

1995—No. 758

**PREVENTION OF CRUELTY TO ANIMALS ACT 1979—
REGULATION**

(Relating to cage sizes for egg producing fowls)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Prevention of Cruelty to Animals Act 1979, has been pleased to make the Regulation set forth hereunder.

RICHARD S. AMERY, M.P.,
Minister for Agriculture.

Commencement

1. This Regulation commences on 1 January 1996.

Amendment

2. The Prevention of Cruelty to Animals (General) Regulation 1981 is amended by inserting after clause 17 the following clause:

Minimum cage sizes for fowls used for egg production

18. (1) A person must not confine fowls in a cage for the purpose of their being used for egg production unless the floor area of the cage is not less than the minimum floor area applicable to the cage, as follows:

- (a) for a cage that contains 1 fowl the minimum floor area is 1000 square centimetres;
- (b) for a cage that contains 2 fowls the minimum floor area is 1350 square centimetres;

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(c) for a cage that contains 3 or more fowls the minimum floor area is the area calculated by allowing 450 square centimetres for each fowl where the average weight of the fowls in the cage is 2.4 kilograms or less, or 600 square centimetres for each fowl where the average weight of the fowls in the cage is more than 2.4 kilograms.

Maximum penalty: 10 penalty units.

(2) If fowls are kept in more than 30 cages at a place, compliance with subclause (1) (c) in relation to those cages is to be determined on the basis of average flock weight rather than on the basis of the average weight of the fowls in the individual cages. For that purpose, the reference in subclause (1) (c) to the average weight of the fowls in the cage is to be read as a reference to the average flock weight.

(3) Average flock weight is the average weight of the fowls in all the cages concerned, determined in a manner that follows the procedures for counting and weighing set out in the National Guidelines for RSPCA Inspectors for the Inspection of Layer Hens in Cages, which is included in the Australian Model Code of Practice for the Welfare of Animals—Domestic Poultry, 3rd edition, issued by the Agriculture and Resource Management Council of Australia and New Zealand.

(4) A contravention of this clause by a person does not constitute an offence unless an officer has given the person a direction in writing to remedy the contravention within a period (not shorter than 1 month and not longer than 3 months) specified in the direction and the person has failed to remedy the contravention within that specified period.

(5) Once a person has been convicted of an offence for a contravention of this clause or has been the subject of an order under section 556A of the Crimes Act 1900 in respect of such a contravention, subclause (4) does not apply to any contravention of this clause by the person that occurs after the date of that conviction or order.

(6) For the purposes of this clause, the floor area of a cage is taken to include the area under any egg baffle, manure deflector, drinking nipple or vee-trough for water.

EXPLANATORY NOTE

The object of this regulation is to impose minimum cage size requirements for the keeping of fowls for egg production.

The minimum size for a cage is determined according to the number of fowls in the cage. For cages containing 1 fowl the minimum floor area is 1000 square centimetres. For cages containing 2 fowls the minimum floor area is 1350 square centimetres. For cages containing 3 or more fowls the minimum floor area is 450 square centimetres per fowl where the average weight of fowls is 2.4 kilograms or less, or 600 square centimetres per fowl where the average weight of fowls is more than 2.4 kilograms.

Where there are more than 30 cages, average flock weight is used instead of the average weight in each cage. Average flock weight is determined in accordance with procedures that follow the National Guidelines for RSPCA Inspectors for the Inspection of Layer Hens in Cages.

Contravention of the minimum cage size requirements will be an offence with a maximum penalty of 10 penalty units. A first offender cannot be prosecuted until an officer has given the offender a direction to remedy the contravention and the offender has failed to do so.

This regulation is made under section 35 of the Prevention of Cruelty to Animals Act 1979, in particular section 35 (1) (a).
