



New South Wales

Prevention of Cruelty to Animals Amendment (Animal Trades) Regulation 2013

under the

Prevention of Cruelty to Animals Act 1979

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

KATRINA HODGKINSON, MP
Minister for Primary Industries

Explanatory note

The objects of this Regulation are as follows:

- (a) to identify as an animal trade for the purposes of the *Prevention of Cruelty to Animals Act 1979* a business in the course of which livestock (being alpacas, buffalo, camels, cattle, deer, emus, goats, horses, ostriches, pigs, poultry or sheep) are transported for fee or reward,
- (b) to prescribe the *Prevention of Cruelty to Animals (Land Transport of Livestock) Standards 2013 No 1* (approved by the Minister for Primary Industries and published on the NSW legislation website) as the relevant standards for the conduct of such a business,
- (c) to clarify that certain provisions in the *Prevention of Cruelty to Animals Regulation 2012* that regulate confinement of laying fowl do not apply in respect of confinement for the purposes of carrying or conveying laying fowl,
- (d) to exempt a person who is subject to the Standards from a requirement in the Act to provide an animal with proper and sufficient drink during transport, if the person complies with the Standards in respect of providing the animal with access to water during transport.

This Regulation is made under the *Prevention of Cruelty to Animals Act 1979*, including sections 4 (definition of *animal trade*) and 35 (the general regulation-making power), in particular section 35 (2) (d).

2013 No 281

Prevention of Cruelty to Animals Amendment (Animal Trades)
Clause 1 Regulation 2013

Prevention of Cruelty to Animals Amendment (Animal Trades) Regulation 2013

under the

Prevention of Cruelty to Animals Act 1979

1 Name of Regulation

This Regulation is the *Prevention of Cruelty to Animals Amendment (Animal Trades) Regulation 2013*.

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 Regulation 2012

[1] **Clause 4A**

Insert before clause 4:

4A Application of Part

This Part does not apply in respect of confinement of laying fowl for the purposes of carrying or conveying the fowl.

[2] **Clause 26 Conduct of animal trades**

Insert “or of the relevant Standards” after “Code of Practice” in clause 26 (3) (i).

[3] **Clause 26 (5)**

Insert “*the relevant Standards*” after “*Practice*”.

[4] **Clause 37A**

Insert after clause 37:

37A Exemption from section 8 (1) in respect of providing animals with drink during transport

- (1) A person who is subject to, and complies with, the requirements of the relevant Standards in respect of providing an animal with access to water during the transport process (within the meaning of the Standards) is exempt from the operation of section 8 (1) of the Act in respect of providing the animal with drink during that transport process.
- (2) A person does not lose the benefit of the exemption under this clause because of a failure to comply with the relevant Standards if the failure occurs despite the person having done all that the person could reasonably be expected to have done to comply with those Standards.
- (3) In this clause:
relevant Standards means the *Prevention of Cruelty to Animals (Land Transport of Livestock) Standards 2013 No 1* approved by the Minister and published on the NSW legislation website.

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Prevention of Cruelty to Animals Amendment (Animal Trades)
Regulation 2013

Schedule 1 Amendment of Prevention of Cruelty to Animals Regulation 2012

[5] Schedule 1, heading

Omit “**and Codes of Practice**”.

Insert instead “**and relevant Codes of Practice and Standards**”.

[6] Schedule 1, Column 2, heading

Insert “**and Standards**” after “**Practice**”.

[7] Schedule 1

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

Land transport of livestock (that is, a business in the course of which alpacas, buffalo, camels, cattle, deer, emus, goats, horses, ostriches, pigs, poultry or sheep are transported for fee or reward)

Prevention of Cruelty to Animals (Land Transport of Livestock) Standards 2013 No 1, approved by the Minister and published on the NSW legislation website