

Prevention of Cruelty to Animals (General) Regulation 2006

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New South Wales

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New South Wales

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Prevention of Cruelty to Animals (General) Regulation 2006



New South Wales

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Prevention of Cruelty to Animals (General) Regulation 2006*.

2 Commencement

This Regulation commences on 1 September 2006.

Note—

This Regulation replaces the *Prevention of Cruelty to Animals (General) Regulation 1996* and the *Prevention of Cruelty to Animals (Animal Trades) Regulation 1996* both of which are repealed on 1 September 2006 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions and notes

(1) In this Regulation:

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

the Department means the Department of Primary Industries.

(2) The notes in the text of this Regulation do not form part of this Regulation.

Part 2 Provisions relating to confinement, carriage and use of animals

4 Prescribed manner in which pinioning of bird is permitted

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, a copy of which is published on the Department's website.

5 Prescriptions relating to provision of food or shelter for stock animals

For the purposes of sections 8 (3) and 24I (b) 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.

6 Prescribed circumstances in which tail docking is permitted

- (1) For the purposes of section 12 (2) of the Act, the prescribed circumstances in which the docking of the tail of a cow, heifer or female calf may be performed are:
 - (a) that it is or will be a dairy cow and that the pastoral and environmental conditions in the place where it is or will be kept are such that there is a likelihood of disease to its udder, and
 - (b) if it is 6 months old or older, that the veterinary practitioner who docks its tail is, before doing so, provided with a statutory declaration stating reasons sufficient to establish the circumstances set out in paragraph (a).
- (2) For the purposes of section 12 (2) of the Act, it is a prescribed condition, in accordance with which the docking of the tail of a cow, heifer or female calf may be performed, that the tail is docked in such a manner that the tail is left long enough to cover the animal's vulva.

7 Prescribed circumstances in which "debarking" is permitted

For the purposes of section 12 (2) of the Act, the prescribed circumstances in which a dog may be operated on for the purpose of preventing the dog from being able to bark are that the veterinary practitioner who performs the operation is, before doing so, provided with:

- (a) a copy of an order issued under section 21 of the [Companion Animals Act 1998](#) requiring the owner of the dog to prevent it from barking, and
- (b) a statutory declaration by the owner of the dog to the effect that, unless the operation is performed, the owner would need to have the dog destroyed so as to comply with the order.

8 Prescribed circumstances in which "declawing" is permitted

For the purposes of section 12 (2) of the Act, the prescribed circumstances in which one or more of the claws of a cat may be removed are as follows:

- (a) in the case of a domestic cat, that the veterinary practitioner who removes the cat's claws is, before doing so, provided with a statutory declaration to the effect that the cat will be destroyed unless its claws are removed:
 - (i) because the cat is causing unacceptable damage to property with its claws and attempted retraining of the cat has been unsuccessful, or

- (ii) because the cat has repeatedly killed wildlife,
- (b) in any other case, that the veterinary practitioner who removes the cat's claws is, before doing so, provided with a statutory declaration to the effect that the procedure is being requested because of potential damage by the cat to property, persons or animals.

9 Particulars of certain procedures to be recorded

- (1) For the purposes of section 12A (1) of the Act, the prescribed form for a register is that:
 - (a) it is in writing, and
 - (b) its pages are consecutively numbered, and
 - (c) it does not form part of any other record relating to clients or animals treated.
- (2) The prescribed particulars to be recorded in the register are as follows:
 - (a) the full name and residential address of the owner of the animal on which the procedure was carried out,
 - (b) the type of procedure,
 - (c) the justification for the procedure,
 - (d) the date on which the procedure was carried out,
 - (e) a full description of the animal on which the procedure was carried out (including, if such information is available, its age, name, breed and electronic identification information (including identification number), and a description of any distinctive markings),
 - (f) the name of the veterinary practitioner who carried out the procedure.
- (3) Any statutory declaration (or, in the case of a register kept in electronic form, a copy of any statutory declaration) or copy of an order provided under clause 6, 7 or 8 to the veterinary practitioner who carried out the procedure is to be kept in the register.

10 Prescribed types of electrical devices and prescribed species

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.

11 Exemptions from sections 18, 18A and 20 prohibitions in relation to rodeos

- (1) Any person who:

- (a) uses any premises, or manages or controls any premises that are used, for the purposes of a rodeo, or
- (b) receives money for the admission of another person to premises that are used for the purposes of a rodeo, or
- (c) being an owner of premises, authorises the premises to be used for the purposes of a rodeo,

is exempt from the operation of section 18 of the Act in respect of the use of the premises for the purposes of a rodeo, subject to the condition that the rodeo is at all times conducted in accordance with the relevant Code of Practice.

- (2) Any person who advertises, promotes or takes part in a rodeo is exempt from the operation of sections 18A and 20 of the Act in respect of the advertising, promoting or taking part in the rodeo, subject to the condition that the rodeo is at all times conducted in accordance with the relevant Code of Practice.
- (3) A person does not lose the benefit of an exemption under this clause because of a failure to comply with the relevant Code of Practice if the failure occurs despite the person having done all that the person could reasonably be expected to have done to comply with that Code.
- (4) In this clause:

relevant Code of Practice means the document entitled *Code of Practice for the Welfare of Animals Used in Rodeo Events*, as approved on 30 April 1988 by the Animal Welfare Advisory Council, a copy of which is published on the Department's website.

rodeo means any exhibition, competition, spectacle or display (whether or not conducted for the purpose of gain) involving cattle or horses (but not any other type of animal) which includes any one or more of the following activities:

- (a) saddle bronc riding,
- (b) bareback bronc riding,
- (c) bull riding,
- (d) steer riding or wrestling,
- (e) roping and tying of cattle,
- (f) team roping of cattle or any similar activity involving unbroken horses.

12 Coursing prohibited

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

13 Exemption from section 21C prohibition on steeplechasing and hurdle racing

- (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.

14 Prescribed parts of NSW and prescribed traps

- (1) For the purposes of section 23 (1) of the Act, the prescribed parts of New South Wales are as follows:
 - (a) the Eastern and Central Division within the meaning of the *Crown Lands Act 1989*,
 - (b) the Western Division within the meaning of the *Crown Lands Act 1989*,
 - (c) Lord Howe Island.
- (2) For the purposes of section 23 (1) of the Act, the prescribed types of trap are the following:
 - (a) traps that are sold under any of the following trade or proprietary names or descriptions:
 - (i) "Lane's 'Ace' Rabbit Trap",
 - (ii) "Lane's Dog Trap",
 - (iii) "Lane's Round Jaw Wild Dog Trap",
 - (iv) "Lane's Dingo Trap",
 - (v) "Oneida No 14 Steel Trap",
 - (b) any other trap that is similar in design, construction or manner of operation to any of the traps referred to in paragraph (a) (except for a soft-jawed trap, that is, a trap with steel jaws that are offset and padded).

15 Conveyance of stock animals

- (1) A person must not:
 - (a) carry or convey a large stock animal in a cage or vehicle, or
 - (b) being a person in charge of a large stock animal, authorise the carriage or conveyance of the animal in a cage or vehicle,unless the cage or vehicle is of a height that allows the animal to stand upright

without any part of the animal coming into contact with the roof, ceiling or cover of the cage or vehicle.

Maximum penalty: 25 penalty units.

- (2) In this clause, a reference to a large stock animal is a reference to an animal that belongs to the class of animals comprising cattle, horses, sheep, goats, pigs and deer.

16 (Repealed)

17 Use of animals in films and theatrical performances

- (1) A person must not use an animal in connection with the production of a film or theatrical performance, or cause or permit an animal to be used in connection with the production of a film or theatrical performance, otherwise than in accordance with the relevant Code of Practice.

Maximum penalty: 25 penalty units.

- (2) A person does not commit an offence under subclause (1) in respect of any failure to comply with the relevant Code of Practice if the failure occurs despite the person's having done all that he or she could reasonably be expected to have done to comply with that Code.

- (3) In this clause:

relevant Code of Practice means the document entitled *Code of Practice for the Welfare of Animals in Theatrical Performances*, as approved on 3 February 1997 by the Animal Welfare Advisory Council.

Note—

A copy of the Code of Practice is published on the Department's website.

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.

- (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.

- (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).
- (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 171).

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.

- (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.

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.

Part 3 Provisions relating to animal trades

18 Prescribed animal trades

Each purpose referred to in Column 1 of Schedule 2 is prescribed for the purposes of the definition of **animal trade** in section 4 (1) of the Act.

19 Animal trades Codes of Practice

For the purposes of this Part, each document referred to in Column 2 of Schedule 2 is a relevant Code of Practice for the corresponding business specified in Column 1 of that Schedule.

Note—

Copies of each document are published on the Department's website.

20 Conduct of animal trades

- (1) The proprietor of a business that conducts an animal trade, and each person concerned in the management of the business, must take all reasonable steps to ensure that all persons employed in the business comply with 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.

Maximum penalty: 25 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 paragraphs (a), (b) and (c), the provisions of

each relevant Code of Practice 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 paragraphs (a)–(f), the provisions of each relevant Code of Practice that relate 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.

Part 4 Miscellaneous

21 Police officers exercising certain powers

For the purposes of section 24H (4) of the Act:

- (a) a police officer is to give a direction to stop a vehicle or vessel by requesting or signalling the person operating the vehicle or vessel to stop the vehicle or vessel, and
- (b) a police officer is identified as a police officer if the officer wears his or her police uniform or otherwise displays evidence that he or she is a police officer and that would be visible to the person operating the vehicle or vessel concerned.

22 Assistance to inspectors

For the purposes of section 24M (b) of the Act, the following classes of persons are

prescribed as persons who may accompany and aid an inspector exercising, in residential premises, a power conferred by Division 2 of Part 2A of the Act:

- (a) veterinary practitioners,
- (b) persons who have special expertise in the handling of the animal concerned.

23 Penalty notice offences

(1) For the purposes of section 33E of the Act:

- (a) each offence created by a provision specified in Column 1 of Schedule 3 is prescribed as a penalty notice offence, and
- (b) the prescribed penalty payable in respect of a penalty notice offence that is dealt with under section 33E of the Act is:
 - (i) in the case of an individual—the amount specified in Column 2 of Schedule 3 opposite the relevant provision, or
 - (ii) in the case of a corporation—the amount specified in Column 3 of Schedule 3 opposite the relevant provision.

(2) If the reference to a provision in Column 1 of Schedule 3 is qualified by words that restrict its operation to specified kinds of offences or to offences committed in specified circumstances, an offence created by the provision is a prescribed offence only if it is an offence of a kind so specified or is committed in the circumstances so specified.

24 Guidelines relating to the welfare of farm or companion animals

(1) For the purposes of section 34A (1) of the Act, the following documents, published by CSIRO Publishing and as in force from time to time, are adopted as guidelines:

- (a) *Model Code of Practice for the Welfare of Animals: Domestic Poultry,*
- (b) *Model Code of Practice for the Welfare of Animals: Farmed Buffalo,*
- (c) *Model Code of Practice for the Welfare of Animals: Animals at Saleyards,*
- (d) *Model Code of Practice for the Welfare of Animals: The Goat,*
- (e) *Model Code of Practice for the Welfare of Animals: The Sheep,*
- (f) *Model Code of Practice for the Welfare of Animals: The Farming of Deer,*
- (g) *Model Code of Practice for the Welfare of Animals: Cattle,*
- (h) *National Guidelines for Beef Cattle Feedlots in Australia.*

Note—

Copies of each document are published on the Department's website.

- (2) For the purposes of this clause, the *Model Code of Practice for the Welfare of Animals: The Farming of Deer* (as in force at the commencement of this clause) 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 veterinary practitioner or a person referred to in section 9 (2) (e) of the *Veterinary Practice Act 2003*.

25 Reports of approved charitable organisations

- (1) A report of an approved charitable organisation under section 34B (3) of the Act must address the following matters in relation to the period covered by the report:
- (a) complaints and investigations concerning the treatment of animals,
 - (b) counsel, advice or cautions given,
 - (c) notices issued,
 - (d) proceedings for offences instituted,
 - (e) officers of the organisation and training provided for them,
 - (f) complaints about the organisation or its officers.
- (2) Such a report must include the following:
- (a) a statement of the number of, and a summary of the substance of, complaints relating to animal cruelty or mistreatment received by the organisation,
 - (b) a statement of the number of visits or investigations made by officers of the organisation as a result of those complaints,
 - (c) a statement of the number of visits or investigations made by officers of the organisation that were unrelated to those complaints (such as routine inspections of abattoirs, veterinary practices, pet shops or saleyards),
 - (d) a statement of the number of persons counselled or advised by officers of the organisation,
 - (e) a statement of the number of persons cautioned by officers of the organisation,
 - (f) a statement of the number of notices issued by officers of the organisation under section 24N of the Act,
 - (g) a statement of the number of penalty notices issued by officers of the organisation,

- (h) a statement of the number of proceedings for offences under the Act or the regulations that were instituted by officers of the organisation, together with details of the defendants and the charges,
 - (i) details of the outcome of such of those proceedings as had been finally determined as at the date of the report,
 - (j) details of the outcome of such proceedings for offences as were referred to in the immediately previous report but not finally determined as at the date of that report,
 - (k) a list, current as at the date of the report, of the officers of the organisation, together with any changes made to that list since the immediately previous report,
 - (l) details of any complaints received by the organisation in relation to its activities (or those of its officers) under the Act, including details as to the resolution of those complaints and of the disciplinary action (if any) taken against any person as a result of those complaints,
 - (m) details of the training provided by the organisation for its officers.
- (3) In this clause, **officer** has the same meaning as it has in paragraph (b) of the definition of that term in section 4 (1) of the Act.

26 Savings provision

- (1) Any act, matter or thing that, immediately before the repeal of the *Prevention of Cruelty to Animals (General) Regulation 1996*, had effect under that Regulation continues to have effect under this Regulation.
- (2) Any act, matter or thing that, immediately before the repeal of the *Prevention of Cruelty to Animals (Animal Trades) Regulation 1996*, had effect under that Regulation continues to have effect under this Regulation.
- (3) If the provisions of Schedule 3.20 to the *Veterinary Practice Act 2003* have not commenced on or before the commencement of this Regulation, until the commencement of those provisions, a reference in this Regulation:
 - (a) to a veterinary practitioner is to be read as a reference to a veterinary surgeon, and
 - (b) to a person referred to in section 9 (2) (e) of that Act is to be read as a reference to 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 the *Veterinary Surgeons Act 1986*.

Schedule 1 Electrical devices

(Clause 10)

| Column 1 | Column 2 |
|--|---|
| Type of device | Purpose or circumstance |
| Electro-immobiliser | Restraining cattle, but only if used by a veterinary practitioner for purposes other than as an alternative to analgesia or anaesthesia |
| Electric stock prod | Driving, herding, mustering or controlling weaned cattle, sheep or pigs Controlling horses being used in a rodeo, but only for the purpose of getting a horse that has stalled in the chute to exit the chute and not if used on the horse once it has started to exit the chute |
| 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 |
| 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 Fisheries Management Act 1994 or in accordance with the Animal Research Act 1985 |
| 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 |
| Canine invisible boundary | Confining dogs, but only if used inside a fence through which dogs cannot pass and that is not less than 1.5 metres high |
| Electronic bird deterrent device | Deterring birds from roosting on building ledges and other external building surfaces |
| 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 | |

Schedule 2 Animal trades and Codes of Practice

(Clauses 18 and 19)

| Column 1 | Column 2 |
|---|--|
| Animal trade | Code of Practice |
| 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) | <i>"Animal Welfare Code of Practice No 4—Keeping and Trading of Birds"</i> , published in 1996 by NSW Agriculture <i>"Animal Welfare Code of Practice—Animals in Pet Shops"</i> , published in 2008 by the Department of Primary Industries |
| Animal boarding establishment (that is, a business in the course of which dogs or cats are boarded for fee or reward) | <i>"Animal Welfare Code of Practice No 5—Dogs and Cats in Animal Boarding Establishments"</i> , published in 1996 by NSW Agriculture |
| Animal breeding establishment (that is, a business in the course of which dogs or cats are bred for fee or reward) | <i>"Animal Welfare Code of Practice—Breeding Dogs and Cats"</i> , published in 2009 by the Department of Industry and Investment |
| Animal transport establishment (that is, a business in the course of which dogs, cats and other domestic pets are transported for fee or reward) | <i>"Animal Welfare Code of Practice No 1—Companion Animal Transport Agencies"</i> , published in 1996 by NSW Agriculture |
| Pet grooming establishment (that is, a business in the course of which dogs or cats are groomed for fee or reward) | <i>"Animal Welfare Code of Practice No 8—Animals in Pet Grooming Establishments"</i> , published in 1996 by NSW Agriculture |
| Security dog training establishment (that is, a business in the course of which dogs are trained as security dogs) | <i>"Animal Welfare Code of Practice No 9—Security Dogs"</i> , published in 1996 by NSW Agriculture |
| 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) | <i>"Animal Welfare Code of Practice No 9—Security Dogs"</i> , published in 1996 by NSW Agriculture |
| Riding centre (that is, a business in the course of which horses are hired out for riding) | <i>"Animal Welfare Code of Practice No 3—Horses in Riding Centres and Boarding Stables"</i> , published in 1996 by NSW Agriculture |
| Boarding stable (that is, a business in the course of which horses are boarded for fee or reward) | <i>"Animal Welfare Code of Practice No 3—Horses in Riding Centres and Boarding Stables"</i> , published in 1996 by NSW Agriculture |

Schedule 3 Penalty notice offences

(Clause 23)

| Column 1 | Column 2 | Column 3 |
|-----------------------------|------------------------------|-------------------------------|
| Provision of the Act | Penalty (individuals) | Penalty (corporations) |
| Section 5 (1) | \$500 | \$1,500 |

| | | |
|--------------------|-------|---------|
| Section 5 (2) | \$500 | \$1,500 |
| Section 5 (3) | \$500 | \$1,500 |
| Section 7 (1) | \$500 | \$1,500 |
| Section 7 (2A) | \$200 | — |
| Section 8 | \$200 | \$1,000 |
| Section 9 (1) | \$200 | \$1,000 |
| Section 10 (1) | \$200 | \$1,000 |
| Section 10 (2) | \$200 | \$1,000 |
| Section 10 (3) | \$200 | \$1,000 |
| Section 12 (1) | \$500 | \$1,500 |
| Section 12A (1) | \$200 | — |
| Section 12A (2) | \$200 | — |
| Section 14 | \$200 | — |
| Section 16 (2) | \$500 | \$1,500 |
| Section 17 | \$500 | \$1,500 |
| Section 18 (1) | \$500 | \$1,500 |
| Section 18 (2) (a) | \$500 | \$1,500 |
| Section 18 (2) (c) | \$500 | \$1,500 |
| Section 18A | \$500 | \$1,500 |
| Section 19A (3) | \$500 | \$1,500 |
| Section 20 | \$500 | \$1,500 |
| Section 21A | \$500 | \$1,500 |
| Section 21B | \$500 | \$1,500 |
| Section 21C | \$500 | \$1,500 |
| Section 23 (1) | \$500 | \$1,500 |
| Section 23 (2) | \$500 | \$1,500 |

Column 1**Column 2****Column 3****Provision of this Regulation****Penalty (individuals)****Penalty (corporations)**

Clause 15 (1)

\$200

—

Clause 16 (1)

\$200

—

| | | |
|----------------|-------|---|
| Clause 17 (1) | \$200 | — |
| 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 | — |
| Clause 17M | \$200 | — |
| Clause 17N (1) | \$200 | — |
| Clause 17O | \$200 | — |
| Clause 17P | \$200 | — |
| Clause 20 (1) | \$200 | — |