



New South Wales

Prevention of Cruelty to Animals (General) Amendment (Animal Trades) Regulation 2010

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*.

STEVE WHAN, MP
Minister for Primary Industries

Explanatory note

The object of this Regulation is to amend the *Prevention of Cruelty to Animals (General) Regulation 2006*:

- (a) to adopt the *Animal Welfare Code of Practice—Commercial Pig Production*, and
- (b) to make it an offence for the proprietor of a business that conducts an animal trade or for any person concerned in the management of that business to fail to ensure that all persons employed by, or working in, the business comply with certain requirements, and
- (c) to make it an offence for the proprietor of a business that conducts an animal trade or for any person concerned in the management of that business to fail to ensure that each person who has duties in relation to those requirements is appropriately supervised in the conduct of his or her duties, and
- (d) to make it an offence for the proprietor of a business that conducts an animal trade, each person concerned in the management of that business and any person employed or working in the business to breach those requirements, and
- (e) to prohibit the use of electric stock prods on pigs in all circumstances other than the loading or unloading of weaned pigs onto or from a vehicle for transportation purposes.

This Regulation is made under the *Prevention of Cruelty to Animals Act 1979*, including sections 16 and 35 (the general regulation-making power).

2010 No 85

Clause 1

Prevention of Cruelty to Animals (General) Amendment (Animal Trades)
Regulation 2010

**Prevention of Cruelty to Animals (General) Amendment
(Animal Trades) Regulation 2010**

under the

Prevention of Cruelty to Animals Act 1979

1 Name of Regulation

This Regulation is the *Prevention of Cruelty to Animals (General) Amendment (Animal Trades) Regulation 2010*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Prevention of Cruelty to Animals (General) Regulation 2006

[1] Clause 20 Conduct of animal trades

Omit clause 20 (1)–(3). Insert instead:

- (1) The proprietor of a business that conducts an animal trade and each person concerned in the management of the business:
 - (a) must comply with the requirements of this clause, and
 - (b) must take all reasonable steps to ensure that:
 - (i) all persons employed by, or working in, the business comply with the requirements of this clause, and
 - (ii) each person who has duties in relation to the requirements of this clause is appropriately supervised in the conduct of his or her duties.

Maximum penalty: 25 penalty units.

- (2) Any person employed by or working in a business that conducts an animal trade must comply with the requirements of this clause.

Maximum penalty: 25 penalty units.

- (3) The requirements of this clause are as follows:
 - (a) the premises in which animals are kept must be maintained in a clean and hygienic condition,
 - (b) appropriate records must be kept to ensure that the care and treatment of animals can be properly monitored,
 - (c) each animal is to be provided with accommodation and equipment that is suited to the physical and behavioural requirements of the animal,
 - (d) each animal is to be protected from extreme climatic and environmental conditions and from interference by people,
 - (e) each animal is to be provided with sufficient space within which to rest, stand, stretch, swim, fly or otherwise move about,
 - (f) each animal is to be provided with a sufficient quantity of appropriate food and water to maintain good health,
 - (g) 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,

2010 No 85

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Schedule 1 Amendment of Prevention of Cruelty to Animals (General) Regulation 2006

- (h) each animal must be periodically inspected to ensure that it is receiving appropriate food and water and is free from disease, distress and injury,
- (i) without limiting the requirements of paragraphs (a)–(h), the provisions of each relevant Code of Practice must be complied with.

[2] Schedule 1 Electrical devices

Omit “cattle, sheep or pigs” from Column 2 opposite the matter relating to Electric stock prod.

Insert instead “cattle or sheep”.

[3] Schedule 1

Insert “Loading or unloading weaned pigs onto or from a vehicle for transportation purposes” in Column 2 opposite the matter relating to Electric stock prod.

[4] Schedule 2 Animal trades and Codes of Practice

Insert the following at the end of Columns 1 and 2, respectively:

Commercial pig establishment (that is, a business in the course of which pigs are kept or used for commercial purposes)	“ <i>Animal Welfare Code of Practice—Commercial Pig Production</i> ”, published in 2009 by Industry and Investment NSW
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[5] Schedule 3 Penalty notice offences

Insert the following at the end of Columns 1, 2 and 3, respectively:

Clause 20 (2)	\$200	—
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