not carried out on the sheep unless—
 - (a) it is given a suitable analgesic or is anaesthetised; and
 - (b) it is provided with appropriate treatment to control haemorrhaging following the procedure.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (2) In this regulation—

castration includes causing infertility by use of the cryptorchid method.

79—Mulesing

- (1) A person must not carry out the Mules operation on a sheep that is less than 24 hours old or more than 12 months of age.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (2) A person carrying out the Mules operation on a sheep must not remove any skin from the sheep unless it is wool-bearing skin.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (3) A person who has the care, control and management of a sheep must ensure that the Mules operation is not carried out on the sheep unless—
- (a) it has good body condition; and
 - (b) if the sheep is over 6 months of age—it is given a suitable analgesic or is anaesthetised.

Maximum penalty: \$2 500.

Expiation fee: \$210.

80—Artificial breeding procedures

A person must not carry out laparoscopic insemination or the surgical transfer of an embryo on a sheep unless the person is a veterinary surgeon or is acting under the supervision of a veterinary surgeon.

Maximum penalty: \$2 500.

Expiation fee: \$210.

81—Intensive sheep production systems

A person who has the care, control and management of sheep kept in an intensive sheep production system must ensure—

- (a) that the sheep are inspected at least once a day to assess the health and well-being of the sheep; and
- (b) that the sheep are provided with adequate feed each day containing sufficient nutrients to ensure the good health and vitality of the sheep; and
- (c) that the sheep are given sufficient access to water each day to ensure the good health and vitality of the sheep; and
- (d) in the case of sheep kept in indoor housing—that there is adequate ventilation to ensure the health and well-being of the sheep; and
- (e) that all the sheep kept in a yard or other enclosure have sufficient space to lie down on their sternums; and
- (f) that no sheep is kept in a single pen on a permanent basis.

Maximum penalty: \$2 500.

Expiation fee: \$210.

6—Variation of Schedule 2—Codes of practice

- (1) Schedule 2, table, item 10—delete item 10
- (2) Schedule 2, table, item 14—delete item 14

Made by the Governor

with the advice and consent of the Executive Council
on 15 December 2016

No 282 of 2016

16MSECCS012