



New South Wales

# Prevention of Cruelty to Animals (General) Amendment Regulation 2000

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:

- (a) to prescribe a class of persons who are exempt from the prohibition against steeplechase and hurdle races, and
- (b) to prescribe the manner in which the carrying out of the pinioning of a bird is not an act of cruelty, and
- (c) to enable certain provisions of the *Prevention of Cruelty to Animals Act 1979* to apply differently in respect of certain stock animals that are being provided with supplementary food because of drought conditions, and
- (d) to prescribe the types of electrical devices that generally may not be used upon animals (except in specified circumstances), and
- (e) to deal with evidentiary matters relating to offences concerning the keeping of animals for use as lure or kill for the purpose of training coursing dogs, and
- (f) to prescribe the form of authority that must be held by an officer exercising certain powers, and
- (g) to prescribe the manner in which a direction to stop a car is to be given by certain officers, and the manner in which those officers must identify themselves, and

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Explanatory note

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- (h) to prescribe the classes of people who may accompany an officer exercising certain powers in residential premises, and
- (i) to prescribe guidelines relating to the welfare of farm or companion animals.

This Regulation also makes other consequential amendments to the *Prevention of Cruelty to Animals (General) Regulation 1996*.

This Regulation refers to the document entitled *Guidelines for the Pinioning of Birds*, as approved by the Animal Welfare Advisory Council, and to certain Model Codes of Practice relating to the welfare of animals, as endorsed by the Australian Agricultural Council.

This Regulation is made under the *Prevention of Cruelty to Animals Act 1979*, including sections 4, 8, 16, 21, 25, 26, 34A and 35 (the general regulation-making power) and is consequent on the enactment of the *Prevention of Cruelty to Animals Amendment Act 1997*.

## **Prevention of Cruelty to Animals (General) Amendment Regulation 2000**

### **1 Name of Regulation**

This Regulation is the *Prevention of Cruelty to Animals (General) Amendment Regulation 2000*.

### **2 Commencement**

This Regulation commences on 21 July 2000.

### **3 Amendment of Prevention of Cruelty to Animals (General) Regulation 1996**

The *Prevention of Cruelty to Animals (General) Regulation 1996* is amended as set out in Schedule 1.

### **4 Notes**

The explanatory note does not form part of this Regulation.

## Schedule 1 Amendments

(Clause 3)

### [1] Clause 7A

Insert after clause 7:

#### **7A Steeplechasing and hurdle racing: section 21C**

- (1) A person who organises or participates in a steeplechase or hurdle race to which this clause applies is exempt from the operation of section 21C of the Act in relation to that race.
- (2) This clause applies to a steeplechase or hurdle race that is organised in such a way that no horse in the race can approach or attempt to jump a particular obstacle or hurdle at the same time as any other horse in the race.

### [2] Clauses 8A and 8B

Insert after clause 8:

#### **8A Prescribed manner in which pinioning of bird is permitted: section 4**

For the purposes of section 4 (2A) of the Act, the prescribed manner in which the carrying out of the pinioning of a bird is not an act of cruelty is a manner that complies with the provisions of the document entitled *Guidelines for the Pinioning of Birds*, as approved on 7 June 1995 by the Animal Welfare Advisory Council, copies of which are available free of charge from the Department of Agriculture.

#### **8B Prescribed class of animal and prescribed period: sections 8 and 26**

For the purposes of sections 8 (3) and 26 (2) (a) and (5) (b) (i) of the Act:

- (a) ruminant stock animals that, because of drought conditions, are at the relevant time being given, by necessity, supplementary feeding of stored or purchased stock feed are a prescribed class of animal, and

- (b) 72 hours is the period prescribed for that prescribed class of animal.

**[3] Clause 13**

Omit the clause. Insert instead:

**13 Prescribed types of electrical devices and prescribed species: section 16**

For the purposes of the definition of *electrical device* in section 16 (1) of the Act, a type of device listed in Column 1 of Schedule 1 is a prescribed type of electrical device unless it is used for a purpose or in circumstances specified in Column 2 of that Schedule.

**[4] Clause 15 Certain animal-catching activities prohibited: section 20**

Omit the clause.

**[5] Clause 16 Coursing prohibited: section 21**

Omit clause 16 (2). Insert instead:

- (2) For the purposes of section 21 (2C) of the Act, all species of animals (other than coursing dogs) are prescribed species.

**[6] Clause 18 Prescribed authorities: sections 25 and 26**

Omit “in a form approved by the Minister” from clause 18 (2) (b).  
Insert instead “issued in respect of the officer by the Minister”.

**[7] Clause 18A**

Insert after clause 18:

**18A Authorised officers exercising certain powers: section 26**

- (1) For the purposes of section 26 (5A) of the Act, the manner in which a direction to stop a vehicle must be made is by displaying a notice (whether or not it is illuminated) containing at least the word “STOP” in letters of a size and style that would be reasonably visible to the driver of the vehicle.

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Schedule 1 Amendments

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- (2) For the purposes of section 26 (5A) of the Act, an officer who makes a direction to stop a vehicle must be identified in the following manner:
- (a) if the officer is not a police officer:
    - (i) the officer must wear a uniform approved by the Minister, and
    - (ii) the officer must carry his or her prescribed authority (as referred to in clause 18) available for inspection upon request, and
    - (iii) the officer's vehicle must be identified by clearly visible signage, as approved by the Minister,
  - (b) if the officer is a police officer:
    - (i) the officer must be in uniform or must otherwise display evidence that he or she is a police officer, and
    - (ii) the officer must carry his or her prescribed authority (as referred to in clause 18) available for inspection upon request.
- (3) For the purposes of section 26 (7B) (b) of the Act, the following classes of persons are prescribed:
- (a) persons registered as veterinary surgeons under the *Veterinary Surgeons Act 1986*,
  - (b) persons who have special expertise in the handling of the animal concerned.

**[8] Clause 19A**

Insert after clause 19:

**19A Guidelines relating to the welfare of farm or companion animals: section 34A**

- (4) For the purposes of section 34A (1) of the Act, the following documents, published by the CSIRO, are prescribed as guidelines:
- (a) *Model Code of Practice for the Welfare of Animals—Domestic Poultry* (3rd Edition, 1995),

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- (b) *Model Code of Practice for the Welfare of Animals—Farmed Buffalo* (1995),
  - (c) *Model Code of Practice for the Welfare of Animals—Animals at Saleyards* (1991),
  - (d) *Model Code of Practice for the Welfare of Animals—The Goat* (1991),
  - (e) *Model Code of Practice for the Welfare of Animals—The Sheep* (1991),
  - (f) *Model Code of Practice for the Welfare of Animals—The Farming of Deer* (1991),
  - (g) *Australian Model Code of Practice for the Welfare of Animals—Cattle* (1992),
  - (h) *National Guidelines for Beef Cattle Feedlots in Australia* (2nd Edition, 1997).
- (5) For the purposes of this clause:
- (a) the *Model Code of Practice for the Welfare of Animals—The Farming of Deer* (1991) is taken to have been amended by omitting clause 5.2 (ii) and by inserting instead:
    - (ii) Removal of the “velvet antlers” should be the responsibility of a person registered as a veterinary surgeon under the *Veterinary Surgeons Act 1986* or a person acting in accordance with the approval in writing of the Board of Veterinary Surgeons of New South Wales, as referred to in section 44 (2) of that Act.
  - (b) the *Australian Model Code of Practice for the Welfare of Animals—Cattle* (1992) is taken to have been amended by omitting Appendix 2.

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Schedule 1 Amendments

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### [9] Schedule 1

Omit the Schedule. Insert instead:

## Schedule 1 Electrical devices

(Clause 13)

Column 1	Column 2
Type of device	Purpose or circumstance
Electro-immobiliser	Restraining cattle, but only if used by a veterinary surgeon for purposes other than as an alternative to analgesia or anaesthesia
Electric stock prod	Driving, herding, mustering or controlling weaned cattle or swine
Electric fence	Confining, controlling or protecting animals (except dogs and cats)
Electro-ejaculator	Collecting semen from conscious cattle or sheep
	Collecting semen from animals that have been tranquillised and administered with an analgesic or animals that have been anaesthetised
The device sold under the name of a Kawe stock prod (including any similar device delivering an electric shock of no greater intensity or duration than a Kawe stock prod)	Controlling horses being used in a rodeo
Electric stock grid	Confining stock animals (except poultry)
Electric fightback lure	Training coursing dogs
Electro-fishing device	Catching fish species under licence, permit or authority under the <i>Fisheries Management Act 1994</i> or in accordance with the <i>Animal Research Act 1985</i>
The device sold under the name Pingg String (including any similar device delivering an electric shock of no greater intensity or duration than a Pingg String)	Confining dogs or cats, but only if used inside a fence through which dogs or cats cannot pass and that is not less than 1.5 metres high



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Amendments

Schedule 1

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**Column 1**

**Type of device**

Canine invisible boundary

Electronic bird deterrent device

Any other device producing an electrical discharge that is used in such a way that the animal in relation to which it is being used cannot move away from the device

**Column 2**

**Purpose or circumstance**

Confining dogs, but only if used inside a fence through which dogs cannot pass and that is not less than 1.5 metres high

Deterring birds from roosting on building ledges and other external building surfaces