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Animal Welfare (Pigs) Regulations 2013

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Animal Welfare (Pigs) Regulations 2013

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 .

17 June 2013

PETER G. UNDERWOOD

Governor

By His Excellency's Command,

BRYAN GREEN

Minister for Primary Industries and Water

PART 1 - Preliminary

1. Short title

These regulations may be cited as the Animal Welfare (Pigs) Regulations 2013 .

2. Commencement

These regulations take effect on 1 July 2013.

3. Interpretation

In these regulations –

Act means the Animal Welfare Act 1993 ;

adult pig means a pig that is more than 9 months of age;

boar means an uncastrated male adult pig;

competent stockperson – see regulation 4 ;

creep area means a separate area adjacent to a farrowing crate that is designed to protect the piglets from crushing or overlying by the sow and which may be heated to provide for the welfare of piglets;

direct supervision – see regulation 5 ;

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;

farrowing crate means an enclosure in which –

(a) a sow is confined in anticipation of giving birth to piglets; and

(b) the sow remains confined during and after giving birth; and

(c) while the sow is so confined, the sow is unable to turn around within the enclosure;

lactating sow means a sow that has given birth and is producing milk to feed her piglets or any piglets being fostered by the sow;

mated gilt means a young female pig that has been mated but has not had her first litter and has not had a pregnancy confirmed;

pen means an enclosure in which a pig is able to turn around and move freely;

pig means an animal of the genus *sus*, including the species *sus scrofa domestica*;

sow means –

(a) a female adult pig that has had one or more litters; or

(b) a mated gilt with a confirmed pregnancy;

special care, for a sow, means –

(a) a special nutritional regime administered for a limited period for the purpose of restoring the sow's health or body condition; or

(b) the administration of a health treatment that requires the sow to be confined for her own welfare;

stall means an enclosure, other than a farrowing crate –

- (a) that is used to confine a pig; and
- (b) that the pig is unable to turn around in.

4. Meaning of competent stockperson

For these regulations, a competent stockperson is a person who –

- (a) holds a tertiary qualification in veterinary science or agriculture; or
- (b) holds –
 - (i) a Certificate III in Agriculture (Pig Production) issued by the Australian Qualification Network; or
 - (ii) a qualification that the Minister determines is equivalent to that certificate; or
- (c) has, for a period of at least 12 months, cared for pigs kept for commercial purposes and is able to provide evidence, to the satisfaction of the Minister, of practical training and experience in all of the following areas:
 - (i) moving and handling pigs;
 - (ii) inspecting and assessing the health and wellbeing of pigs;
 - (iii) carrying out vaccinations and other health treatments in accordance with regulation 12 ;
 - (iv) carrying out husbandry procedures in accordance with regulation 13 ;
 - (v) humane destruction of pigs in accordance with regulation 16 ;
 - (vi) maintaining records of inspections and assessments of pigs.

5. Meaning of direct supervision

For these regulations, a person (*the supervised person*) is acting under the direct supervision of a competent stockperson if the competent stockperson –

- (a) is on the same premises as the supervised person while the supervised activity is being undertaken; and
- (b) provides instructions and guidance to the supervised person in relation to the supervised activity; and
- (c) oversees and evaluates the performance of the supervised activity by the supervised person including conducting regular personal progress checks on the performance of the activity; and
- (d) is able to render assistance immediately to the supervised person, if required, at any time during which the supervised activity is being undertaken.

PART 2 - Pigs Generally

6. Pigs to be cared for by skilled and competent persons

A person who keeps pigs for commercial purposes must ensure that the pigs are cared for by –

- (a) a competent stockperson; or
- (b) a person who is acting under the direct supervision of a competent stockperson.

Penalty: In the case of –

- (a) [Regulation 6 Amended by No. 18 of 2015, s. 40, Applied:24 Jun 2015] a body corporate, a fine not exceeding 100 penalty units; or
- (b) [Regulation 6 Amended by No. 18 of 2015, s. 40, Applied:24 Jun 2015] a natural person, a fine not exceeding 50 penalty units.

7. Pigs to be inspected at least once each day

(1) Subject to subregulation (2), a person who keeps pigs must ensure that the pigs are inspected at least once each day to ensure the general health and wellbeing of the pigs.

Penalty: In the case of –

- (a) [Regulation 7 Subregulation (1) amended by No. 18 of 2015, s. 41, Applied:24 Jun 2015] a body corporate, a fine not exceeding 100 penalty units; or
- (b) [Regulation 7 Subregulation (1) amended by No. 18 of 2015, s. 41, Applied:24 Jun 2015] a natural person, a fine not exceeding 50 penalty units.

(2) An inspection of pigs under subregulation (1) must be performed by a competent stockperson if the pigs are kept for commercial purposes.

8. Tethering of pigs prohibited

A person must not tether a pig or cause or allow a pig to be tethered.

Penalty: In the case of –

- (a) [Regulation 8 Amended by No. 18 of 2015, s. 42, Applied:24 Jun 2015] a body corporate, a fine not exceeding 100 penalty units; or
- (b) [Regulation 8 Amended by No. 18 of 2015, s. 42, Applied:24 Jun 2015] a natural person, a fine not exceeding 50 penalty units.

9. Use of electric prodders prohibited

(1) In this regulation –

electric prodder means a handheld device used to deliver an electric shock.

(2) [Regulation 9 Subregulation (2) amended by No. 17 of 1996, Applied:21 May 2014] A person must not use an electric prodder on a pig, or cause or allow another person to use an electric prodder on a pig, except in accordance with the Animal Welfare (Land Transport of Livestock) Regulations 2013 .

Penalty: In the case of –

- (a) [Regulation 9 Subregulation (2) amended by No. 18 of 2015, s. 43, Applied:24 Jun 2015] a body corporate, a fine not exceeding 100 penalty units; or

(b) [Regulation 9 Subregulation (2) amended by No. 18 of 2015, s. 43, Applied:24 Jun 2015] a natural person, a fine not exceeding 50 penalty units.

10. Boars

(1) In this regulation –

exercise includes mating or other activities associated with breeding.

(2) A person who keeps a boar in a stall must release the boar from the stall at least 2 times each week for adequate exercise.

Penalty: In the case of –

(a) [Regulation 10 Subregulation (2) amended by No. 18 of 2015, s. 44, Applied:24 Jun 2015] a body corporate, a fine not exceeding 100 penalty units; or

(b) [Regulation 10 Subregulation (2) amended by No. 18 of 2015, s. 44, Applied:24 Jun 2015] a natural person, a fine not exceeding 50 penalty units.

(3) A person who keeps boars must ensure that any boars that are run in groups are monitored daily to ensure that there is no aggression between boars or injury to an animal.

Penalty: In the case of –

(a) [Regulation 10 Subregulation (3) amended by No. 18 of 2015, s. 44, Applied:24 Jun 2015] a body corporate, a fine not exceeding 100 penalty units; or

(b) [Regulation 10 Subregulation (3) amended by No. 18 of 2015, s. 44, Applied:24 Jun 2015] a natural person, a fine not exceeding 50 penalty units.

11. Risk management system required

(1) In this regulation –

risk management system, in relation to the keeping of pigs, means a system of documented strategies and procedures for identifying, monitoring, mitigating and effectively managing hazards to the pigs, the pigs' food and water supply and to the systems that control the temperature and ventilation of the pigs' environment.

(2) A person who keeps more than one pig must keep a written, or electronic, record of all risk management strategies and procedures in place to ensure the welfare of the pigs in the person's care or control.

Penalty: In the case of –

(a) [Regulation 11 Subregulation (2) amended by No. 18 of 2015, s. 45, Applied:24 Jun 2015] a body corporate, a fine not exceeding 100 penalty units; or

(b) [Regulation 11 Subregulation (2) amended by No. 18 of 2015, s. 45, Applied:24 Jun 2015] a natural person, a fine not exceeding 50 penalty units.

(3) Without limiting subregulation (2) , a risk management system is to specify strategies and procedures to ensure that –

(a) all mechanical equipment necessary to provide food and water to the pigs, and to control the temperature and ventilation of the pigs' environment, is inspected daily; and

(b) an alternative means of providing food and water and controlling the temperature and ventilation of the pigs' environment is in place in the event of a breakdown of that mechanical equipment; and

(c) heat-distressed pigs are identified and cooled down appropriately in the circumstances; and

(d) appropriate written instructions are given to workers; and

(e) forms, for recording the completion of tasks, are completed to allow for an audit of the risk management system.

PART 3 - Health and Monitoring

12. Vaccinations and other health treatments to be administered by competent persons

(1) In this regulation –

health treatment means a treatment consisting of the administration of any medication, whether by oral, injection, topical application or other means, other than the administration of medication by –

- (a) application to the external body surface of the pig; or
- (b) oral means that do not require oesophageal intubation of the pig for the medication to be administered.

(2) A person who keeps pigs must not allow a vaccination or other health treatment to be administered to one of those pigs unless it is administered by –

- (a) a veterinary surgeon; or
- (b) a competent stockperson who is experienced in the administration of the vaccination or the relevant health treatment; or
- (c) a person who is acting under the direct supervision of a person referred to in paragraph (a) or (b) .

Penalty: In the case of –

- (a) [Regulation 12 Subregulation (2) amended by No. 18 of 2015, s. 46, Applied:24 Jun 2015] a body corporate, a fine not exceeding 100 penalty units; or
- (b) [Regulation 12 Subregulation (2) amended by No. 18 of 2015, s. 46, Applied:24 Jun 2015] a natural person, a fine not exceeding 50 penalty units.

13. Husbandry procedures to be carried out by competent persons

(1) In this regulation –

elective husbandry procedure means –

- (a) castration; or
- (b) tail docking; or
- (c) clipping of needle teeth; or
- (d) nose ringing; or
- (e) marking for purposes of permanent identification; or
- (f) back fat measurement; or
- (g) pregnancy diagnosis; or
- (h) tusk trimming.

(2) A person who keeps pigs must not cause or allow an elective husbandry procedure to be performed on one of those pigs unless it is performed by –

- (a) a veterinary surgeon; or
- (b) a competent stockperson who is experienced in performing the relevant elective husbandry procedure; or
- (c) a person who is acting under the direct supervision of a person referred to in paragraph (a) or (b) .

Penalty: In the case of –

(a) [Regulation 13 Subregulation (2) amended by No. 18 of 2015, s. 47, Applied:24 Jun 2015] a body corporate, a fine not exceeding 100 penalty units; or

(b) [Regulation 13 Subregulation (2) amended by No. 18 of 2015, s. 47, Applied:24 Jun 2015] a natural person, a fine not exceeding 50 penalty units.

14. Sterilisation to be performed with anaesthesia

(1) In this regulation –

sterilisation procedure means surgery performed for the purpose of rendering a pig infertile.

(2) A person who keeps pigsmust not cause or allow a sterilisation procedure to be performed on a pig unless the procedure –

(a) is performed under anaesthesia; and

(b) is performed by –

(i) a veterinary surgeon; or

(ii) a veterinary student, within the meaning of the Veterinary Surgeons Act 1987 , who is acting under the direct supervision of a veterinary surgeon.

Penalty: In the case of –

(a) [Regulation 14 Subregulation (2) amended by No. 18 of 2015, s. 48, Applied:24 Jun 2015] a body corporate, a fine not exceeding 100 penalty units; or

(b) [Regulation 14 Subregulation (2) amended by No. 18 of 2015, s. 48, Applied:24 Jun 2015] a natural person, a fine not exceeding 50 penalty units.

(3) Subregulation (2) does not apply to a sterilisation procedure performed by a veterinary surgeon, or a competent stockperson, on a male pig that is 21 days old or younger.

15. Herd health program required

(1) In this regulation –

herd health program, in respect of more than one pig kept together, means a documented management program that identifies potential health risks to the pigs and provides for relevant action to be taken to prevent or minimise those risks.

(2) A person who keeps more than one pig must ensure that a herd health program is in place to manage biosecurity risks associated with those pigs.

Penalty: In the case of –

(a) [Regulation 15 Subregulation (2) amended by No. 18 of 2015, s. 49, Applied:24 Jun 2015] a body corporate, a fine not exceeding 100 penalty units; or

(b) [Regulation 15 Subregulation (2) amended by No. 18 of 2015, s. 49, Applied:24 Jun 2015] a natural person, a fine not exceeding 50 penalty units.

16. Humane destruction of pigs

(1) A person who keeps pigsmust not cause or allow a pig to be destroyed under these regulations unless the destruction is carried out humanely by –

(a) a veterinary surgeon; or

(b) a competent stockperson who is suitably trained in the humane destruction of pigs; or

(c) a person who is acting under the direct supervision of a person referred to in paragraph (a) or (b) .

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 100 penalty units; or
 - (b) a natural person, a fine not exceeding 50 penalty units.
- (2) It is a defence in proceedings for an offence under subregulation (1) if the defendant establishes that –
- (a) the pig was humanely destroyed; and
 - (b) it was not possible to find a vet or competent stockperson within a reasonable time; and
 - (c) the delay waiting for a vet or competent stockperson would have caused undue suffering to the pig.
- (3) For this regulation, a pig is humanely destroyed if –
- (a) the pig is rendered suddenly unconscious; and
 - (b) the death of the pig occurs while it is unconscious.

17. Diseased or injured pigs to be under veterinary care or humanely destroyed

A person who keeps pigs must ensure that if a pig in that person's care or charge has an incurable illness or disease, serious injury or painful deformity, the pig –

- (a) is provided with appropriate veterinary care; or
- (b) is humanely destroyed in accordance with regulation 16 .

Penalty: In the case of –

- (a) [Regulation 17 Amended by No. 18 of 2015, s. 50, Applied:24 Jun 2015] a body corporate, a fine not exceeding 100 penalty units; or
- (b) [Regulation 17 Amended by No. 18 of 2015, s. 50, Applied:24 Jun 2015] a natural person, a fine not exceeding 50 penalty units.

18. Piglets to be checked to ensure suckling

(1) In this regulation –

appropriate substitute, for colostrum, means –

- (a) a commercially prepared colostrum substitute or replacer designed specifically for pigs; or
- (b) a substitute that has been recommended for piglets by a veterinary surgeon.

(2) A person who keeps pigs must ensure that all piglets within the person's care or charge are checked, within 24 hours of birth, to ensure they are suckling from the sow.

Penalty: In the case of –

- (a) [Regulation 18 Subregulation (2) amended by No. 18 of 2015, s. 51, Applied:24 Jun 2015] a body corporate, a fine not exceeding 100 penalty units; or
- (b) [Regulation 18 Subregulation (2) amended by No. 18 of 2015, s. 51, Applied:24 Jun 2015] a natural person, a fine not exceeding 50 penalty units.

(3) A person who keeps pigs must ensure that any piglet within the person's care or charge receives colostrum or an appropriate substitute within 24 hours of its birth.

Penalty: In the case of –

- (a) [Regulation 18 Subregulation (3) amended by No. 18 of 2015, s. 51, Applied:24 Jun 2015] a body corporate, a fine not exceeding 100 penalty units; or
- (b) [Regulation 18 Subregulation (3) amended by No. 18 of 2015, s. 51, Applied:24 Jun 2015] a natural person, a fine not exceeding 50 penalty units.

19. Weaners to be fed twice a day

(1) In this regulation –

weaner means a pig that has been weaned from the sow and weighs less than 30 kilograms.

(2) A person who keeps pigs must ensure that any weaner within the person's care or charge is provided with, and has access to, feed at least twice each day.

Penalty: In the case of –

(a) [*Regulation 19 Subregulation (2) amended by No. 18 of 2015, s. 52, Applied:24 Jun 2015*] a body corporate, a fine not exceeding 100 penalty units; or

(b) [*Regulation 19 Subregulation (2) amended by No. 18 of 2015, s. 52, Applied:24 Jun 2015*] a natural person, a fine not exceeding 50 penalty units.

PART 4 - Accommodation

20. Accommodation to provide sufficient shelter and protection

A person who keeps pigs must ensure that the pigs are housed in accommodation that is constructed and maintained so as to provide sufficient protection for the pigs from adverse weather, injuries and predators.

Penalty: In the case of –

- (a) [Regulation 20 Amended by No. 18 of 2015, s. 53, Applied:24 Jun 2015] a body corporate, a fine not exceeding 100 penalty units; or
- (b) [Regulation 20 Amended by No. 18 of 2015, s. 53, Applied:24 Jun 2015] a natural person, a fine not exceeding 50 penalty units.

21. Accommodation with automatic ventilation system

(1) In this regulation –

automatic forced-ventilation environment system means a fully enclosed system that provides ventilation by means of electric fans.

(2) A person who keeps pigs in accommodation that uses an automatic forced-ventilation environment system must ensure that –

- (a) the system –
 - (i) has a secondary source of power that operates automatically in the event of a failure of the primary source of power; and
 - (ii) has a mechanism that alerts a person to the failure of the primary source of power; and
- (b) the accommodation is able to be opened up manually to provide sufficient natural ventilation for the pigs.

Penalty: In the case of –

- (a) [Regulation 21 Subregulation (2) amended by No. 18 of 2015, s. 54, Applied:24 Jun 2015] a body corporate, a fine not exceeding 100 penalty units; or
- (b) [Regulation 21 Subregulation (2) amended by No. 18 of 2015, s. 54, Applied:24 Jun 2015] a natural person, a fine not exceeding 50 penalty units.

22. Accommodation with natural ventilation

(1) In this regulation –

automatic equipment to provide natural ventilation means a system that provides natural ventilation by means of shutters or fans that are controlled automatically by temperature sensors.

(2) A person who keeps pigs in accommodation that relies on automatic equipment to provide natural ventilation must ensure that the accommodation is inspected at least twice each day to check whether the ventilation equipment is functioning properly.

Penalty: In the case of –

- (a) [Regulation 22 Subregulation (2) amended by No. 18 of 2015, s. 55, Applied:24 Jun 2015] a body corporate, a fine not exceeding 100 penalty units; or
- (b) [Regulation 22 Subregulation (2) amended by No. 18 of 2015, s. 55, Applied:24 Jun 2015] a natural person, a fine not exceeding 50 penalty units.

(3) A person who keeps pigs in accommodation that relies on automatic equipment to provide natural ventilation must ensure that the accommodation is –

(a) fitted with –

(i) an effective alarm system to alert personnel to a power or mechanical failure to the primary ventilation equipment; or

(ii) alternative ventilation equipment that functions automatically in the event of a power or mechanical failure of the primary ventilation equipment; and

(b) able to be opened up manually to provide sufficient natural ventilation for the pigs.

Penalty: In the case of –

(a) *[Regulation 22 Subregulation (3) amended by No. 18 of 2015, s. 55, Applied:24 Jun 2015]* a body corporate, a fine not exceeding 100 penalty units; or

(b) *[Regulation 22 Subregulation (3) amended by No. 18 of 2015, s. 55, Applied:24 Jun 2015]* a natural person, a fine not exceeding 50 penalty units.

23. Accommodation to be kept clean

A person who keeps pigs must not allow excreta to accumulate in the pigs' accommodation to the extent that –

(a) there is no clean area for the pigs to lie down; or

(b) the health or wellbeing of the pigs is affected.

Penalty: In the case of –

(a) *[Regulation 23 Amended by No. 18 of 2015, s. 56, Applied:24 Jun 2015]* a body corporate, a fine not exceeding 100 penalty units; or

(b) *[Regulation 23 Amended by No. 18 of 2015, s. 56, Applied:24 Jun 2015]* a natural person, a fine not exceeding 50 penalty units.

24. Equipment to be maintained and inspected

(1) A person who keeps pigs must ensure that all mechanical equipment that is necessary for the provision of food and water to the pigs and to control the temperature and ventilation of the pigs' environment is inspected daily and maintained in good working order.

Penalty: In the case of –

(a) *[Regulation 24 Subregulation (1) amended by No. 18 of 2015, s. 57, Applied:24 Jun 2015]* a body corporate, a fine not exceeding 100 penalty units; or

(b) *[Regulation 24 Subregulation (1) amended by No. 18 of 2015, s. 57, Applied:24 Jun 2015]* a natural person, a fine not exceeding 50 penalty units.

(2) A person who keeps pigs must ensure that any equipment that a pig may have access to is designed and maintained to minimise, as far as is possible, risk of injury or death to the pig.

Penalty: In the case of –

(a) *[Regulation 24 Subregulation (2) amended by No. 18 of 2015, s. 57, Applied:24 Jun 2015]* a body corporate, a fine not exceeding 100 penalty units; or

(b) *[Regulation 24 Subregulation (2) amended by No. 18 of 2015, s. 57, Applied:24 Jun 2015]* a natural person, a fine not exceeding 50 penalty units.

25. Electrical systems to be out of reach of pigs

A person who keeps pigs must ensure that electrical installations at mains voltage are –

- (a) properly earthed; and
- (b) inaccessible to the pigs.

Penalty: In the case of –

- (a) [Regulation 25 Amended by No. 18 of 2015, s. 58, Applied:24 Jun 2015] a body corporate, a fine not exceeding 100 penalty units; or
- (b) [Regulation 25 Amended by No. 18 of 2015, s. 58, Applied:24 Jun 2015] a natural person, a fine not exceeding 50 penalty units.

25A. Confinement of sows to stalls prohibited

[Regulation 25A Inserted by S.R. 2013, No. 36, Applied:01 Jul 2013]

(1) In this regulation –

reproductive cycle, of a sow, means the period commencing at oestrous and ending immediately before the sow is next in oestrous.

(2) A person must not keep a female pig in a stall except in accordance with a specific direction, made in respect of the female pig, by a veterinary surgeon.

Penalty: In the case of –

- (a) [Regulation 25A Subregulation (2) amended by No. 18 of 2015, s. 59, Applied:24 Jun 2015] a body corporate, a fine not exceeding 100 penalty units; or
- (b) [Regulation 25A Subregulation (2) amended by No. 18 of 2015, s. 59, Applied:24 Jun 2015] an individual, a fine not exceeding 50 penalty units.

(3) Subregulation (2) does not apply in relation to a female pig –

- (a) if the pig is kept in a stall, for the purpose of mating –
 - (i) for a period of not more than 5 consecutive days following each mating; and
 - (ii) for no more than a total of 10 days in each reproductive cycle; or
- (b) if the pig is kept in a stall, for one or more of the following purposes, for a period of not more than 3 hours a day in total:
 - (i) feeding;
 - (ii) vaccination or other animal husbandry procedure;
 - (iii) cleaning of the pen normally used to house the pig.

(4) A person who keeps a female pig in a stall, other than in accordance with subregulation (3)(b), must make a record of the following information and retain the record for a period of at least 5 years:

- (a) information that identifies the female pig kept in a stall;
- (b) the reason why the female pig was kept in the stall;
- (c) the dates and times the female pig was kept in the stall.

Penalty: In the case of –

- (a) [Regulation 25A Subregulation (4) amended by No. 18 of 2015, s. 59, Applied:24 Jun 2015] a body corporate, a fine not exceeding 100 penalty units; or
- (b) [Regulation 25A Subregulation (4) amended by No. 18 of 2015, s. 59, Applied:24 Jun 2015] an individual, a fine not exceeding 50 penalty units.

(5) This regulation does not apply to a person if –

(a) on the day the Animal Welfare (Pigs) Amendment Regulations 2013 commence, the person –

(i) keeps pigs for commercial purposes; and

(ii) has, in the 12 months immediately preceding the commencement of those regulations, kept a pig for such purposes in a stall; and

(b) after the commencement of those regulations, that person only keeps a female pig in a stall referred to in paragraph (a)(ii) .

(6) Subregulation (5) ceases to have effect on 1 January 2014.

26. Stalls &c. to be designed to prevent aggression between pigs

A person must not keep a pig in a stall or a farrowing crate unless the stall or crate is designed, positioned and managed, so far as is reasonably possible, to prevent aggression between pigs.

Penalty: In the case of –

(a) [Regulation 26 Amended by No. 18 of 2015, s. 60, Applied:24 Jun 2015] a body corporate, a fine not exceeding 100 penalty units; or

(b) [Regulation 26 Amended by No. 18 of 2015, s. 60, Applied:24 Jun 2015] a natural person, a fine not exceeding 50 penalty units.

27. Confinement of sows to farrowing crates restricted

(1) In this regulation –

emergency fostering means the fostering by a sow of another set of piglets, soon after she has raised her own, that is required due to the death or incapacity of another sow;

gestational cycle of a sow, means the period commencing at the time the sow is mated and ending immediately before the sow is mated again after the sow's piglets have been weaned.

(2) A person must not, during any one gestational cycle of a sow, keep the sow in a farrowing crate –

(a) if the sow is not providing emergency fostering, for more than a 42-day period that commences when the sow is confined in anticipation of farrowing and ends at whichever of the following occurs first:

(i) the expiry of the 42-day period;

(ii) the weaning of all the piglets in the litter; or

(b) if the sow is providing emergency fostering, for more than a 56-day period that commences when the sow is confined in anticipation of farrowing her own litter and ends at whichever of the following occurs first:

(i) the expiry of the 56-day period;

(ii) the weaning of all the piglets in the litter being fostered.

Penalty: In the case of –

(a) [Regulation 27 Subregulation (2) amended by No. 18 of 2015, s. 61, Applied:24 Jun 2015] a body corporate, a fine not exceeding 100 penalty units; or

(b) [Regulation 27 Subregulation (2) amended by No. 18 of 2015, s. 61, Applied:24 Jun 2015] a natural person, a fine not exceeding 50 penalty units.

(3) A person must not, during any one gestational cycle of a sow, require the sow to provide emergency fostering for more than one additional litter.

Penalty: In the case of –

(a) *[Regulation 27 Subregulation (3) amended by No. 18 of 2015, s. 61, Applied:24 Jun 2015]* a body corporate, a fine not exceeding 100 penalty units; or

(b) *[Regulation 27 Subregulation (3) amended by No. 18 of 2015, s. 61, Applied:24 Jun 2015]* a natural person, a fine not exceeding 50 penalty units.

(4) A sow that is providing emergency fostering must be provided with additional care and attention, such as increased nutrition and a higher level of supervision, so as to ensure the sow maintains good health for the duration of the emergency fostering.

Penalty: In the case of –

(a) *[Regulation 27 Subregulation (4) amended by No. 18 of 2015, s. 61, Applied:24 Jun 2015]* a body corporate, a fine not exceeding 100 penalty units; or

(b) *[Regulation 27 Subregulation (4) amended by No. 18 of 2015, s. 61, Applied:24 Jun 2015]* a natural person, a fine not exceeding 50 penalty units.

PART 5 - Minimum Space Requirements

28. Minimum space requirements for pigs generally

(1) In this regulation –

Model Code means the *Model Code of Practice for the Welfare of Animals: Pigs*, 3rd Edition, Primary Industries Standing Committee Report No. 92 (2008), as amended or substituted from time to time;

type of pig means the type of pig as determined under the Model Code.

(2) A person who keeps pigs must ensure that the area in which each pig is kept is at least the minimum floor area specified for that type of pig in the Model Code.

Penalty: In the case of –

(a) [Regulation 28 Subregulation (2) amended by No. 18 of 2015, s. 62, Applied:24 Jun 2015] a body corporate, a fine not exceeding 100 penalty units; or

(b) [Regulation 28 Subregulation (2) amended by No. 18 of 2015, s. 62, Applied:24 Jun 2015] a natural person, a fine not exceeding 50 penalty units.

29. Minimum space requirements for sows in farrowing crates

A person must not keep a lactating sow in a farrowing crate unless the farrowing crate –

(a) allows adequate room –

(i) for the sow to stand, lie down and get up without being obstructed by bars or fittings; and

(ii) for the sow to lie down with all limbs fully extended without being obstructed by bars or fittings; and

(iii) for the sow to give birth to and care for piglets without being obstructed by bars or fittings; and

(iv) for piglets to suckle when the sow is lying on either side of her body; and

(v) for the sow to have unobstructed and easy access to feed and water; and

(b) is designed so as to minimise the risk of the sow lying on piglets which could result in piglets being crushed, trapped or otherwise injured.

Penalty: In the case of –

(a) [Regulation 29 Amended by No. 18 of 2015, s. 63, Applied:24 Jun 2015] a body corporate, a fine not exceeding 100 penalty units; or

(b) [Regulation 29 Amended by No. 18 of 2015, s. 63, Applied:24 Jun 2015] a natural person, a fine not exceeding 50 penalty units.

30. Minimum space requirements for pigs kept in stalls

(1) A person must not keep a pig in a stall unless the stall allows adequate room for the pig to –

(a) stand, lie down and get up without being obstructed by bars or fittings; and

(b) lie down with all limbs fully extended without being obstructed by bars or fittings; and

(c) stand up without simultaneous contact with both sides of the stall; and

(d) lie down without simultaneous contact with the front and back ends of the stall; and

(e) feed while standing without contact with bars along the top of the stall.

Penalty: In the case of –

(a) *[Regulation 30 Subregulation (1) amended by No. 18 of 2015, s. 64, Applied:24 Jun 2015]* a body corporate, a fine not exceeding 100 penalty units; or

(b) *[Regulation 30 Subregulation (1) amended by No. 18 of 2015, s. 64, Applied:24 Jun 2015]* a natural person, a fine not exceeding 50 penalty units.

(2) A person must not keep a pig in a stall unless –

(a) the pig has easy access to –

(i) a food trough; and

(ii) either a water trough or a drinker; and

(b) the placement of the food trough and water trough, or food trough and drinker, does not interfere with the pig's ability to freely stand, stretch and lie down in the stall.

Penalty: In the case of –

(a) *[Regulation 30 Subregulation (2) amended by No. 18 of 2015, s. 64, Applied:24 Jun 2015]* a body corporate, a fine not exceeding 100 penalty units; or

(b) *[Regulation 30 Subregulation (2) amended by No. 18 of 2015, s. 64, Applied:24 Jun 2015]* a natural person, a fine not exceeding 50 penalty units.

PART 6 - Miscellaneous

31. Infringement notices

For the purposes of the Act, the applicable penalty for an infringement notice issued in respect of an offence specified in column 2 of the table in Schedule 1 is –

- (a) in the case of an infringement notice issued to an individual, the penalty specified in column 3 of that table for the offence; and
- (b) in the case of an infringement notice issued to a body corporate, the penalty specified in column 4 of that table for the offence.

SCHEDULE 1 - Infringement notices

Regulation 31

	Column 2 Offence	Column 3 Penalty (Individual) Penalty units	Column 4 Penalty (Body corporate) Penalty units
1.	Regulation 6	2	10
2.	Regulation 7(1)	2	10
3.	Regulation 8	2	10
4.	Regulation 9(2)	2	10
5.	Regulation 10(2)	2	10
6.	Regulation 10(3)	2	10
7.	Regulation 11(2)	2	10
8.	Regulation 12(2)	2	10
9.	Regulation 13(2)	2	10
10.	Regulation 14(2)	2	10
11.	Regulation 15(2)	2	10
12.	Regulation 16(1)	2	10
13.	Regulation 17	2	10
14.	Regulation 18(2)	2	10
15.	Regulation 18(3)	2	10
16.	Regulation 19(2)	2	10
17.	Regulation 20	2	10
18.	Regulation 21(2)	2	10
19.	Regulation 22(2)	2	10
20.	Regulation 22(3)	2	10
21.	Regulation 23	2	10
22.	Regulation 24(1)	2	10
23.	Regulation 24(2)	2	10
24.	Regulation 25	2	10
25.	Regulation 26	2	10
26.	Regulation 27(2)	2	10
27.	Regulation 27(3)	2	10
28.	Regulation 27(4)	2	10
29.	Regulation 28(2)	2	10
30.	Regulation 29	2	10
31.	Regulation 30(1)	2	10
32.	Regulation 30(2)	2	10

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

