Prevention of Cruelty to Animals Regulation 2025

[2025-18]

New South Wales

Status Information

Currency of version

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Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Staged repeal status**
  This legislation is currently due to be automatically repealed under the Subordinate Legislation Act 1989 on 1 September 2030

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the Interpretation Act 1987.

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Prevention of Cruelty to Animals Regulation 2025

New South Wales

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Prevention of Cruelty to Animals Regulation 2025

New South Wales

Part 1 Preliminary

1 Name of regulation

This regulation is the *Prevention of Cruelty to Animals Regulation 2025*.

2 Commencement

This regulation commences on 1 February 2025.

Note—

This regulation replaces the *Prevention of Cruelty to Animals Regulation 2012*, which is repealed on 1 February 2025 by the *Subordinate Legislation Act 1989*, section 10A(1).

3 Definitions

In this regulation—

cage, for Part 2—see section 4.

floor area, for Part 2—see section 4.

fowl, for Part 2—see section 4.

furnished cage, for Part 2—see section 4.

laying fowl, for Part 2—see section 4.

multi-bird nest area, for Part 2—see section 4.

nest area, for Part 2—see section 4.

non-cage housing, for Part 2—see section 4.

pre-2025 cage, for Part 2—see section 4.

single-bird nest area, for Part 2—see section 4.

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

useable floor area, for Part 2—see section 4.

Note—

The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this regulation.

Part 2 Conditions for fowl confined for egg production

Division 1 Preliminary

4 Definitions

In this part—

cage means a furnished cage or a pre-2025 cage.

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

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

furnished cage means a cage at the place where laying fowl are being confined that was installed at the place on or after 1 February 2025.

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

multi-bird nest area means a nest area designed for use by 2 or more fowl at any 1 time.

nest area means an area to which laying fowl have access that is provided as a dedicated space that the fowl may use for nesting and laying.

non-cage housing, in relation to laying fowl, means a structure, other than a cage, within which the laying fowl are confined.

Example of structure within which laying fowl may be confined—

a shed

pre-2025 cage means a cage at the place where laying fowl are being confined that was installed at the place before 1 February 2025.

single-bird nest area means a nest area designed for use by a single fowl at any 1 time.

useable floor area—

(a) of a cage—means the floor area of the cage excluding the following—

(i) the floor area of nest areas provided for fowl in accordance with section 7,

(ii) the floor area of the cage under perches provided for fowl in accordance with section 8,

(iii) the floor area of the cage under any other structures in the cage under which there is insufficient height for fowl to perform normal postures when standing, moving, foraging or scratching, or

Examples of other structures—

feed troughs, vee-troughs for water, egg baffles, manure deflectors, drinking nipples

(b) of non-cage housing—means the floor area of the non-cage housing excluding the floor area of the non-cage housing under any structures in the non-cage housing under which there is insufficient height for fowl to perform normal postures when standing, perching or nesting.

Examples of structures—

perches, feed troughs, vee-troughs for water, egg baffles, manure deflectors, drinking nipples

Division 2 Confinement of laying fowl—the Act, s 35(1)(a) and (b)

Subdivision 1 Preliminary

5 Application of division

This division does not apply in relation to the confinement of laying fowl for the purposes of carrying or conveying the fowl.

Subdivision 2 Laying fowl confined in cages

6 Access to water

(1) This section does not apply in relation to laying fowl in the period of 60 hours immediately after the fowl is hatched.

(2) A person must not confine laying fowl in a cage unless the fowl have access to—

(a) at least 2 independent drinking points, or

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

Maximum penalty—

(a) for an individual—50 penalty units, or

(b) otherwise—200 penalty units.

(3) In this section—

drinking point includes a drinking nipple and a cup drinker but does not include a

splash cup situated under a drinking nipple.

7 Nest areas

(1) A person must not confine laying fowl in a furnished cage unless—

(a) a nest area is provided for use by the fowl, and

(b) the arrangements for the provision of the nest area comply with the minimum standards for providing nest areas for laying fowl under subsection (2).

Maximum penalty—

(a) for an individual—50 penalty units, or

(b) otherwise—200 penalty units.

(2) For subsection (1), the ***minimum standards for providing nest areas for laying fowl*** are as follows—

(a) the nest area must have lower light intensity than the other area of the cage,

(b) if a multi-bird nest area is provided for use by the fowl—

(i) if fewer than 120 laying fowl are confined in the cage—the nest area must have an area of at least $1m^2$, or

(ii) if 120 or more laying fowl are confined in the cage—the nest area must have an area of at least the total of—

(A) $1m^2$ for the first 120 laying fowl confined in the cage, and

(B) a proportionate amount of the area mentioned in sub-subparagraph (A) for each additional fowl,

(c) if a single-bird nest area is provided for use by the fowl—

(i) there must be at least 1 nest area for every 7 laying fowl confined in the cage, and

(ii) each nest area must be of sufficient area to allow a single fowl to perform normal nesting and laying postures in the nest area.

8 Perches

(1) A person must not confine laying fowl in a furnished cage unless—

(a) a perch is provided for use by the fowl, and

(b) the arrangements for the provision of a perch for the fowl comply with the minimum standards for providing perches for laying fowl under subsection (2).

Maximum penalty—

(a) for an individual—50 penalty units, or

(b) otherwise—200 penalty units.

(2) For subsection (1), the ***minimum standards for providing perches for laying fowl*** are as follows—

(a) the perch must be a perch or platform that—

(i) is raised above the floor of the cage, and

(ii) allows sufficient height above the perch to allow the fowl to perch in an upright perching position, and

(iii) does not have sharp edges, and

(iv) is of sufficient width to properly support the fowl's feet, and

(v) allows the fowl to grip the perch without risk of the fowl's feet or claws being trapped or stuck in the perch's structure, and

(vi) is otherwise designed or placed to minimise the following—

(A) the risk of injury to fowl in using the perch,

(B) the risk of vent pecking of the fowl when using the perch,

(C) the exposure of fowl below the perch to excreta from fowl using the perch,

(b) the length of the perch must provide a linear distance of at least 15cm for each fowl confined in the cage.

9 Scratch areas and claw-shortening devices or areas

(1) A person must not confine laying fowl in a furnished cage unless both of the following are provided for use by the fowl—

(a) a scratch area that complies with the minimum standards for providing scratch areas for laying fowl under subsection (2),

(b) a claw-shortening device or area that complies with the minimum standards for providing claw-shortening devices or areas for laying fowl under subsection (3).

Maximum penalty—

(a) for an individual—50 penalty units, or

(b) otherwise—200 penalty units.

(2) For subsection (1)(a), the ***minimum standards for providing scratch areas for laying fowl*** are as follows—

(a) the scratch area must comprise a material with a textured surface on which the fowl can engage in scratching and foraging behaviours,

Example of scratch area—

a piece of synthetic grass

(b) the scratch area must be of sufficient size to allow at least 1 fowl to perform normal postures when engaging in scratching and foraging behaviours on the scratch area.

(3) For subsection (1)(b), the ***minimum standards for providing claw-shortening devices or areas for laying fowl*** are as follows—

(a) the claw-shortening device or area must comprise an object or material with an abrasive surface on which fowl can engage in scratching behaviours,

Examples of claw-shortening devices or areas—

strips of synthetic material coated with abrasive matter, such as metal filings and sand, or painted with abrasive textured paint, metal plates machined to have abrasive textured surfaces

(b) the claw-shortening device or area must be of sufficient size to allow at least 1 fowl to engage in scratching behaviours when using the device or on the area.

(4) For subsection (1), a person satisfies the requirement to provide both a scratch area and a claw-shortening device or area if the person provides a single area that complies with both—

(a) the minimum standards for providing scratch areas for laying fowl, and

(b) the minimum standards for providing claw-shortening devices or areas for laying fowl.

10 Substrate for pecking and foraging

(1) A person must not confine laying fowl in a furnished cage unless the person provides the fowl with pecking substrate in a way that allows the fowl to engage in pecking and foraging behaviours in the substrate.

Examples of ways of providing pecking substrate that allow fowl to engage in pecking or foraging behaviours—

putting the pecking substrate in a device that hangs from the roof or is attached to the inside wall of the cage and is within reach of the fowl or on the surface of a scratch area provided for the fowl under section 9

Maximum penalty—

(a) for an individual—50 penalty units, or

(b) otherwise—200 penalty units.

(2) In this section—

pecking substrate means loose or friable organic matter in which fowl may engage in pecking and foraging behaviours.

Examples of pecking substrate—

feed pellets, wood shavings, rice hulls, chopped straw and grass

11 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—

(a) for an individual—50 penalty units, or

(b) otherwise—200 penalty units.

12 Cage height

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

Maximum penalty—

(a) for an individual—50 penalty units, or

(b) otherwise—200 penalty units.

(2) A person must not confine laying fowl in a cage unless—

(a) for a furnished cage—the height of the cage is, over the whole of the useable floor area of the cage, at least 55cm, or

(b) for a pre-2025 cage—the height of the cage is, over at least 65% of the floor area of the cage, 40cm or more.

Maximum penalty—

(a) for an individual—50 penalty units, or

(b) otherwise—200 penalty units.

(3) A person must not confine laying fowl in a pre-2025 cage if the height of the cage is less than 35cm at any point.

Maximum penalty—

(a) for an individual—50 penalty units, or

(b) otherwise—200 penalty units.

13 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—

(i) if the width of the cage is 50cm or less—the width of the cage, excluding the width of structural supports for the door, or

(ii) if the width of the cage is more than 50cm—at least 50cm, and

(b) a height of—

(i) if the height of the cage measured from the level of the feed trough is 22cm or less—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 is more than 22cm—at least 22cm.

Maximum penalty—

(a) for an individual—50 penalty units, or

(b) otherwise—200 penalty units.

(2) For subsection (1), if the cage door opens from the top of the cage—

(a) the width of the door must be measured using the axis on which the door swings, and

(b) the height of the door must be measured on the perpendicular to the axis on which the door swings.

14 Multi-deck structures

(1) A person must not confine laying fowl in a multi-deck structure unless fowl in the lower decks of the structure are protected from excreta from fowl confined in the higher decks of the structure.

Maximum penalty—

(a) for an individual—50 penalty units, or

(b) otherwise—200 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 a person to assess the fowl’s welfare.

Maximum penalty—

(a) for an individual—50 penalty units, or

(b) otherwise—200 penalty units.

(3) A person must not confine laying fowl in a multi-deck structure unless the fowl can be readily removed from the structure.

Maximum penalty—

(a) for an individual—50 penalty units, or

(b) otherwise—200 penalty units.

(4) In this section—

multi-deck structure means an arrangement of cages in a structure with more than 1 deck.

15 Stock densities—furnished cages

(1) A person must not confine laying fowl in a furnished cage unless the useable floor area of the cage is at least the minimum useable floor area for the cage determined under this section.

Maximum penalty—

(a) for an individual—50 penalty units, or

(b) otherwise—200 penalty units.

(2) The minimum useable floor area for a furnished cage containing only 1 laying fowl is 1,000 cm^2.

(3) The minimum useable floor area for a furnished cage containing 2 or more laying fowl is the area calculated by allowing 750cm^2 for each fowl in the cage.

16 Stock densities—pre-2025 cages

(1) A person must not confine laying fowl in a pre-2025 cage unless the floor area of the cage is at least the minimum floor area for the cage determined under this section.

Maximum penalty—

(a) for an individual—50 penalty units, or

(b) otherwise—200 penalty units.

(2) The minimum floor area for a pre-2025 cage containing only 1 laying fowl is—

(a) if the laying fowl weighs 4.5kg or less—1,000cm^2, or

(b) if the laying fowl weighs more than 4.5kg, the area calculated by allowing—

(i) 1m^2 for each 26kg 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 26kg—a proportionate amount of the area mentioned in subparagraph (i).

(3) The minimum floor area for a pre-2025 cage containing only 2 laying fowl is—

(a) if the average weight of the fowl in the cage is 4.5kg or less—1,350cm^2, or

(b) if the average weight of the fowl in the cage is more than 4.5kg, the area calculated by allowing—

(i) 1m^2 for each 40kg of total weight of the fowl in the cage, or

(ii) if the total weight of the fowl in the cage is less than 40kg—a proportionate amount of the area mentioned in subparagraph (i).

(4) The minimum floor area for a pre-2025 cage containing 3 or more laying fowl is—

(a) if the average weight of the fowl in the cage is less than 2.4kg—the area calculated by allowing 550cm^2 for each fowl in the cage, or

(b) if the average weight of the fowl in the cage is not less than 2.4kg and not more than 4.5kg—the area calculated by allowing 600cm^2 for each fowl in the cage,

(c) if the average weight of the fowl in the cage is more than 4.5kg, the area calculated by allowing—

(i) 1m^2 for each 46kg 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 46kg—a proportionate amount of the area mentioned in subparagraph (i).

(5) If laying fowl are kept in more than 30 pre-2025 cages at any premises—

(a) the minimum floor area of the pre-2025 cages must 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, and

(b) for paragraph (a), a reference in this section to the average weight of laying fowl in a cage must be read as a reference to the average flock weight.

(6) In this section—

average flock weight is the average weight per fowl of all fowl in all the cages in which the fowl are kept, determined in accordance with the procedures for counting and weighing set out in the *National Guidelines for RSPCA Inspectors for the Inspection of Layer Hen Cages* as set out 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.

Subdivision 3 Laying fowl confined in non-cage housing

17 Access to food and water

(1) This section does not apply in relation to laying fowl in the period of 60 hours immediately after the fowl is hatched.

(2) A person must not confine laying fowl in non-cage housing unless—

(a) all fowl confined in the non-cage housing have access to—

(i) a pan feeder that is provided for feeding purposes, or

(ii) a flat chain feeder that is provided for feeding purposes, and

(b) the arrangements for feeding the fowl comply with the minimum standards for feeding laying fowl under subsection (3).

Maximum penalty—

(a) for an individual—50 penalty units, or

(b) otherwise—200 penalty units.

(3) For subsection (2), the ***minimum standards for feeding laying fowl*** are as follows—

(a) if a pan feeder is provided for feeding purposes—there must be at least 1 pan feeder in the non-cage housing for every 100 laying fowl confined in the non-cage housing, or

(b) if a flat chain feeder is provided for feeding purposes—the length of the flat chain feeder, counting both sides of the feeder chain, must allow at least 2cm for each laying fowl confined in the non-cage housing.

(4) A person must not confine laying fowl in non-cage housing unless—

(a) all fowl confined in the non-cage housing have access to—

(i) a bell drinker that is provided for the purpose of supplying water to the fowl, or

(ii) a 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 for supplying water to laying fowl under subsection (5).

Maximum penalty—

(a) for an individual—50 penalty units, or

(b) otherwise—200 penalty units.

(5) For subsection (4), the ***minimum standards 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 1 bell drinker in the non-cage housing for every 120 laying fowl confined in the non-cage housing, or

(b) if a nipple drinker is provided to supply water to laying fowl—

(i) if all the laying fowl are less than 6 weeks of age—1 nipple drinker in the non-cage housing for every 40 laying fowl confined in the non-cage housing, or

(ii) otherwise—there must be at least 1 nipple drinker in the non-cage housing for every 20 laying fowl confined in the non-cage housing.

18 Nest areas

(1) A person must not confine laying fowl in non-cage housing unless—

(a) a single-bird nest area or multi-bird nest area is provided for use by the laying fowl, and

(b) the arrangements for the provision of nests for the laying fowl comply with the minimum standards for providing nests for laying fowl under subsection (2).

Maximum penalty—

(a) for an individual—50 penalty units, or

(b) otherwise—200 penalty units.

(2) For subsection (1), the ***minimum standards for providing nests for laying fowl*** are as follows—

(a) if a multi-bird nest area is provided for use by the laying fowl, the multi-bird nest area must have an area of at least—

(i) if 120 or more laying fowl are confined in the non-cage housing—1m^2 for every 120 laying fowl confined in the non-cage housing, or

(ii) if fewer than 120 laying fowl are confined in the non-cage housing—a proportionate amount of the area mentioned in subparagraph (i),

(b) if a single-bird nest area is provided for use by the laying fowl—there must be at least 1single-bird nest available in the non-cage housing for every 7 laying fowl

that are confined in the non-cage housing.

19 Height of non-cage housing

A person must not confine laying fowl in non-cage housing unless the clearance above a level on which fowl might stand, perch or nest, including a suspended perch or nest box, is at least 45cm.

Maximum penalty—

(a) for an individual—50 penalty units, or

(b) otherwise—200 penalty units.

20 Multi-level arrangements

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

Maximum penalty—

(a) for an individual—50 penalty units, or

(b) otherwise—200 penalty units.

(2) In this section—

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

21 Stock densities

A person must not confine laying fowl in non-cage housing unless the useable floor area of the non-cage housing is at least—

(a) if the total weight of laying fowl in the non-cage housing is 30kg or more—the area calculated by allowing $1m^2$ for each 30kg 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 30kg—a proportionate amount of the area mentioned in paragraph (a).

Maximum penalty—

(a) for an individual—50 penalty units, or

(b) otherwise—200 penalty units.

Subdivision 4 General

22 Artificial lighting

(1) This section does not apply in relation to—

(a) a laying fowl in the period of 16 weeks immediately after the fowl is hatched, or

(b) a laying fowl on the day the fowl is removed from the place at which the fowl is being confined.

(2) A person must not confine laying fowl under artificial light unless the fowl are provided a total of at least 6 hours of darkness in each 24-hour period that includes at least 1continuous period of darkness of at least 4 hours.

Maximum penalty—

(a) for an individual—50 penalty units, or

(b) otherwise—200 penalty units.

(3) A person must not confine laying fowl to continuous darkness for any 24-hour period.

Maximum penalty—

(a) for an individual—50 penalty units, or

(b) otherwise—200 penalty units.

(4) A contravention of subsection (2) or (3) by a person does not constitute an offence if the contravention—

(a) is reasonably required to prevent the laying fowl from engaging in huddling or clumping behaviours during a period when laying fowl are at risk of heat stress from exposure to temperatures above the fowls' thermoneutral zone, or

(b) occurs under the supervision of a veterinarian for the purposes of assessing, monitoring, treating or dealing with—

(i) the outbreak, or the risk of outbreak, of disease among the laying fowl, or

(ii) instances of cannibalism, or the risk of cannibalism, among the laying fowl.

23 Lifting or carrying laying fowl

A person who confines laying fowl must not lift or carry the fowl by the head, neck, wings, feathers or tail feathers unless the laying fowl is—

(a) otherwise supported by the breast, or

(b) lifted and carried by the base of both wings.

Maximum penalty—

(a) for an individual—50 penalty units, or

(b) otherwise—200 penalty units.

24 Daily welfare inspections

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

Maximum penalty—

(a) for an individual—50 penalty units, or

(b) otherwise—200 penalty units.

25 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 written direction to remedy the contravention within a period, not longer than 3 months, stated in the direction, and

(b) the person has failed to remedy the contravention within the stated period.

(2) In this section—

first offender means a person who has not been convicted, or has been found guilty but has not been convicted, of any of the following—

(a) an offence in relation to a previous contravention of this part,

(b) an offence relating to the confinement of fowl under—

(i) another provision of this regulation, or

(ii) a previous regulation made under the Act.

Part 3 Procedures carried out on animals

26 Pinioning of birds’ wings

(1) For the Act, section 4(2A), clipping short the primary feathers of 1of a bird’s wings, or taping or brailing 1 of the bird’s wings, is prescribed if—

(a) it is carried out in way that does not inflict unnecessary pain on the bird, and

(b) it does not result in both of the bird’s wings being disabled.

(2) A person is exempt from the Act, sections 5(1), (2) and (3)(a) and 6 in relation to

cutting off the pinion of a bird's wing if—

(a) the bird's owner holds an authority under the *Exhibited Animals Protection Act 1986*, Part 3, Division 4 that applies in relation to the bird, and

(b) the bird is a member of 1 of the following taxonomic orders—

(i) Anseriformes,

(ii) Ciconiiformes,

(iii) Gruiformes,

(iv) Galliformes, excluding pheasants, and

(c) the bird is under 3 days of age, and

(d) cutting off the pinion is carried out in a way that does not inflict unnecessary pain on the bird, and

(e) cutting off the pinion will not result in both of the bird's wings being disabled, and

(f) the pinion is cut off by—

(i) a veterinary practitioner, or

(ii) the bird's owner, or an employee of the bird's owner, in a way that a veterinary practitioner has advised the owner is appropriate.

(3) A person is exempt from the Act, sections 5(1), (2) and (3)(a) and 6 in relation to cutting off the pinion of a pheasant's wing if—

(a) the pheasant is no more than 24 hours old, and

(b) cutting off the pinion is carried out in a way that does not inflict unnecessary pain on the pheasant, and

(c) cutting off the pinion will not result in both of the pheasant's wings being disabled, and

(d) the pinion is cut off—

(i) with a beak trimming machine, or

(ii) by a veterinary practitioner, whether or not with a beak trimming machine.

(4) In this section—

brailing, in relation to a bird's wing, means attaching a thin, pliable leather strap to the wing to prevent the bird from flying but still allow limited movement of the wing.

pheasant means a member of the genus *Chrysolophus*, *Lophophorus*, *Lophura*, *Syrmaticus* or *Phasianus*.

27 Tail docking of cows, heifers and calves—the Act, s 12(2)

(1) The circumstances in which a person may dock the tail of a calf that is less than 6 months old are that—

(a) the person is a veterinary practitioner, and

(b) the docking is necessary to treat an injury or disease of the animal.

(2) The circumstances in which a person may dock the tail of a cow or heifer or a female calf that is 6 months of age or older are that—

(a) the person is a veterinary practitioner, and

(b) the docking is necessary to treat an injury or disease of the animal.

28 Debarking—the Act, s 12(2)

(1) The circumstances in which a veterinary practitioner may operate on a dog for the purpose of preventing the dog from being able to bark are that, before performing the operation—

(a) the dog is 6 months of age or older, and

(b) the veterinary practitioner is satisfied that—

(i) a behavioural treatment plan has been prepared for the dog, and

(ii) the owner has implemented the behavioural treatment plan but the implementation of the plan has not successfully prevented the dog from nuisance barking, and

(c) the veterinary practitioner is given—

(i) a copy of an order issued under the *Companion Animals Act 1998*, section 32A that requires the owner of the dog, whether or not the current owner, to prevent the dog from nuisance barking, and

(ii) a statutory declaration by the owner of the dog to the effect of the following—

(A) all reasonable steps other than the operation have been taken, without success, to prevent the dog from nuisance barking,

(B) unless the operation is performed, the dog will be destroyed.

(2) In this section—

nuisance barking means barking or howling that is persistent or continues to such a

degree or extent that it unreasonably interferes with the peace, comfort or convenience of any person in premises other than the premises at which the dog is ordinarily kept.

behavioural treatment plan, for a dog, means a plan, prepared in consultation with a veterinary practitioner, for the reasonable modification of the dog's environment to address the dog's physical or psychological needs for the purposes of preventing the dog from nuisance barking.

29 Declawing of cats—the Act, s 12(2)

The circumstances in which a veterinary practitioner may remove 1 or more of the claws of a cat are that the removal of the claw or claws is necessary to treat an injury or disease of the animal.

30 Registers relating to regulated procedures—the Act, ss 12A(1) and 35(1)(g)

(1) A register kept under the Act, section 12A(1) must—

(a) be in writing, and

(b) have consecutively numbered pages, and

(c) not form part of another record relating to animals treated or clients.

(2) A veterinary practitioner who carries out a regulated procedure on an animal must enter the following particulars in the register—

(a) the full name and residential address of the animal's owner,

(b) the type of procedure carried out,

(c) the justification for the procedure,

(d) the date on which the procedure was carried out,

(e) a description of the animal, including—

(i) the following details, if available—the animal's age, name, breed and electronic identification information, including the animal's identification number, and

(ii) a description of any distinctive markings on the animal,

(f) the name of the veterinary practitioner.

(3) A veterinary practitioner who carries out a regulated procedure on an animal must also include the following in the register—

(a) each statutory declaration or, if the register is kept in electronic form, a copy of each statutory declaration given to the veterinary practitioner under section 28 in

relation to the procedure,

(b) a copy of each order given to the veterinary practitioner under section 28 in relation to the procedure.

(4) In this section—

regulated procedure means a procedure referred to in the Act, section 12(1).

Part 4 Animal trades—the Act, s 35(1)(d)

31 Prescribed animal trades

For the Act, section 4(1), definition of ***animal trade***, each purpose referred to in Schedule 1, Column 1 is prescribed.

32 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—

(a) must comply with the animal trade requirements under subsection (3), and

(b) must take all reasonable steps to ensure that—

(i) each person employed by, or working in, the business complies with the requirements of this section, and

(ii) each person who has duties in relation to the requirements of this section is appropriately supervised in the conduct of the person's duties.

Maximum penalty—

(a) for an individual—50 penalty units, or

(b) otherwise—200 penalty units.

(2) A person employed by or working in a business that conducts an animal trade must comply with the animal trade requirements under subsection (3).

Maximum penalty—50 penalty units.

(3) For subsections (1) and (2), the ***animal trade requirements*** 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 must be provided with accommodation and equipment suited to the

physical and behavioural requirements of the animal,

(d) each animal must be protected from extreme climatic and environmental conditions and from interference by people,

(e) each animal must be provided with sufficient space within which to rest, stand, stretch, swim, fly or otherwise move about,

(f) each animal must 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, if the animal becomes diseased, distressed or injured, must be promptly provided with appropriate treatment,

(h) each animal must be periodically inspected to ensure that the animal is—

(i) receiving appropriate food and water, and

(ii) free from disease, distress and injury,

(i) without limiting the requirements of paragraphs (a)–(h), the provisions of each relevant Code of Practice or of the relevant Standards must be complied with.

(4) A person does not commit an offence under subsection (1) or (2) for a failure to comply with the animal trade requirements if the failure occurs despite the person having done all that the person could reasonably be expected to have done to comply with the requirements.

(5) For subsection (3)(i), the ***relevant Code of Practice*** or ***the relevant Standards*** for a business specified in Schedule 1, Column 1 is the corresponding document specified in Schedule 1, Column 2.

Note—

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

Part 5 Enforcement

33 Evidence that ruminant stock animal not provided with food or shelter during emergency

For the Act, section 8(3), the period prescribed in relation to a ruminant stock animal is 72 hours during a period of drought, flood or other emergency.

34 Evidence of keeping or being in charge of animal for lure or kill for coursing dog

For the Act, section 21(2C), all species of animals that are not species commonly used as coursing dogs are prescribed.

35 Police officers exercising certain powers

For the Act, section 24H(4)—

(a) a police officer must give a direction to stop a vehicle or vessel by asking 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—

(i) wears police uniform, or

(ii) otherwise displays evidence that the officer is a police officer and that would be visible to the person operating the vehicle or vessel.

36 Power of inspector to examine ruminant stock animals in relation to sufficiency of food or drink during emergency

For the Act, section 24I(b), the period prescribed in relation to a ruminant stock animal is 72 hours during a period of drought, flood or other emergency.

37 Assistance to inspectors

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

(a) veterinary practitioners,

(b) persons who have special expertise in the handling of the relevant animal.

38 Prescribed members of Stock Welfare Panel

(1) For the Act, section 24T(1)(d), a member of the NSW Farmers' Association is prescribed as a member of a Stock Welfare Panel if—

(a) the Secretary considers the inclusion of a member of the Association on the Panel would be appropriate in the particular circumstances, and

(b) the matter in relation to which the Panel is being constituted involves 1 or more of the following—

(i) 10 or more cattle,

(ii) 10 or more horses,

(iii) 50 or more sheep,

(iv) 50 or more goats,

(v) 50 or more pigs,

(vi) 50 or more deer.

(2) For subsection (1)(a), the Secretary may consider any views the owner or person in

charge of the relevant animals may have about the inclusion of a member of the NSW Farmers' Association on the Panel.

(3) For the Act, section 24T(1)(d), a veterinary practitioner is prescribed as a member of a Stock Welfare Panel if no member of the Panel referred to in the Act, section 24T(1)(c) is a veterinary practitioner.

39 Penalty notice offences

For the Act, section 33E—

(a) each offence created by a provision specified in Schedule 2, Column 1 is a penalty notice offence, and

(b) the penalty prescribed for the offence is—

(i) for a corporation—the amount specified opposite the provision in Schedule 2, Column 3, or

(ii) otherwise—the amount specified opposite the provision in Schedule 2, Column 2.

40 Evidence—guidelines relating to the welfare of farm or companion animals

(1) For the Act, section 34A(1), 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 Farming of Deer*,

(f) *National Guidelines for Beef Cattle Feedlots in Australia*.

Note—

Copies of these documents are available for purchase or download from CSIRO Publishing's website.

(2) For subsection (1)(e), the *Model Code of Practice for the Welfare of Animals: The Farming of Deer*, as in force at the commencement of this section, is taken to have been amended by omitting clause 5.2 (ii) and inserting instead—

(ii) Removal of the "velvet antlers" should be the responsibility of a veterinary practitioner or a person referred to in the *Veterinary Practice Act 2003*, section 9(2)(e).

(3) For the Act, section 34A(1), the following documents, as in force from time to time, are adopted as guidelines—

(a) the document titled *Welfare scoring nutritionally deprived beef cattle, dairy cattle and their crosses, sheep and horses*, published by the Department of Primary Industries within the Department of Industry, Skills and Regional Development,

(b) *Australian Animal Welfare Standards and Guidelines for Cattle*, published by Animal Health Australia,

(c) *Australian Animal Welfare Standards and Guidelines – Sheep*, published by Animal Health Australia.

41 Matters to be included in reports of approved charitable organisations

(1) For the Act, section 34B(3), the following matters are prescribed—

(a) complaints received, and investigations undertaken, about the treatment of animals,

(b) animals seized or taken possession of under the Act,

(c) cautions given,

(d) notices issued,

(e) proceedings for offences instituted,

(f) the organisation's officers and the training provided for the officers,

(g) complaints about the organisation or the organisation's officers.

(2) In particular, the 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 during the reporting period for the report,

(b) a statement of the number of visits or investigations made by the organisation's officers as a result of the complaints during the reporting period for the report,

(c) a statement of the number of visits or investigations made by the organisation's officers during the reporting period for the report that were unrelated to the complaints,

Examples—

routine inspections of abattoirs, pet shops or saleyards

(d) a statement of the number of persons officially cautioned by the organisation's officers during the reporting period for the report,

(e) a statement of the number of notices issued by the organisation's officers under the Act, section 24N during the reporting period for the report,

(f) a statement of the number of animals seized or taken possession of under the Act and the number of days for which the animals remained in the organisation's possession or care,

(g) a statement of the number of penalty notices issued by the organisation's officers during the reporting period for the report,

(h) a statement of the number of proceedings for offences under the Act or the regulations instituted by the organisation's officers, including details of the defendants and the charges, during the reporting period for the report,

(i) details of the outcome of proceedings referred to in paragraph (h) that had been finally determined by the date of the report,

(j) details of the outcome of proceedings for offences referred to in the immediately previous report that had not been finally determined by the date of the previous report,

(k) a list, current as at the date of the report, of the organisation's officers, together with any changes made to the list since the immediately previous report,

(l) details of any complaints received by the organisation in relation to the organisation's activities, or the activities of the organisation's officers, under the Act during the reporting period for the report, including—

(i) details about the resolution of the complaints, and

(ii) details of any disciplinary action taken against a person as a result of the complaints,

(m) details of the training provided by the organisation for the organisation's officers during the reporting period for the report,

(n) the following information about access applications made to the organisation under the *Government Information (Public Access) Act 2009*—

(i) the number of access applications,

(ii) the subject matter of each access application,

(o) details of the number of complaints made under the *Ombudsman Act 1974* about the organisation and appointed officers employed by the organisation, and the outcome of the complaints,

(p) a list of current memorandums of understanding or other service-level

agreements, however described, between the organisation and the State or another approved charitable organisation.

(3) In this section—

officer has the same meaning as in the Act, section 4(1), definition of ***officer***, paragraph (b).

reporting period, for a report, means the period in relation to which the report is prepared.

Part 6 Miscellaneous

42 Prohibited traps

(1) For the Act, section 23(1)—

(a) a glue trap is prescribed as a type of trap that must not be set unless the glue trap—

(i) has a cage or other protection which prevents an animal from contact with the glue, adhesive material or viscid substance used in the trap, or

(ii) is otherwise designed to prevent the capture of an animal in the trap, and

(b) the whole of New South Wales is prescribed as the part of New South Wales in which the trap must not be set.

(2) In this section—

glue trap means a trap that—

(a) is capable of trapping an animal, and

(b) uses glue, adhesive material or viscid substance that is non-drying as the mode of capture.

43 Prohibited electrical devices

For the Act, section 16(1), definition of ***electrical device***, a device of a type listed in Schedule 3, Column 1 is an electrical device unless the device is used for a purpose or in the circumstances specified in Schedule 3, Column 2.

44 Exemptions for rodeos from particular prohibitions—the Act, s 35(2)(d)

(1) A person is exempt from the Act, section 18(1) in relation to—

(a) using premises, or managing or controlling premises that are used, for the purposes of a rodeo, or

(b) if the person is an owner of premises—authorising the premises to be used for the

purposes of a rodeo, or

(c) receiving money for the admission of another person to premises that are used for the purposes of a rodeo.

(2) A person is exempt from the Act, sections 18A and 20 in relation to advertising, promoting or taking part in a rodeo.

(3) An exemption under this section is subject to the condition that the rodeo is at all times conducted in accordance with the relevant Code of Practice.

(4) However, a person does not lose the benefit of the exemption 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 the relevant Code of Practice.

(5) In this section—

relevant Code of Practice means the document titled *Code of Practice for the Welfare of Animals Used in Rodeo Events* approved on 30 April 1988 by the Animal Welfare Advisory Council and published on the Department's website.

rodeo means an exhibition, competition, spectacle or display, whether or not conducted for the purpose of gain, involving cattle or horses, but not another type of animal, that includes 1 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 a similar activity involving unbroken horses.

45 Exemption from prohibition on steeplechasing and hurdle racing—the Act, s 35(2)(d)

A person who organises or participates in a steeplechase or hurdle race is exempt from the Act, section 21C if the race is organised so that no horse in the race can approach or attempt to jump a particular obstacle or hurdle at the same time as another horse in the race.

46 Exemption in relation to providing animals with drink during transport—the Act, s 35(2)(d)

(1) A person who is subject to, and complies with, the requirements of the relevant

Standards for providing an animal with access to water during the transport process, within the meaning of the Standards, is exempt from the Act, section 8(1) in relation to providing the animal with drink during the transport process.

(2) A person does not lose the benefit of the exemption under this section 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 the relevant Standards.

(3) In this section—

relevant Standards means the *Prevention of Cruelty to Animals (Land Transport of Livestock) Standards 2013 No 2* approved by the Minister and published on the NSW legislation website.

47 Conveyance of stock animals—the Act, s 35(1)(a)(ii)

(1) A person must not carry or convey a large stock animal in a cage or vehicle, or, if the person is in charge of the 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 a part of the animal coming into contact with the roof, ceiling or cover of the cage or vehicle.

Maximum penalty—

(a) for an individual—25 penalty units, or

(b) otherwise—100 penalty units.

(2) In this section—

large stock animal means an animal that belongs to any of the following classes of animal—

(a) cattle,

(b) horses,

(c) sheep,

(d) goats,

(e) pigs,

(f) deer.

48 Use of animals in films and theatrical performances—the Act, s 35(1)(a)(iv)

(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, other than in accordance with the relevant Code of Practice.

Maximum penalty—

(a) for an individual—25 penalty units, or

(b) otherwise—100 penalty units.

(2) A person does not commit an offence under subsection (1) 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 the relevant Code.

(3) In this section—

relevant Code of Practice means the document titled *Code of Practice for the Welfare of Animals in Films and Theatrical Performances* approved on 3 February 1997 by the Animal Welfare Advisory Council and published on the Department's website.

49 Fee for application for exemption—the Act, s 23N

For the Act, section 23N(2)(d), the prescribed fee is $550.

50 Report required by exemption holders—the Act, s 23Q

For the Act, section 23Q(1)(d), the following matters in relation to the relevant reporting period are prescribed—

(a) whether the exemption holder has made any notifications under the Act, section 23Q(1)(b) and, if applicable, the details of the notifications,

(b) details of any breeding activities on the dog premises, including—

(i) the breeds of dogs bred on the dog premises, and

(ii) the total number of dogs bred on the dog premises, and

(iii) the total number of female adult dogs on the dog premises,

(c) details of the proper and sufficient care provided to female adult dogs and dogs bred on the dog premises, including the total number of dogs that required veterinary care,

(d) the total number of dogs that were—

(i) euthanised, or

(ii) sold, rehomed or otherwise no longer kept on the dog premises.

51 Code of practice for exemption holders—the Act, s 23Q

For the Act, section 23Q(1)(g), the prescribed code of practice is the *Animal Welfare Code of Practice Breeding Dogs and Cats*, ISBN 978-1-76058-463-4, published in August 2021 by the Department of Primary Industries.

52 Savings

An act, matter or thing that, immediately before the repeal of the *Prevention of Cruelty to Animals Regulation 2012*, had effect under that regulation continues to have effect under this regulation.

Schedule 1 Animal trades and relevant Codes of Practice and Standards

sections 31 and 32

Column 1 Animal trade	Column 2 Code of Practice and Standards
Pet shop—being a business in the course of which an animal is kept in a shop, or a booth or stall in a market or at a fair, for the purposes of sale	*NSW Animal Welfare Code of Practice No 4—Keeping and Trading of Birds*, published in October 1996 by NSW Agriculture *Animal Welfare Code of Practice—Animals in Pet Shops*, published in August 2008 by the Department of Primary Industries
Animal boarding establishment—being a business in the course of which dogs or cats are boarded for fee or reward	*NSW Animal Welfare Code of Practice No 5—Dogs and Cats in Animal Boarding Establishments*, published in 1996 by NSW Agriculture
Animal breeding establishment—being a business in the course of which dogs or cats are bred for fee or reward	*Animal Welfare Code of Practice—Breeding Dogs and Cats*, published in August 2021 by the Department of Primary Industries
Animal transport establishment—being a business in the course of which dogs, cats and other domestic pets are transported for fee or reward	*NSW Animal Welfare Code of Practice No 1—Companion Animal Transport Agencies*, published in October 1996 by NSW Agriculture
Pet grooming establishment—being a business in the course of which dogs or cats are groomed for fee or reward	*NSW Animal Welfare Code of Practice No 8—Animals in Pet Grooming Establishments*, published in October 1996 by NSW Agriculture
Security dog business—being a business in the course of which 3 or more dogs are used for the purpose of guarding premises for fee or reward	*NSW Animal Welfare Code of Practice No 9—Security dogs*, published in October 1996 by NSW Agriculture
Security dog training establishment—being a business in the course of which dogs are trained as security dogs	*NSW Animal Welfare Code of Practice No 9—Security Dogs*, published in October 1996 by NSW Agriculture

Boarding stable—being a business in the course of which horses are boarded for fee or reward	*NSW Animal Welfare Code of Practice No 3—Horses in riding centres and boarding stables*, published in October 1996 by NSW Agriculture
Riding centre—being a business in the course of which horses are hired out for riding	*NSW Animal Welfare Code of Practice No 3—Horses in riding centres and boarding stables*, published in October 1996 by NSW Agriculture
Commercial pig establishment—being a business in the course of which pigs are kept or used for commercial purposes	*Animal Welfare Code of Practice—Commercial Pig Production*, published in December 2009 by Industry and Investment NSW
Land transport of livestock—being 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 2*, approved by the Minister and published on the NSW legislation website

Schedule 2 Penalty notice offences

Section 39

Column 1	**Column 2**	**Column 3**
Provision of the Act	**Penalty (for individuals)**	**Penalty (otherwise)**
Section 5	$1,000	$5,000
Section 7(1)	$500	$2,500
Section 7(2)	$500	$2,500
Section 7(2A)	$500	—
Section 8(1)	$500	$2,500
Section 9(1)	$500	$2,500
Section 10(1)	$500	$2,500
Section 10(2)	$500	$2,500
Section 10(3)	$500	$2,500
Section 11	$1,000	$5,000
Section 12(1)	$1,000	$5,000
Section 12A(1)	$250	—
Section 12A(2)	$250	—
Section 12A(3)	$250	—
Section 13	$1,000	$5,000
Section 14	$500	—
Section 16(2)	$1,000	$5,000

Section 17	$1,000	$5,000
Section 18(1)	$1,000	$5,000
Section 18(2)(a)	$1,000	$5,000
Section 18(2)(c)	$1,000	$5,000
Section 18A	$1,000	$5,000
Section 19	$1,000	$5,000
Section 19A(2)	$1,000	$5,000
Section 19A(3)	$1,000	$5,000
Section 20	$1,000	$5,000
Section 21A	$1,000	$5,000
Section 21B	$1,000	$5,000
Section 21C	$1,000	$5,000
Section 23(1)	$1,000	$5,000
Section 23(2)	$1,000	$5,000
Section 23A(1)	$1,000	$5,000
Section 23D(1)	$1,000	$5,000
Section 24A(2)	$250	—
Section 24AE(4)	$500	—
Section 24G(3)	$250	—
Section 24N(2)	$500	$2,500
Section 28A	$500	—

Column 1	**Column 2**	**Column 3**
Provision of this regulation	**Penalty (for individuals)**	**Penalty (otherwise)**
Section 6(2)	$500	$2,500
Section 7(1)	$500	$2,500
Section 8(1)	$500	$2,500
Section 9(1)	$500	$2,500
Section 10(1)	$500	$2,500
Section 11	$500	$2,500
Section 12(1)	$500	$2,500

Section 12(2)	$500	$2,500
Section 12(3)	$500	$2,500
Section 13(1)	$500	$2,500
Section 14(1)	$500	$2,500
Section 14(2)	$500	$2,500
Section 14(3)	$500	$2,500
Section 15(1)	$500	$2,500
Section 16(1)	$500	$2,500
Section 17(2)	$500	$2,500
Section 17(4)	$500	$2,500
Section 18(1)	$500	$2,500
Section 19	$500	$2,500
Section 20(1)	$500	$2,500
Section 21	$500	$2,500
Section 23	$500	—
Section 24	$500	$2,500
Section 32(1)	$500	$2,500
Section 32(2)	$500	—
Section 47(1)	$500	$2,500
Section 48(1)	$500	$2,500

Schedule 3 Electrical devices

Section 43

Column 1	**Column 2**
Type of device	**Purpose for or circumstances in which not electrical device**
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 or sheep 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 Loading or unloading weaned pigs onto or from a vehicle for transportation purposes
Electric fence	Confining, controlling or protecting animals other than 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 other than poultry
Electric fightback lure	Training coursing dogs
Electro-fishing device	Catching species of fish 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 at least 1.5m high
Canine invisible boundary	Confining dogs, but only if used inside a fence through which dogs cannot pass and that is at least 1.5m 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 the device is being used cannot move away from the device	