



New South Wales

Prevention of Cruelty to Animals (General) Amendment (Laying Fowl) Regulation 2007

under the

Prevention of Cruelty to Animals Act 1979

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

IAN MACDONALD, M.L.C.,
Minister for Primary Industries

Explanatory note

The object of this Regulation is to make further provision for the welfare of fowl kept for commercial egg production. The Regulation replaces existing requirements relating to minimum cage sizes with more extensive requirements in relation to the following:

- (a) provision of food and water,
- (b) cage floors and cage height,
- (c) size of cage doors,
- (d) the use of multi-deck structures to house laying fowl,
- (e) stock density (or minimum cage size),
- (f) welfare inspections.

The Regulation also sets minimum standards for laying fowl confined in non-cage housing (such as sheds).

The new requirements will take effect on and from 1 January 2008. However, existing requirements in relation to minimum cage size will continue to apply to cages installed before 1 January 2001, but only until those cages are 20 years old.

The Regulation also exempts persons from an existing requirement relating to the provision of food and water to animals. The exemption makes it clear that laying fowl that are less than 60 hours old are not required to be provided with food and clean water on a daily basis. However, a person who confines laying fowl less than 60 hours old will still be required to provide the laying fowl with food and water which is proper and sufficient.

This Regulation is made under the *Prevention of Cruelty to Animals Act 1979*, including sections 33E, 34A and 35 (the general regulation-making power).

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Prevention of Cruelty to Animals (General) Amendment (Laying Fowl)
Clause 1 Regulation 2007

**Prevention of Cruelty to Animals (General) Amendment
(Laying Fowl) Regulation 2007**

under the

Prevention of Cruelty to Animals Act 1979

1 Name of Regulation

This Regulation is the *Prevention of Cruelty to Animals (General) Amendment (Laying Fowl) Regulation 2007*.

2 Amendment of Prevention of Cruelty to Animals (General) Regulation 2006

The *Prevention of Cruelty to Animals (General) Regulation 2006* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 2)

[1] **Clause 16 Minimum cage sizes for fowls used for egg production**

Insert after clause 16 (6):

(7) This clause is repealed on 1 January 2008.

[2] **Part 2A**

Insert after Part 2:

Part 2A Confinement of fowl for egg production

Division 1 Preliminary

17A Commencement

This Part has effect on and from 1 January 2008.

17B Definitions

In this Part:

floor area of a cage includes the area under any egg baffle, manure deflector, drinking nipple or vee-trough for water.

fowl means a domesticated chicken (*Gallus gallus*).

laying fowl means any fowl being bred, kept or used for the purpose of commercial egg production.

non-cage housing, in relation to laying fowl, means any structure, other than a cage, in which the laying fowl are confined (such as a shed).

Division 2 Laying fowl confined in cages

17C Food and water

(1) A person must not confine laying fowl in a cage unless the fowl have access:

(a) to at least 2 independent drinking points, or

(b) to a water trough the length of which allows at least 10 centimetres for each fowl in the cage.

Maximum penalty: 25 penalty units.

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- (2) In this clause:
drinking point includes a drinking nipple and a cup drinker but does not include a splash cup situated under a drinking nipple.

17D Cage floors

A person must not confine laying fowl in a cage unless the cage floor provides support for the forward pointing toes of all fowl in the cage.

Maximum penalty: 25 penalty units.

17E Cage height

- (1) A person must not confine laying fowl in a cage unless the height of the cage exceeds the height of the tallest fowl, standing normally, in the cage.

Maximum penalty: 25 penalty units.

- (2) A person must not confine laying fowl in a cage unless the height of the cage is, over at least 65% of the floor area of the cage, not less than 40 centimetres.

Maximum penalty: 25 penalty units.

- (3) A person must not confine laying fowl in a cage if the height of the cage is less than 35 centimetres at any point.

Maximum penalty: 25 penalty units.

17F Cage doors

- (1) A person must not confine laying fowl in a cage unless the cage has a door that has:

(a) a width of not less than:

(i) the width of the cage (excluding the width of structural supports for the door), or

(ii) if the width of the cage exceeds 50 centimetres, 50 centimetres, and

(b) a height of not less than:

(i) the height of the cage measured from the level of the feed trough, or

(ii) if the height of the cage measured from the level of the feed trough exceeds 22 centimetres, 22 centimetres.

Maximum penalty: 25 penalty units.

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- (2) If a cage door opens from the top of a cage, the width of the door is to be measured using the axis on which the door swings and the height of the door is to be measured on the perpendicular to that axis.

17G Multi-deck structure

- (1) A person must not confine laying fowl in a multi-deck structure unless fowl in the lower decks of the multi-deck structure are protected from excreta from fowl confined in the higher decks of the multi-deck structure.
Maximum penalty: 25 penalty units.
- (2) A person must not confine laying fowl in a multi-deck structure unless each fowl confined in the structure is visible from outside the structure to an extent that allows an assessment to be made of the fowl's welfare.
Maximum penalty: 25 penalty units.
- (3) A person must not confine laying fowl in a multi-deck structure unless the fowl can be readily removed from that structure.
Maximum penalty: 25 penalty units.
- (4) In this clause:
multi-deck structure means an arrangement of cages in a structure with more than one deck.

17H Stock density

- (1) A person must not confine laying fowl in a cage unless the cage has a floor area that is not less than the minimum floor area applicable to the cage, determined in accordance with this clause.
Maximum penalty: 25 penalty units.
- (2) **Cage containing 1 laying fowl**
For a cage that contains only 1 laying fowl, the minimum floor area is as follows:
- (a) if the laying fowl weighs 4.5 kilograms or less—1,000 square centimetres,
- (b) if the laying fowl weighs more than 4.5 kilograms, the area calculated by allowing:
- (i) 1 square metre for each 26 kilograms of the total weight of the fowl in the cage, or
- (ii) if the total weight of the fowl in the cage is less than 26 kilograms, a proportionate amount of the area mentioned in subparagraph (i).

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(3) Cage containing 2 laying fowl

For a cage that contains only 2 laying fowl, the minimum floor area is as follows:

- (a) if the average weight of the fowl in the cage is 4.5 kilograms or less—1,350 square centimetres,
- (b) if the average weight of the fowl in the cage is more than 4.5 kilograms, the area calculated by allowing:
 - (i) 1 square metre for each 40 kilograms of total weight of the fowl in the cage, or
 - (ii) if the total weight of the fowl in the cage is less than 40 kilograms, a proportionate amount of the area mentioned in subparagraph (i).

(4) Cage containing 3 or more laying fowl

For a cage that contains 3 or more laying fowl, the minimum floor area is as follows:

- (a) if the average weight of the fowl in the cage is less than 2.4 kilograms—the area calculated by allowing 550 square centimetres for each fowl in the cage,
 - (b) if the average weight of the fowl in the cage is not less than 2.4 kilograms but not more than 4.5 kilograms—the area calculated by allowing 600 square centimetres for each fowl in the cage,
 - (c) if the average weight of the fowl in the cage is more than 4.5 kilograms, the area calculated by allowing:
 - (i) 1 square metre for each 46 kilograms of the total weight of the fowl in the cage, or
 - (ii) if the total weight of the fowl in the cage is less than 46 kilograms, a proportionate amount of the area mentioned in subparagraph (i).
- (5) This clause does not apply to laying fowl confined in a pre-2001 cage (within the meaning of clause 17I).

17I Stocking density—transitional for cages installed before 2001

- (1) A person must not confine laying fowl in a pre-2001 cage unless the cage has a floor area that is not less than the minimum floor area applicable to the cage, determined in accordance with this clause.

Maximum penalty: 25 penalty units.

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- (2) For the purposes of this clause, the minimum floor area is as follows:
- (a) for a cage that contains only one laying fowl—1,000 square centimetres,
 - (b) for a cage that contains only 2 laying fowl—1,350 square centimetres,
 - (c) for a cage that contains 3 or more laying fowl with an average weight of not more than 2.4 kilograms—the area calculated by allowing 450 square centimetres for each fowl,
 - (d) for a cage that contains 3 or more laying fowl with an average weight of more than 2.4 kilograms—the area calculated by allowing 600 square centimetres for each fowl.
- (3) In this clause, a *pre-2001 cage* means a cage:
- (a) installed at the place where the laying fowl are being confined before 1 January 2001, and
 - (b) in respect of which the period of time since the date of the installation of the cage is not more than 20 years.

17J Determination of average weight of laying fowls

- (1) If laying fowl are kept in more than 30 cages at a place, the minimum floor area applicable to the cages is to be determined on the basis of average flock weight, rather than on the basis of the average weight of the fowl in the individual cages. For that purpose, a reference in this Part to the average weight of laying fowl in a cage is to be read as a reference to the average flock weight.
- (2) Average flock weight is the average weight per fowl of all fowl 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 Hen Cages*, which is included in the *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.

Note. The *Model Code of Practice for the Welfare of Animals—Domestic Poultry* is now in its 4th edition. However, the *National Guidelines for RSPCA Inspectors for the Inspection of Layer Hen Cages* do not appear in that edition. Copies of the Guidelines are available from the Department.

Division 3 Laying fowl confined in non-cage housing

17K Food and water

- (1) A person must not confine laying fowl in non-cage housing unless:
 - (a) all fowl confined in the non-cage housing have access to a pan feeder or flat chain feeder that is provided for feeding purposes, and
 - (b) the arrangements for feeding the fowl comply with the minimum standards.

Maximum penalty: 25 penalty units.

- (2) For the purposes of this clause, the *minimum standards* in respect of arrangements for feeding laying fowl are as follows:
 - (a) if a pan feeder is provided for feeding purposes, there must be at least one pan feeder in the non-cage housing for every 100 hundred laying fowl confined in the non-cage housing,
 - (b) if a flat chain feeder is provided for feeding purposes, the length of flat chain feeder (counting both sides of the feeder chain) must allow at least 2 centimetres for each laying fowl confined in the non-cage housing.

- (3) A person must not confine laying fowl in non-cage housing unless:
 - (a) all fowl confined in the non-cage housing have access to a bell drinker or nipple drinker that is provided for the purpose of supplying water to the fowl, and
 - (b) the arrangements for supplying water to the fowl comply with the minimum standards.

Maximum penalty: 25 penalty units.

- (4) For the purposes of this clause, the *minimum standards* in respect of arrangements for supplying water to laying fowl are as follows:
 - (a) if a bell drinker is provided to supply water to laying fowl, there must be at least one bell drinker in the non-cage housing for every 120 laying fowl confined in the non-cage housing,

- (b) if a nipple drinker is provided to supply water to laying fowl, there must be at least one nipple drinker in the non-cage housing for every 20 laying fowl confined in the non-cage housing or, if all the laying fowl are less than 6 weeks of age, one nipple drinker in the non-cage housing for every 40 laying fowl confined in the non-cage housing.

17L Nests

- (1) A person must not confine laying fowl in non-cage housing unless:
 - (a) a single-bird nest or nest box is provided for the use of the laying fowl, and
 - (b) the arrangements for the provision of a nest to the laying fowl comply with the minimum standards.

Maximum penalty: 25 penalty units.

- (2) For the purposes of this clause, the *minimum standards* in respect of arrangements for the provision of a nest to laying fowl are as follows:
 - (a) if a single-bird nest is provided for the use of laying fowl, there must be at least one single-bird nest available in the non-cage housing for every 7 laying fowl that are confined in the non-cage housing,
 - (b) if a nest box is provided for the use of laying fowl, the nest box must have an area of not less than:
 - (i) 1 square metre for every 120 laying fowl confined in the non-cage housing, or
 - (ii) if less than 120 laying fowl are confined in the non-cage housing, a proportionate amount of the area mentioned in subparagraph (i).

- (3) In this clause:

nest box means a nest designed for the use of 2 or more laying fowl at any particular point in time.

single-bird nest means a nest designed for the use of one laying fowl at any particular point in time.

17M Height of non-cage housing

A person must not confine laying fowl in non-cage housing unless the clearance above any level on which fowl might stand, perch or nest (including any suspended perch or nest box) is not less than 45 centimetres.

Maximum penalty: 25 penalty units.

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17N Multi-level arrangements

- (1) A person must not confine laying fowl in a multi-level arrangement unless fowl on the lower levels of the multi-level arrangement are protected from excreta from fowl on the higher levels of the multi-level arrangement.

Maximum penalty: 25 penalty units.

- (2) In this clause:

multi-level arrangement means an arrangement within any non-cage housing that allows laying fowl to perch or nest on separate levels.

17O Stock density

A person must not confine laying fowl in non-cage housing unless the useable floor area of the non-cage housing (that is, the area of the floor on which fowl might stand, perch or nest) is not less than:

- (a) the area calculated by allowing 1 square metre for each 30 kilograms of the total weight of laying fowl confined in the non-cage housing, or
- (b) if the total weight of laying fowl in the non-cage housing is less than 30 kilograms, a proportionate amount of the area mentioned in paragraph (a).

Maximum penalty: 25 penalty units.

Division 4 General

17P Daily welfare inspections

A person who confines laying fowl must ensure that the welfare of the fowl is visually inspected every 24 hours.

Maximum penalty: 25 penalty units.

17Q Offences

- (1) A contravention of this Part by a person who is a first offender does not constitute an offence unless:

- (a) an officer has given the person a direction in writing to remedy the contravention within a period (not longer than 3 months) specified in the direction, and
- (b) the person has failed to remedy the contravention within that period.

- (2) A person is a first offender if the person has not been convicted, or has been found guilty but has not been convicted, of an offence in respect of any previous contravention of this Part or of an offence relating to the confinement of fowl under any other provision of this Regulation or any previous regulation made under the Act.

17R Exemption for laying fowl not more than 60 hours old

- (1) A person is exempt from the operation of section 8 (2) and (3) of the Act in respect of the provision of water and food to laying fowl in the period of 60 hours immediately after hatching.
- (2) The exemption does not affect the requirement under section 8 (1) of the Act that the person provide the laying fowl with food and drink which is proper and sufficient and which it is reasonably practicable in the circumstances to provide.

Note. The effect of this exemption is that a failure by a person to provide laying fowl less than 60 hours old with clean water and food on a daily basis is not evidence that the person failed to provide the laying fowl with food and drink which is proper and sufficient.

[3] Schedule 3 Penalty notice offences

Insert in columns 1, 2 and 3, respectively, after the matter relating to clause 17 (1) of the *Prevention of Cruelty to Animals (General) Regulation 2006*:

Clause 17C (1)	\$200	—
Clause 17D	\$200	—
Clause 17E (1)	\$200	—
Clause 17E (2)	\$200	—
Clause 17E (3)	\$200	—
Clause 17F (1)	\$200	—
Clause 17G (1)	\$200	—
Clause 17G (2)	\$200	—
Clause 17G (3)	\$200	—
Clause 17H (1)	\$200	—
Clause 17I (1)	\$200	—
Clause 17K (1)	\$200	—
Clause 17K (3)	\$200	—
Clause 17L (1)	\$200	—

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Clause 17M	\$200	—
Clause 17N (1)	\$200	—
Clause 17O	\$200	—
Clause 17P	\$200	—

BY AUTHORITY
