



New South Wales

# Prevention of Cruelty to Animals (Animal Trades) Regulation 1996

under the

Prevention of Cruelty to Animals Act 1979

HIS Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Prevention of Cruelty to Animals Act 1979*.

RICHARD AMERY, M.P.,  
Minister for Agriculture

## Explanatory note

The objects of this Regulation are to repeal and remake, with minor changes of substance, the provisions of various regulations in force under the *Prevention of Cruelty to Animals Act 1979*. The new Regulation:

- (a) identifies the following businesses as animal trades for the purposes of the *Prevention of Cruelty to Animals Act 1979* (clause 5):
  - pet shops
  - animal boarding, breeding and transport establishments
  - pet grooming establishments
  - security dog establishments
  - riding centres and boarding stables
- (b) prescribes Codes of Practice relevant to the conduct of such businesses (clause 6),
- (c) creates offences relevant to the conduct of such businesses (clause 7),
- (d) contains other formal provisions (clauses 1, 2, 3, 4 and 8).

## 1996 No 327

Prevention of Cruelty to Animals (Animal Trades) Regulation 1996

Explanatory note

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This Regulation is made under the *Prevention of Cruelty to Animals Act 1979*, including section 35 (the general regulation making power) and section 4.

This Regulation is made in connection with the staged repeal of subordinate legislation under the *Subordinate Legislation Act 1989*.

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## Prevention of Cruelty to Animals (Animal Trades) Regulation 1996

### 1 Name of Regulation

This Regulation is the *Prevention of Cruelty to Animals (Animal Trades) Regulation 1996*.

### 2 Commencement

This Regulation commences on 1 August 1996.

### 3 Definitions

In this Regulation:

*Code of Practice* means a document referred to in Column 2 of Schedule 1.

*the Act* means the *Prevention of Cruelty to Animals Act 1979*.

### 4 Notes

The explanatory note and table of contents do not form part of this Regulation.

### 5 Prescription of animal trades: section 4

Each purpose referred to in Column 1 of Schedule 1 is prescribed for the purposes of the definition of *animal trade* in section 4(1) of the Act.

### 6 Codes of Practice

- (1) Each document referred to in Column 2 of Schedule 1 is a relevant Code of Practice for the corresponding business specified in Column 1 of that Schedule.
- (2) Copies of each such document are to be kept available for inspection and purchase at the offices of the Department of Agriculture.

**7 Offences in relation to the conduct of animal trades**

- (1) The proprietor of an animal trade, and each person concerned in the management of an animal trade, must take all reasonable steps to ensure that the requirements of this clause:
  - (a) in relation to the conduct of the trade generally, and
  - (b) in relation to the care and treatment of animals used or kept in connection with the conduct of the trade,are observed by all persons employed in the trade.  
  
Maximum penalty: 10 penalty units.
- (2) The requirements of this clause in relation to the conduct of an animal trade generally are as follows:
  - (a) the premises in which animals are kept must be maintained in a clean and hygienic condition,
  - (b) each person who has duties in relation to the care or treatment of animals must be appropriately supervised in the conduct of his or her duties,
  - (c) appropriate records must be kept to ensure that the care and treatment of animals can be properly monitored,
  - (d) without limiting the requirements of the foregoing paragraphs, the provisions of each Code of Practice that is relevant to that trade must be complied with.
- (3) The requirements of this clause in relation to the care and treatment of animals used or kept in connection with the conduct of an animal trade are as follows:
  - (a) each animal is to be provided with accommodation and equipment that is suited to the physical and behavioural requirements of the animal,
  - (b) each animal is to be protected from extreme climatic and environmental conditions and from interference by people,
  - (c) each animal is to be provided with sufficient space within which to rest, stand, stretch, swim, fly or otherwise move about,

- (d) each animal is to be provided with a sufficient quantity of appropriate food and water to maintain good health,
  - (e) each animal must be protected from exposure to disease, distress and injury and, in the event that the animal becomes diseased, distressed or injured, must be promptly provided with appropriate treatment,
  - (f) each animal must be periodically inspected to ensure that it is receiving appropriate food and water and is free from disease, distress and injury,
  - (g) without limiting the requirements of the foregoing paragraphs, the provisions of each Code of Practice that is relevant to the care and treatment of animals kept or used in that trade must be complied with.
- (4) A person does not commit an offence in respect of any failure to comply with the requirements of this clause if the failure occurs despite the person having done all that he or she could reasonably be expected to have done to comply with those requirements.

## 8 Repeals

- (1) The following Regulations are repealed:
- (a) the *Prevention of Cruelty to Animals (Livery Stables) Regulations 1953*,
  - (b) the *Prevention of Cruelty to Animals (Riding Schools) Regulations 1953*,
  - (c) the *Prevention of Cruelty to Animals (Animal Boarding Establishments and Pet Shops) Regulations 1954*,
  - (d) the *Prevention of Cruelty to Animals (Kennels) Regulations 1954*.
- (2) Any act, matter or thing that, immediately before the repeal of a Regulation referred to in subclause (1), had effect under that Regulation continues to have effect under this Regulation.

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Prevention of Cruelty to Animals (Animal Trades) Regulation 1996

Schedule 1 Animal trades and Codes of Practice

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**Schedule 1 Animal trades and Codes of Practice**

(Cl. 5, 6)

| <b>Animal trade</b>   | <b>Code of Practice</b>   |
|---|---|
| Pet shop (that is, a business in the course of which an animal is kept in a shop, or any booth or stall in a market or at a fair, for the purposes of sale) | “Code of Ethics for the Keeping and Trading of Birds” (3rd edition), published in 1996 by the Associated Birdkeepers of Australia Inc.<br><br>“The Care and Management of Animals in Pet Shops”, published in 1996 by the Department of Agriculture |
| Animal boarding establishment (that is, a business in the course of which dogs or cats are boarded for fee or reward)                                       | “The Care and Management of Dogs and Cats in Animal Boarding Establishments”, published in 1996 by the Department of Agriculture  |
| Animal breeding establishment (that is, a business in the course of which dogs or cats are bred for fee or reward)  | “The Care and Management of Breeding Dogs”, published in 1996 by the Department of Agriculture<br><br>“The Care and Management of Breeding Cats”, published in 1996 by the Department of Agriculture  |
| Animal transport establishment (that is, a business in the course of which dogs, cats and other domestic pets are transported for fee or reward)            | “The Care and Management of Animals by Companion Animal Transport Agencies”, published in 1996 by the Department of Agriculture   |
| Pet grooming establishment (that is, a business in the course of which dogs or cats are groomed for fee or reward)  | “The Care and Management of Animals in Pet Grooming Establishments”, published in 1996 by the Department of Agriculture   |
| Security dog training establishment (that is, a business in the course of which dogs are trained as security dogs)  | “The Care and Management of Security Dogs”. published in 1996 by the Department of Agriculture  |

## Prevention of Cruelty to Animals (Animal Trades) Regulation 1996

## Animal trades and Codes of Practice

## Schedule 1

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| <b>Animal trade</b>   | <b>Code of Practice</b>  |
|---|--|
| Security dog business (that is, a business in the course of which 3 or more dogs are used for the purpose of guarding premises for fee or reward) | “The Care and Management of Security Dogs”, published in 1996 by the Department of Agriculture                                 |
| Riding centre (that is, a business in the course of which horses are hired out for riding)  | “The Care and Management of Horses in Riding Centres and Boarding Stables”, published in 1996 by the Department of Agriculture |
| Boarding stable (that is, a business in the course of which horses are boarded for fee or reward)   | “The Care and Management of Horses in Riding Centres and Boarding Stables”, published in 1996 by the Department of Agriculture |