

TASMANIA

ANIMAL WELFARE AMENDMENT BILL 2014

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ANIMAL WELFARE AMENDMENT BILL 2014

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

SHANE DONNELLY, *Clerk of the House*
21 April 2015

*(Brought in by the Minister for Primary Industries and Water,
the Honourable Jeremy Page Rockliff)*

A BILL FOR

**An Act to amend the *Animal Welfare Act 1993* and to
consequentially amend certain statutory rules**

Be it enacted by Her Excellency the Governor of Tasmania, by
and with the advice and consent of the Legislative Council and
House of Assembly, in Parliament assembled, as follows:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Animal Welfare
Amendment Act 2014*.

2. Commencement

This Act commences on the day on which this
Act receives the Royal Assent.

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Act No. of

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Part 1 – Preliminary

3. Repeal of Act

This Act is repealed on the three hundred and sixty fifth day from the day on which it commences.

4. Effect of certain consequential amendments

The amendment by this Act of a provision of any regulations made under any Act does not prevent that provision or any other provision of those regulations from being amended or rescinded by any subsequent regulations.

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Part 2 – Animal Welfare Act 1993 Amended

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PART 2 – ANIMAL WELFARE ACT 1993 AMENDED

5. Principal Act

In this Part, the *Animal Welfare Act 1993** is referred to as the Principal Act.

6. Section 7 amended (Management of animals)

Section 7 of the Principal Act is amended as follows:

- (a) by omitting from paragraph (a) of the penalty “500 penalty units” and substituting “1 000 penalty units”;
- (b) by omitting from paragraph (b) of the penalty “100 penalty units” and substituting “200 penalty units”.

7. Section 9 substituted

Section 9 of the Principal Act is repealed and the following section is substituted:

9. Aggravated cruelty

- (1) A person must not do any act, or omit to do any duty, referred to in section 8, if the person knows that, or is reckless as to whether, the act or omission will, or is reasonably likely to, result in –

*No. 63 of 1993

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Part 2 – Animal Welfare Act 1993 Amended

- (a) the death, deformity or serious disablement of an animal; or
- (b) harm to an animal that endangers the life of the animal; or
- (c) an injury to an animal that, either alone or in combination with the health of the animal at the time of the injury, results in a significant and longstanding injury to the animal.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 1 000 penalty units; or
 - (b) a natural person, a fine not exceeding 200 penalty units or imprisonment for a term not exceeding 60 months, or both.
- (2) It is not a defence in proceedings for an offence under this section if an animal is euthanised before –
- (a) the animal dies as a result of an act or omission referred to in subsection (1); or
 - (b) the full extent of the deformity, disablement, harm or injury to the animal as a result of that act or omission is known.

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Part 2 – Animal Welfare Act 1993 Amended

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8. Section 11 amended (Use of animals to train other animals)

Section 11 of the Principal Act is amended as follows:

- (a) by omitting from paragraph (a) of the penalty under subsection (1) “40 penalty units” and substituting “500 penalty units”;
- (b) by omitting from paragraph (b) of the penalty under subsection (1) “20 penalty units” and substituting “100 penalty units”;
- (c) by omitting from paragraph (b) of the penalty under subsection (1) “6 months” and substituting “12 months”;
- (d) by omitting from paragraph (a) of the penalty under subsection (2) “40 penalty units” and substituting “500 penalty units”;
- (e) by omitting from paragraph (b) of the penalty under subsection (2) “20 penalty units” and substituting “100 penalty units”;
- (f) by omitting from paragraph (b) of the penalty under subsection (2) “6 months” and substituting “12 months”.

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Part 2 – Animal Welfare Act 1993 Amended

9. Section 11A amended (Rodeos)

Section 11A of the Principal Act is amended as follows:

- (a) by omitting from paragraph (a) of the penalty under subsection (1) “200 penalty units” and substituting “250 penalty units”;
- (b) by omitting from paragraph (a) of the penalty under subsection (2) “200 penalty units” and substituting “250 penalty units”;
- (c) by omitting from paragraph (a) of the penalty under subsection (3) “200 penalty units” and substituting “250 penalty units”;
- (d) by omitting from paragraph (a) of the penalty under subsection (4) “200 penalty units” and substituting “250 penalty units”.

10. Section 12 amended (Traps)

Section 12(1) of the Principal Act is amended by omitting the penalty and substituting the following penalty:

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 500 penalty units; or

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Part 2 – Animal Welfare Act 1993 Amended

s. 11

- (b) a natural person, a fine not exceeding 100 penalty units or imprisonment for a term not exceeding 12 months, or both.

11. Section 13 substituted

Section 13 of the Principal Act is repealed and the following section is substituted:

13. Officers

- (1) The Minister may appoint persons to be officers for the purposes of this Act on such terms and for such periods as the Minister determines.
- (2) Without limiting subsection (1), the Minister may appoint a person to be an officer for the purposes of this Act subject to any one or more of the following:
 - (a) the successful completion of training specified by the Minister;
 - (b) that the person holds, and continues to hold, qualifications specified by the Minister;
 - (c) that the person is only to exercise certain functions or powers of officers as specified by the Minister if the person holds, and continues to hold, the qualifications specified by the

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Part 2 – Animal Welfare Act 1993 Amended

Minister in respect of the function
or power.

12. Section 14 amended (Instructions by officers)

Section 14 of the Principal Act is amended by omitting subsection (2) and substituting the following subsections:

- (2) An instruction under subsection (1) is to be in writing unless –
 - (a) it is not practicable to give the instruction in writing at the time the instruction is given; or
 - (b) the officer giving the instruction considers that is in the interest of animal welfare to issue an immediate oral instruction.
- (3) If an officer gives an oral instruction to a person under this section, the officer is to give the person written confirmation of the instruction as soon as practicable after giving the oral instruction.
- (4) A person must comply with an instruction given to the person under subsection (1).

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 200 penalty units; or

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- (b) a natural person, a fine not exceeding 40 penalty units.

13. Section 16 amended (Power to enter, search and inspect premises)

Section 16 of the Principal Act is amended as follows:

- (a) by inserting the following subsections after subsection (3):

(3A) If a magistrate or justice is satisfied on application made on oath by an officer that the officer reasonably believes that there is evidence on the premises, or a part of the premises, that relates to an offence under this Act, the magistrate or justice may grant a warrant authorising the officer named in the warrant –

- (a) to enter, search and inspect those premises; and
- (b) seize anything the officer reasonably believes may be evidence that relates to an offence under this Act.

(3B) A search warrant issued under this section –

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- (a) is to be in accordance with the *Search Warrants Act 1997*; and
 - (b) may only authorise and name, in that search warrant, an officer –
 - (i) who is a police officer; or
 - (ii) who is authorised, in writing by the Minister, to execute a search warrant under this Act.
- (b) by inserting the following subsections after subsection (5):
- (6) In this section, a reference to an animal includes a reference to the animal whether alive or dead.
 - (7) For the purposes of this section, a premises, or a part of a premises –
 - (a) is being used as a dwelling if a person ordinarily resides in that premises or that part of the premises; and
 - (b) is not being used as a dwelling if that premises,

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Part 2 – Animal Welfare Act 1993 Amended

s. 14

or that part of the premises, is a building or an area of land that is around or underneath premises, or a part of a premises, to which paragraph (a) applies.

14. Section 21A amended (Identification marks and devices)

Section 21A(3) of the Principal Act is amended as follows:

- (a) by omitting from paragraph (a) of the penalty “40 penalty units” and substituting “200 penalty units”;
- (b) by omitting from paragraph (b) of the penalty “20 penalty units” and substituting “40 penalty units”.

15. Section 26 amended (Power to require information)

Section 26 of the Principal Act is amended as follows:

- (a) by omitting from paragraph (a) of the penalty under subsection (3) “200 penalty units” and substituting “250 penalty units”;
- (b) by omitting from paragraph (b) of the penalty under subsection (3) “20 penalty units.” and substituting “50 penalty units

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or imprisonment for a term not exceeding 6 months, or both.”;

- (c) by omitting from paragraph (a) of the penalty under subsection (4) “200 penalty units” and substituting “250 penalty units”.

16. Sections 26A and 26B inserted

After section 26 of the Principal Act, the following sections are inserted in Part 3:

26A. Officer to provide written notice of seizure

- (1) An officer who seizes an animal or thing under this Act must, as soon as practicable after the seizure, provide the person from whom the animal or thing was seized with written notice of the seizure.
- (2) A written notice under subsection (1) is to –
 - (a) identify the animal, or thing, seized from the person; and
 - (b) specify the reasons for the seizure of the animal or thing.
- (3) In this section –

seize includes take possession of.

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26B. Decision of officer subject to review

A person who is aggrieved by a decision of an officer under this Act may apply to the Magistrates Court (Administrative Appeals Division) for a review of that decision.

17. Section 27 amended (Animal research)

Section 27(1) of the Principal Act is amended by omitting the penalty and substituting the following penalty:

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 500 penalty units; or
- (b) a natural person, a fine not exceeding 100 penalty units or imprisonment for a term not exceeding 12 months, or both.

18. Section 30 amended (Grant of licences)

The penalty under section 30(4) of the Principal Act is amended by omitting “100 penalty units” and substituting “500 penalty units”.

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Part 2 – Animal Welfare Act 1993 Amended

19. Section 39 amended (Membership of Advisory Committee)

Section 39(1) of the Principal Act is amended by inserting after paragraph (d) the following paragraph:

- (da) a person nominated by the Secretary of the responsible Department in relation to the *Racing Regulation Act 2004*; and

20. Section 41 amended (Obstruction)

Section 41 of the Principal Act is amended as follows:

- (a) by omitting from paragraph (a) of the penalty “20 penalty units” and substituting “250 penalty units”;
- (b) by omitting from paragraph (b) of the penalty “10 penalty units” and substituting “50 penalty units”;
- (c) by omitting from paragraph (b) of the penalty “3 months” and substituting “6 months”.

21. Section 41A amended (Offences against officer)

Section 41A of the Principal Act is amended as follows:

- (a) by omitting from paragraph (a) of the penalty “40 penalty units” and substituting “500 penalty units”;

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Part 2 – Animal Welfare Act 1993 Amended

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- (b) by omitting from paragraph (b) of the penalty “20 penalty units” and substituting “100 penalty units”;
- (c) by omitting from paragraph (b) of the penalty “3 months” and substituting “6 months”.

22. Section 42 amended (Impersonation)

Section 42 of the Principal Act is amended as follows:

- (a) by omitting from paragraph (a) of the penalty “20 penalty units” and substituting “250 penalty units”;
- (b) by omitting from paragraph (b) of the penalty “10 penalty units” and substituting “50 penalty units”;
- (c) by omitting from paragraph (b) of the penalty “3 months” and substituting “6 months”.

23. Section 43 amended (Custody of animals)

Section 43(7) of the Principal Act is amended as follows:

- (a) by omitting from paragraph (a) of the penalty “20 penalty units” and substituting “250 penalty units”;

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- (b) by omitting from paragraph (b) of the penalty “10 penalty units” and substituting “50 penalty units”;
- (c) by omitting from paragraph (b) of the penalty “3 months” and substituting “6 months”.

24. Sections 48D and 48E inserted

After section 48C of the Principal Act, the following sections are inserted in Part 8:

48D. Continuing offences

- (1) A person who commits a continuing offence against this Act is liable, in addition to the penalty otherwise prescribed, to a further penalty, not exceeding one-fifth of the maximum penalty otherwise prescribed, for each day during which the offence continues.
- (2) For the purposes of this section, an obligation to do an act continues until the act is done, notwithstanding that any period within which, or time before which, the act is required to be done has ended or passed.

48E. Additional orders on conviction

- (1) In addition to any other sentence that a court may impose in respect of a person convicted of an offence under this Act,

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Part 2 – Animal Welfare Act 1993 Amended

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the court may make an order requiring the person to –

- (a) undertake a program of counselling or treatment specified in the order; or
 - (b) complete the training or program specified in the order.
- (2) Before making an order under subsection (1), the court may –
- (a) make an order requiring the person to submit to a psychological assessment, or other form of assessment, that the court considers relevant; and
 - (b) consider the assessment, and any recommendations made as a result of the assessment, when making an order under subsection (1).

25. Schedule 2 amended (Provisions with Respect to Meetings of Advisory Committee)

Schedule 2 to the Principal Act is amended by omitting clause 6 and substituting the following clauses:

6. Conduct of meetings

- (1) Subject to this Act, the Advisory Committee may regulate the calling of,

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Part 2 – Animal Welfare Act 1993 Amended

and the conduct of business at, its meetings as it considers appropriate.

- (2) The Advisory Committee may permit members to participate in a particular meeting, or all meetings, by –
 - (a) telephone; or
 - (b) video conference; or
 - (c) any other means of communication approved by the Advisory Committee.
- (3) A member who participates in a meeting under a permission granted under subclause (2) is taken to be present at the meeting.
- (4) Without limiting subclause (1), the Advisory Committee may allow a person to attend a meeting for the purpose of advising or informing it on any matter.

7. Resolution without meetings

- (1) If the majority of members appointed sign a document containing a statement that they are in favour of a resolution of a matter in the terms set out in the document, a resolution in those terms is taken to have been passed at a meeting of the Advisory Committee held on the day on which the document is signed or, if the members do not sign it on the same

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day, on the day on which the last of the members signs the document.

- (2) If a resolution is taken to have been passed under subclause (1), each member is to be –
 - (a) advised immediately of the resolution; and
 - (b) given a copy of the terms of the resolution.
- (3) For the purposes of subclause (1), 2 or more separate documents containing a statement in identical terms, each of which is signed by one or more members, is taken to constitute one document.

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s. 26 Part 3 – Animal Welfare (Land Transport of Livestock) Regulations 2013
Amended

**PART 3 – ANIMAL WELFARE (LAND TRANSPORT
OF LIVESTOCK) REGULATIONS 2013 AMENDED**

26. Principal Regulations

In this Part, the *Animal Welfare (Land Transport of Livestock) Regulations 2013** are referred to as the Principal Regulations.

27. Regulation 8 amended (Livestock must be fit for transport)

Regulation 8(3) of the Principal Regulations is amended as follows:

- (a) by omitting from paragraph (a) of the penalty “and, in the case of a continuing offence, a further fine not exceeding 20 penalty units for each day during which the offence continues”;
- (b) by omitting from paragraph (b) of the penalty “and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues”.

28. Regulation 10 amended (Driver’s duties generally)

Regulation 10(1) of the Principal Regulations is amended as follows:

*S.R. 2013, No. 28

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Part 3 – Animal Welfare (Land Transport of Livestock) Regulations 2013
Amended

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- (a) by omitting from paragraph (a) of the penalty “and, in the case of a continuing offence, a further fine not exceeding 20 penalty units for each day during which the offence continues”;
 - (b) by omitting from paragraph (b) of the penalty “and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues”.

29. Regulation 11 amended (Transporter’s duties – animals not transported in containers)

Regulation 11(4) of the Principal Regulations is amended as follows:

- (a) by omitting from paragraph (a) of the penalty “and, in the case of a continuing offence, a further fine not exceeding 20 penalty units for each day during which the offence continues”;
- (b) by omitting from paragraph (b) of the penalty “and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues”.

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s. 30 Part 3 – Animal Welfare (Land Transport of Livestock) Regulations 2013
Amended

30. Regulation 13 amended (Impact of extreme weather conditions)

Regulation 13 of the Principal Regulations is amended as follows:

- (a) by omitting from paragraph (a) of the penalty “and, in the case of a continuing offence, a further fine not exceeding 20 penalty units for each day during which the offence continues”;
- (b) by omitting from paragraph (b) of the penalty “and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues”.

31. Regulation 14 amended (Livestock-handling facilities)

Regulation 14 of the Principal Regulations is amended as follows:

- (a) by omitting from paragraph (a) of the penalty “and, in the case of a continuing offence, a further fine not exceeding 20 penalty units for each day during which the offence continues”;
- (b) by omitting from paragraph (b) of the penalty “and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues”.

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Part 3 – Animal Welfare (Land Transport of Livestock) Regulations 2013
Amended

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32. Regulation 15 amended (Transport vehicles)

Regulation 15(1) of the Principal Regulations is amended as follows:

- (a) by omitting from paragraph (a) of the penalty “and, in the case of a continuing offence, a further fine not exceeding 20 penalty units for each day during which the offence continues”;
- (b) by omitting from paragraph (b) of the penalty “and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues”.

33. Regulation 17 amended (Handling poultry, or emus or ostriches, for transport)

Regulation 17 of the Principal Regulations is amended as follows:

- (a) by omitting from paragraph (a) of the penalty under subregulation (3) “and, in the case of a continuing offence, a further fine not exceeding 20 penalty units for each day during which the offence continues”;
- (b) by omitting from paragraph (b) of the penalty under subregulation (3) “and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for

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Amended

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each day during which the offence continues”;

- (c) by omitting from paragraph (a) of the penalty under subregulation (2) “and, in the case of a continuing offence, a further fine not exceeding 20 penalty units for each day during which the offence continues”;
- (d) by omitting from paragraph (b) of the penalty under subregulation (2) “and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues”.

35. Regulation 25 amended (Livestock to be spelled)

Regulation 25 of the Principal Regulations is amended as follows:

- (a) by omitting from paragraph (a) of the penalty under subregulation (1) “and, in the case of a continuing offence, a further fine not exceeding 20 penalty units for each day during which the offence continues”;
- (b) by omitting from paragraph (b) of the penalty under subregulation (1) “and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues”;

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Amended

- (c) by omitting from paragraph (a) of the penalty under subregulation (3) “and, in the case of a continuing offence, a further fine not exceeding 20 penalty units for each day during which the offence continues”;
- (d) by omitting from paragraph (b) of the penalty under subregulation (3) “and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues”.

36. Regulation 26 amended (Livestock to be provided with water)

Regulation 26 of the Principal Regulations is amended as follows:

- (a) by omitting from paragraph (a) of the penalty under subregulation (1) “and, in the case of a continuing offence, a further fine not exceeding 20 penalty units for each day during which the offence continues”;
- (b) by omitting from paragraph (b) of the penalty under subregulation (1) “and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues”;

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Amended

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- (c) by omitting from paragraph (a) of the penalty under subregulation (3) “and, in the case of a continuing offence, a further fine not exceeding 20 penalty units for each day during which the offence continues”;
 - (d) by omitting from paragraph (b) of the penalty under subregulation (3) “and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues”.

37. Regulation 32 amended (Requirements for emus and ostriches)

Regulation 32(5) of the Principal Regulations is amended as follows:

- (a) by omitting from paragraph (a) of the penalty “and, in the case of a continuing offence, a further fine not exceeding 20 penalty units for each day during which the offence continues”;
- (b) by omitting from paragraph (b) of the penalty “and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues”.

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s. 38 Part 3 – Animal Welfare (Land Transport of Livestock) Regulations 2013
 Amended

38. Regulation 36 amended (Requirements for poultry)

Regulation 36 of the Principal Regulations is amended as follows:

- (a) by omitting from paragraph (a) of the penalty under subregulation (4) “and, in the case of a continuing offence, a further fine not exceeding 20 penalty units for each day during which the offence continues”;
- (b) by omitting from paragraph (b) of the penalty under subregulation (4) “and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues”;
- (c) by omitting from paragraph (a) of the penalty under subregulation (6) “and, in the case of a continuing offence, a further fine not exceeding 20 penalty units for each day during which the offence continues”;
- (d) by omitting from paragraph (b) of the penalty under subregulation (6) “and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues”.

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Part 4 – Animal Welfare (Pigs) Regulations 2013 Amended

s. 39

**PART 4 – ANIMAL WELFARE (PIGS) REGULATIONS
2013 AMENDED**

39. Principal Regulations

In this Part, the *Animal Welfare (Pigs) Regulations 2013** are referred to as the Principal Regulations.

40. Regulation 6 amended (Pigs to be cared for by skilled and competent persons)

Regulation 6 of the Principal Regulations is amended as follows:

- (a) by omitting from paragraph (a) of the penalty “and, in the case of a continuing offence, a further fine not exceeding 20 penalty units for each day during which the offence continues”;
- (b) by omitting from paragraph (b) of the penalty “and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues”.

41. Regulation 7 amended (Pigs to be inspected at least once each day)

Regulation 7(1) of the Principal Regulations is amended as follows:

*S.R. 2013, No. 35

Animal Welfare Amendment Act 2014
Act No. of

s. 42

Part 4 – Animal Welfare (Pigs) Regulations 2013 Amended

- (a) by omitting from paragraph (a) of the penalty “and, in the case of a continuing offence, a further fine not exceeding 20 penalty units for each day during which the offence continues”;
- (b) by omitting from paragraph (b) of the penalty “and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues”.

42. Regulation 8 amended (Tethering of pigs prohibited)

Regulation 8 of the Principal Regulations is amended as follows:

- (a) by omitting from paragraph (a) of the penalty “and, in the case of a continuing offence, a further fine not exceeding 20 penalty units for each day during which the offence continues”;
- (b) by omitting from paragraph (b) of the penalty “and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues”.

43. Regulation 9 amended (Use of electric prodders prohibited)

Regulation 9(2) of the Principal Regulations is amended as follows:

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- (a) by omitting from paragraph (a) of the penalty “and, in the case of a continuing offence, a further fine not exceeding 20 penalty units for each day during which the offence continues”;
- (b) by omitting from paragraph (b) of the penalty “and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues”.

44. Regulation 10 amended (Boars)

Regulation 10 of the Principal Regulations is amended as follows:

- (a) by omitting from paragraph (a) of the penalty under subregulation (2) “and, in the case of a continuing offence, a further fine not exceeding 20 penalty units for each day during which the offence continues”;
- (b) by omitting from paragraph (b) of the penalty under subregulation (2) “and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues”;
- (c) by omitting from paragraph (a) of the penalty under subregulation (3) “and, in the case of a continuing offence, a further fine not exceeding 20 penalty units for

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each day during which the offence continues”;

- (d) by omitting from paragraph (b) of the penalty under subregulation (3) “and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues”.

45. Regulation 11 amended (Risk management system required)

Regulation 11(2) of the Principal Regulations is amended as follows:

- (a) by omitting from paragraph (a) of the penalty “and, in the case of a continuing offence, a further fine not exceeding 20 penalty units for each day during which the offence continues”;
- (b) by omitting from paragraph (b) of the penalty “and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues”.

46. Regulation 12 amended (Vaccinations and other health treatments to be administered by competent persons)

Regulation 12(2) of the Principal Regulations is amended as follows:

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- (a) by omitting from paragraph (a) of the penalty “and, in the case of a continuing offence, a further fine not exceeding 20 penalty units for each day during which the offence continues”;
- (b) by omitting from paragraph (b) of the penalty “and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues”.

47. Regulation 13 amended (Husbandry procedures to be carried out by competent persons)

Regulation 13(2) of the Principal Regulations is amended as follows:

- (a) by omitting from paragraph (a) of the penalty “and, in the case of a continuing offence, a further fine not exceeding 20 penalty units for each day during which the offence continues”;
- (b) by omitting from paragraph (b) of the penalty “and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues”.

48. Regulation 14 amended (Sterilisation to be performed with anaesthesia)

Regulation 14(2) of the Principal Regulations is amended as follows:

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- (a) by omitting from paragraph (a) of the penalty “and, in the case of a continuing offence, a further fine not exceeding 20 penalty units for each day during which the offence continues”;
- (b) by omitting from paragraph (b) of the penalty “and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues”.

49. Regulation 15 amended (Herd health program required)

Regulation 15(2) of the Principal Regulations is amended as follows:

- (a) by omitting from paragraph (a) of the penalty “and, in the case of a continuing offence, a further fine not exceeding 20 penalty units for each day during which the offence continues”;
- (b) by omitting from paragraph (b) of the penalty “and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues”.

50. Regulation 17 amended (Diseased or injured pigs to be under veterinary care or humanely destroyed)

Regulation 17 of the Principal Regulations is amended as follows:

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- (a) by omitting from paragraph (a) of the penalty “and, in the case of a continuing offence, a further fine not exceeding 20 penalty units for each day during which the offence continues”;
- (b) by omitting from paragraph (b) of the penalty “and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues”.

51. Regulation 18 amended (Piglets to be checked to ensure suckling)

Regulation 18 of the Principal Regulations is amended as follows:

- (a) by omitting from paragraph (a) of the penalty under subregulation (2) “and, in the case of a continuing offence, a further fine not exceeding 20 penalty units for each day during which the offence continues”;
- (b) by omitting from paragraph (b) of the penalty under subregulation (2) “and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues”;
- (c) by omitting from paragraph (a) of the penalty under subregulation (3) “and, in the case of a continuing offence, a further fine not exceeding 20 penalty units for

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each day during which the offence continues”;

- (d) by omitting from paragraph (b) of the penalty under subregulation (3) “and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues”.

52. Regulation 19 amended (Weaners to be fed twice a day)

Regulation 19(2) of the Principal Regulations is amended as follows:

- (a) by omitting from paragraph (a) of the penalty “and, in the case of a continuing offence, a further fine not exceeding 20 penalty units for each day during which the offence continues”;
- (b) by omitting from paragraph (b) of the penalty “and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues”.

53. Regulation 20 amended (Accommodation to provide sufficient shelter and protection)

Regulation 20 of the Principal Regulations is amended as follows:

- (a) by omitting from paragraph (a) of the penalty “and, in the case of a continuing

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offence, a further fine not exceeding 20 penalty units for each day during which the offence continues”;

- (b) by omitting from paragraph (b) of the penalty “and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues”.

54. Regulation 21 amended (Accommodation with automatic ventilation system)

Regulation 21(2) of the Principal Regulations is amended as follows:

- (a) by omitting from paragraph (a) of the penalty “and, in the case of a continuing offence, a further fine not exceeding 20 penalty units for each day during which the offence continues”;
- (b) by omitting from paragraph (b) of the penalty “and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues”.

55. Regulation 22 amended (Accommodation with natural ventilation)

Regulation 22 of the Principal Regulations is amended as follows:

- (a) by omitting from paragraph (a) of the penalty under subregulation (2) “and, in

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the case of a continuing offence, a further fine not exceeding 20 penalty units for each day during which the offence continues”;

- (b) by omitting from paragraph (b) of the penalty under subregulation (2) “and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues”;
- (c) by omitting from paragraph (a) of the penalty under subregulation (3) “and, in the case of a continuing offence, a further fine not exceeding 20 penalty units for each day during which the offence continues”;
- (d) by omitting from paragraph (b) of the penalty under subregulation (3) “and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues”.

56. Regulation 23 amended (Accommodation to be kept clean)

Regulation 23 of the Principal Regulations is amended as follows:

- (a) by omitting from paragraph (a) of the penalty “and, in the case of a continuing offence, a further fine not exceeding 20

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penalty units for each day during which the offence continues”;

- (b) by omitting from paragraph (b) of the penalty “and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues”.

57. Regulation 24 amended (Equipment to be maintained and inspected)

Regulation 24 of the Principal Regulations is amended as follows:

- (a) by omitting from paragraph (a) of the penalty under subregulation (1) “and, in the case of a continuing offence, a further fine not exceeding 20 penalty units for each day during which the offence continues”;
- (b) by omitting from paragraph (b) of the penalty under subregulation (1) “and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues”;
- (c) by omitting from paragraph (a) of the penalty under subregulation (2) “and, in the case of a continuing offence, a further fine not exceeding 20 penalty units for each day during which the offence continues”;

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- (d) by omitting from paragraph (b) of the penalty under subregulation (2) “and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues”.

58. Regulation 25 amended (Electrical systems to be out of reach of pigs)

Regulation 25 of the Principal Regulations is amended as follows:

- (a) by omitting from paragraph (a) of the penalty “and, in the case of a continuing offence, a further fine not exceeding 20 penalty units for each day during which the offence continues”;
- (b) by omitting from paragraph (b) of the penalty “and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues”.

59. Regulation 25A amended (Confinement of sows to stalls prohibited)

Regulation 25A of the Principal Regulations is amended as follows:

- (a) by omitting from paragraph (a) of the penalty under subregulation (2) “and, in the case of a continuing offence, a further fine not exceeding 20 penalty units for

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each day during which the offence continues”;

- (b) by omitting from paragraph (b) of the penalty under subregulation (2) “and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues”;
- (c) by omitting from paragraph (a) of the penalty under subregulation (4) “and, in the case of a continuing offence, a further fine not exceeding 20 penalty units for each day during which the offence continues”;
- (d) by omitting from paragraph (b) of the penalty under subregulation (4) “and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues”.

60. Regulation 26 amended (Stalls &c. to be designed to prevent aggression between pigs)

Regulation 26 of the Principal Regulations is amended as follows:

- (a) by omitting from paragraph (a) of the penalty “and, in the case of a continuing offence, a further fine not exceeding 20 penalty units for each day during which the offence continues”;

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- (b) by omitting from paragraph (b) of the penalty “and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues”.

61. Regulation 27 amended (Confinement of sows to farrowing crates restricted)

Regulation 27 of the Principal Regulations is amended as follows:

- (a) by omitting from paragraph (a) of the penalty under subregulation (2) “and, in the case of a continuing offence, a further fine not exceeding 20 penalty units for each day during which the offence continues”;
- (b) by omitting from paragraph (b) of the penalty under subregulation (2) “and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues”;
- (c) by omitting from paragraph (a) of the penalty under subregulation (3) “and, in the case of a continuing offence, a further fine not exceeding 20 penalty units for each day during which the offence continues”;
- (d) by omitting from paragraph (b) of the penalty under subregulation (3) “and, in the case of a continuing offence, a further

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fine not exceeding 10 penalty units for each day during which the offence continues”;

- (e) by omitting from paragraph (a) of the penalty under subregulation (4) “and, in the case of a continuing offence, a further fine not exceeding 20 penalty units for each day during which the offence continues”;
- (f) by omitting from paragraph (b) of the penalty under subregulation (4) “and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues”.

62. Regulation 28 amended (Minimum space requirements for pigs generally)

Regulation 28(2) of the Principal Regulations is amended as follows:

- (a) by omitting from paragraph (a) of the penalty “and, in the case of a continuing offence, a further fine not exceeding 20 penalty units for each day during which the offence continues”;
- (b) by omitting from paragraph (b) of the penalty “and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues”.

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63. Regulation 29 amended (Minimum space requirements for sows in farrowing crates)

Regulation 29 of the Principal Regulations is amended as follows:

- (a) by omitting from paragraph (a) of the penalty “and, in the case of a continuing offence, a further fine not exceeding 20 penalty units for each day during which the offence continues”;
- (b) by omitting from paragraph (b) of the penalty “and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues”.

64. Regulation 30 amended (Minimum space requirements for pigs kept in stalls)

Regulation 30 of the Principal Regulations is amended as follows:

- (a) by omitting from paragraph (a) of the penalty under subregulation (1) “and, in the case of a continuing offence, a further fine not exceeding 20 penalty units for each day during which the offence continues”;
- (b) by omitting from paragraph (b) of the penalty under subregulation (1) “and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for

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each day during which the offence continues”;

- (c) by omitting from paragraph (a) of the penalty under subregulation (2) “and, in the case of a continuing offence, a further fine not exceeding 20 penalty units for each day during which the offence continues”;
- (d) by omitting from paragraph (b) of the penalty under subregulation (2) “and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues”.