

## Animal Welfare Regulations 2008

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Animal Welfare Act 1993*.

22 December 2008

PETER G. UNDERWOOD

Governor

By His Excellency's Command,

D. E. LLEWELLYN

Minister for Primary Industries and Water

### 1. Short title

These regulations may be cited as the *Animal Welfare Regulations 2008*.

### 2. Commencement

These regulations take effect on 1 January 2009.

### 3. Interpretation

In these regulations –

"**Act**" means the *Animal Welfare Act 1993*;

"**baffle**" means a metal shield attached to, and protruding into, the inside lower front of a cage used to keep laying fowl;

"**drinker**" means –

(a) a cup that –

(i) is attached to a water line; and

(ii) has a lever or other device in it; and

(iii) is filled with water if pressure is applied to the lever or device; or

(b) a nipple that is attached to a water line;

"**laying fowl**" means a female animal of the species *Gallus gallus* of at least 18 weeks of age;

"**therapeutic purposes**" means the purposes of treating a disease or medical condition;

"**year**" means a calendar year.

### 4. Prescribed animal

For paragraph (b) of the definition of "animal" in section 3 of the Act, a creature of the class *Cephalopoda* is prescribed as an animal for the purposes of Part 4 of the Act.

## **5. Prescribed acts constituting cruelty to animals**

(1) In this regulation –

"docking" means removal, by surgical or non-surgical means;

"dog" means an animal of the species *Canis familiaris*.

(2) For section 8(2)(k) of the Act, the following are prescribed acts:

(a) the strangling of an animal with a device or by any other means;

(b) the docking of all or part of the tail of a dog;

(c) causing or permitting the docking of all or part of the tail of a dog.

(3) Subregulation (2)(b) does not apply to a veterinary surgeon who, using anaesthesia, docks all or part of the tail of a dog for therapeutic purposes.

(4) Subregulation (2)(c) does not apply to a person who causes or permits a veterinary surgeon, using anaesthesia, to dock all or part of the tail of a dog for therapeutic purposes.

## **6. Prescribed Rodeo Code of Practice**

For section 11A(1)(a) of the Act, the prescribed Code of Practice for rodeos is the "National Consultative Committee of Animal Welfare (NCCAW) Standards for the Care and Treatment of Rodeo Livestock" published by the Commonwealth Department of Agriculture, Fisheries and Forestry on 10 June 2006, as amended or substituted from time to time.

## **7. Inspector may determine if procedure is animal research**

An inspector may determine whether or not a procedure, test, experiment, inquiry or study on an animal is animal research for the purposes of the Act.

## **8. Use of electrical current**

A person, except a veterinary surgeon registered under the *Veterinary Surgeons Act 1987*, must not restrain an animal by the use of a pulsed, low-frequency electrical current.

Penalty:

Fine not exceeding 50 penalty units.

## **9. Floor area requirements for cages used to keep laying fowls**

A person must not keep laying fowls in a cage unless the floor area of the cage, including the floor area under the baffle, is at least –

(a) 1 000 square centimetres, if one laying fowl is in the cage; or

**(b)** 675 square centimetres for each laying fowl, if 2 laying fowls are in the cage; or

**(c)** 550 square centimetres for each laying fowl, if –

**(i)** 3 or more laying fowls are in the cage; and

**(ii)** the average weight of the laying fowls is less than 2.4 kilograms; or

**(d)** 600 square centimetres for each laying fowl, if –

**(i)** 3 or more laying fowls are in the cage; and

**(ii)** the average weight of the laying fowls is 2.4 kilograms or more.

Penalty:

Fine not exceeding 20 penalty units.

#### **10. Further requirements for cages used to keep laying fowls**

**(1)** A person must not keep laying fowls in a cage unless the floor of the cage provides support for each forward-pointing toe of each of those laying fowls.

Penalty:

Fine not exceeding 20 penalty units.

**(2)** If 2 or more cages are arranged in vertical tiers, a person must not keep laying fowls in any of those cages unless each of those laying fowls –

**(a)** is visible to an extent that allows a person inspecting the laying fowl to make a general assessment about the laying fowl's health and wellbeing; and

**(b)** can easily be removed from the cage; and

**(c)** is protected from excreta from laying fowls, if any, kept in a cage on a higher tier of the arrangement.

Penalty:

Fine not exceeding 20 penalty units.

**(3)** A person must not keep laying fowls in a cage unless –

**(a)** each of those laying fowls can reasonably access –

**(i)** a food trough; and

**(ii)** either a water trough or 2 or more drinkers; and

**(b)** the length of the food trough allows a space of at least 10 centimetres for each of those laying fowls; and

(c) if a water trough is used, the length of the water trough allows a space of at least 10 centimetres for each of those laying fowls.

Penalty:

Fine not exceeding 20 penalty units.

(4) A person must not keep laying fowls in a cage unless –

(a) the height of the cage is –

(i) more than the height of each of those laying fowls; and

(ii) at least 40 centimetres for not less than 65% of the floor area of the cage; and

(iii) not less than 35 centimetres at any point; and

(b) the width of the door of the cage is –

(i) if the width of the cage is 50 centimetres or less, the same width as the cage; or

(ii) if the width of the cage is more than 50 centimetres, not less than 50 centimetres; and

(c) the height of the door of the cage is not less than the height of the cage less –

(i) the height of the food trough; and

(ii) the height of the baffle; and

(iii) the height of any fixed horizontal framework from which the cage door is hinged.

Penalty:

Fine not exceeding 20 penalty units.

## 11. Prescribed penalties for infringement notices

The prescribed penalty for an offence specified in an infringement notice served on a person in accordance with [section 43A](#) of the Act is 2 penalty units.

## 12. Licence application fees

The fees specified in [Schedule 1](#) are payable in respect of an application for a licence to carry out animal research.

### SCHEDULE 1 - Fees

[Regulation 12](#)

Kind of application	Fee (on application) for each year of licence
1. Institutions based in Tasmania employing not more than 3 persons and	180 fee units

	having not more than 4 animal research project proposals each year	
2.	Institutions based in Tasmania employing 4 or more persons	360 fee units
3.	Institutions based in Tasmania with 5 or more animal research project proposals each year	360 fee units
4.	Institutions based outside Tasmania with own Animal Experimentation Ethics Committee	90 fee units
5.	Institutions based outside Tasmania without own Animal Experimentation Ethics Committee and having not more than 4 animal research project proposals each year	180 fee units
6.	Institutions based outside Tasmania without own Animal Experimentation Ethics Committee and having 5 or more animal research project proposals each year	180 fee units
7.	Institutions established solely for charitable purposes and not for profit or gain	Nil

Displayed and numbered in accordance with the [Rules Publication Act 1953](#).

Notified in the *Gazette* on 31 December 2008.

These regulations are administered in the Department of Primary Industries and Water.

**Table Of Amendments**

<b>Citation</b>	<b>Serial Number</b>	<b>Date of commencement</b>
Animal Welfare Regulations 2008	S.R. 2008, No. 166	1.1.2009