



Australian Capital Territory

# **Animal Welfare Amendment Regulation 2010 (No 1)**

**Subordinate Law SL2010-9**

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The Australian Capital Territory Executive makes the following regulation under the *Animal Welfare Act 1992*.

Dated 17 March 2010.

JON STANHOPE  
Minister

ANDREW BARR  
Minister

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# Animal Welfare Amendment Regulation 2010 (No 1)

**Subordinate Law SL2010-9**

made under the

**Animal Welfare Act 1992**

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**1 Name of regulation**

This regulation is the *Animal Welfare Amendment Regulation 2010 (No 1)*.

**2 Commencement**

This regulation commences on a day fixed by the Minister by written notice.

*Note 1* The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

*Note 2* A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see Legislation Act, s 77 (1)).

*Note 3* If a provision has not commenced within 6 months beginning on the notification day, it automatically commences on the first day after that period (see Legislation Act, s 79).

**3 Legislation amended**

This regulation amends the *Animal Welfare Regulation 2001*.

**4 New part 1 heading**

*insert*

**Part 1 Preliminary**

**5 Section 5**

*substitute*

**Part 2 Animal welfare offences**

**5 Prescribed electrical devices and animals—Act, s 13**

The Act, section 13 does not apply to the use by a person of an electrical device mentioned in an item of schedule 1 on an animal mentioned in the same item of that schedule.

*Note* The Act, s 13 prohibits the administration of a shock to an animal, except in a manner authorised under a territory law.

**6 Section 6 heading**

*substitute*

**Part 3 Research, teaching and breeding**

**6 Prescribed animals—Act, s25 (2) (c)**

**7 New part 4 heading**

*after section 7, insert*

**Part 4 Circuses and travelling zoos**

**8 New part 5 heading**

*after section 7B, insert*

**Part 5 Animal trapping**

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**9 Section 8***substitute***Part 6 Commercial egg production****Division 6.1 Preliminary****8 Definitions—pt 6**

In this part:

*adequate food*, for a laying fowl, means food that—

- (a) contains enough nutrients for the good health and vitality of the fowl; and
- (b) is of sufficient quantity to meet the physiological needs of the fowl; and
- (c) is not harmful to the fowl.

*adequate water*, for a laying fowl, means water that—

- (a) is at a temperature and of a quality that the fowl will drink; and
- (b) is of sufficient quantity and quality to meet the physiological needs of the fowl; and
- (c) is not harmful to the fowl.

*cup drinker* means a cup that—

- (a) is attached to a water line; and
- (b) has a lever or other device in it; and
- (c) is filled with water if pressure is applied to the lever or device.

*drinker* means a nipple drinker or a cup drinker, but does not include a splash cup located under a nipple drinker.

**feeder** means the container or equipment from which a laying fowl eats and includes—

- (a) a food trough; and
- (b) a conveyor line or belt carrying food to the fowl.

**floor area**, of a cage, means the area of the horizontal plane measured between the vertical sections of the back and front walls and the vertical sections of the side walls of the cage, including an area under an egg and waste baffle, a nipple drinker or a water trough.

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

**layer pullet** means a female fowl less than 16 weeks old.

**laying fowl** means a fowl, other than a layer pullet, which is bred, kept or used for commercial egg production.

**nipple drinker** means a nipple that is attached to a water line.

**shed** means a structure of any kind that has a roof and walls and is used to keep laying fowl.

## **9 Meaning of *keeps a laying fowl*—pt 6**

For this part, a person ***keeps a laying fowl*** if the person—

- (a) owns a facility used for commercial egg production; and
- (b) has a laying fowl at the facility.



## **Division 6.2                    Laying fowl kept in cages**

### **10                    Offences—failure to provide access to food and water**

- (1) A person commits an offence if the person—
- (a) keeps a laying fowl in a cage; and
  - (b) fails to provide each fowl in the cage with feeding space along a feeder that is at least 10cm in length for each fowl.

Maximum penalty: 10 penalty units.

- (2) A person commits an offence if the person—
- (a) keeps a laying fowl in a cage; and
  - (b) fails to provide the fowl with access to 2 or more drinkers.

Maximum penalty: 10 penalty units.

- (3) An offence against this section is a strict liability offence.

### **11                    Offence—failure to comply with multi-deck structure requirements**

- (1) A person commits an offence if the person—
- (a) keeps a laying fowl in a multi-deck structure; and
  - (b) fails to do any of the following:
    - (i) if the fowl is kept in the lower decks of the structure—protect the fowl from manure produced by any fowl kept in the higher decks of the structure;
    - (ii) ensure that the fowl is visible from outside the structure to an extent that allows an assessment to be made of the fowl's welfare;
    - (iii) ensure that the fowl can be easily removed from the cage.

Maximum penalty: 10 penalty units.

(2) An offence against this section is a strict liability offence.

(3) In this section:

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

## **12 Offence—failure to comply with cage floor requirement**

(1) A person commits an offence if the person—

- (a) keeps a laying fowl in a cage; and
- (b) fails to ensure that the cage floor provides support for the forward pointing toes of the fowl in the cage.

Maximum penalty: 10 penalty units.

(2) An offence against this section is a strict liability offence.

## **13 Offence—failure to comply with cage height requirements**

(1) A person commits an offence if—

- (a) the person keeps a laying fowl in a cage; and
- (b) the height of the cage is less than—
  - (i) for at least 65% of the floor area of the cage—40cm; and
  - (ii) for the remaining floor area—35cm.

Maximum penalty: 10 penalty units.

(2) An offence against this section is a strict liability offence.

**14 Offences—failure to comply with cage door requirements**

- (1) A person commits an offence if—
- (a) the person keeps a laying fowl in a cage; and
  - (b) the height of the door of the cage is less than the height of the part of the cage where the door is located.

Maximum penalty: 10 penalty units.

- (2) A person commits an offence if—
- (a) the person keeps a laying fowl in a cage; and
  - (b) the width of the door of the cage is less than—
    - (i) if the width of the cage (excluding the width of structural supports for the door) is less than 50cm—the width of the cage; or
    - (ii) if the width of the cage is 50cm or more—50cm.

Maximum penalty: 10 penalty units.

- (3) If the cage door opens from the top of the cage—
- (a) the width of the door is measured using the axis on which the door swings; and
  - (b) the height of the door is measured on the perpendicular to that axis.
- (4) An offence against this section is a strict liability offence.

**15 Offence—failure to provide minimum cage floor area for 1 laying fowl**

- (1) A person commits an offence if—
- (a) the person keeps only 1 laying fowl in a cage; and
  - (b) the floor area of the cage is less than 1000cm<sup>2</sup>.

Maximum penalty: 10 penalty units.

- (2) An offence against this section is a strict liability offence.

**16 Offence—failure to provide minimum cage floor area for 2 laying fowl**

- (1) A person commits an offence if—
- (a) the person keeps only 2 laying fowl in a cage; and
  - (b) the floor area of the cage is less than 1350cm<sup>2</sup>.

Maximum penalty: 10 penalty units.

- (2) An offence against this section is a strict liability offence.

**17 Offences—failure to provide minimum cage floor area for 3 or more laying fowl**

- (1) A person commits an offence if—
- (a) the person keeps 3 or more laying fowl in a cage; and
  - (b) the average weight of the fowl is 2.4kg or less; and
  - (c) the floor area of the cage is less than an area worked out by allowing 550cm<sup>2</sup> for each fowl.

Maximum penalty: 10 penalty units.

- (2) A person commits an offence if—
- (a) the person keeps 3 or more laying fowl in a cage; and
  - (b) the average weight of the fowl is more than 2.4kg; and
  - (c) the floor area of the cage is less than an area worked out by allowing 600cm<sup>2</sup> for each fowl.
- Maximum penalty: 10 penalty units.
- (3) An offence against this section is a strict liability offence.

### **Division 6.3                    General food and water requirements**

#### **18                    Offences—failure to provide adequate food and water**

- (1) A person commits an offence if the person—
- (a) keeps a laying fowl; and
  - (b) fails to provide adequate food for the fowl at least once every 24 hours.
- Maximum penalty: 10 penalty units.
- (2) A person commits an offence if the person—
- (a) keeps a laying fowl; and
  - (b) fails to provide adequate water for the fowl at least once every 24 hours.
- Maximum penalty: 10 penalty units.
- (3) An offence against this section is a strict liability offence.

## **Division 6.4                    Inspection requirements**

### **19                    Meaning of *trapped*—div 6.4**

In this division:

*trapped*, for a laying fowl in a cage, means the fowl is unable to move freely within the cage.

### **20                    Offence—failure to carry out inspection**

- (1) A person commits an offence if the person—
  - (a) keeps a laying fowl; and
  - (b) fails to inspect, or fails to arrange for another person to inspect, the following at least once every 24 hours:
    - (i) the fowl;
    - (ii) if the fowl is kept in a cage—the cage;
    - (iii) a water trough, drinker or feeder provided for the fowl;
    - (iv) if the fowl is kept in a shed—an electronic or mechanical system controlling light, humidity, temperature or ventilation in the shed.

Maximum penalty: 10 penalty units.

- (2) An offence against this section is a strict liability offence.

### **21                    Offence—unsatisfactory inspection**

- (1) A person commits an offence if—
  - (a) the person keeps a laying fowl; and
  - (b) the person carried out, or arranged for another person to carry out, an inspection mentioned in section 20 (1) (b); and

- (c) the inspection did not cover 1 or more of the following:
  - (i) for an inspection of a fowl—assessing the fowl’s health and checking for any injury;
  - (ii) for an inspection of a cage—checking—
    - (A) for fowl trapped in the cage; and
    - (B) the area surrounding the cage, including the manure area under the cage, for fowl escaped outside the cage;
  - (iii) for an inspection of a water trough—checking whether there is water in the trough;
  - (iv) for an inspection of a drinker, or an electronic or mechanical drinking system—checking the operation of the drinker or system;
  - (v) for an inspection of a feeder—checking—
    - (A) whether there is food in or on the feeder; and
    - (B) if there is food in or on the feeder—whether the food is contaminated; and
    - (C) if the feeder is electronically or mechanically operated—the operation of the feeder.

Maximum penalty: 10 penalty units.

- (2) An offence against this section is a strict liability offence.

**22 Offence—failure to act after inspection in relation to distressed or escaped fowl etc**

- (1) A person commits an offence if the person—
- (a) keeps a laying fowl; and
  - (b) carries out, or arranges for another person to carry out, an inspection mentioned in section 20 (1) (b) (i) or (ii); and
  - (c) fails, or fails to arrange for another person, to do any of the following after the inspection is carried out:
    - (i) for an injured or sick fowl—immediately destroy the fowl or arrange for it to be treated;
    - (ii) for a fowl trapped in a cage—immediately—
      - (A) free the movement of the fowl; and
      - (B) if the fowl is injured—destroy the fowl or arrange for it to be treated;
    - (iii) for a fowl that has escaped from a cage or has fallen in the manure area under the cage—retrieve the fowl as soon as practicable and—
      - (A) place the fowl in a cage; or
      - (B) if the fowl is injured or sick—immediately destroy the fowl or arrange for it to be treated; or
      - (C) if the fowl is dead—dispose of the fowl.

Maximum penalty: 10 penalty units.

- (2) An offence against this section is a strict liability offence.



**23 Offence—failure to act after inspection in relation to water etc**

- (1) A person commits an offence if the person—
- (a) keeps a laying fowl; and
  - (b) carries out, or arranges for another person to carry out, an inspection mentioned in section 20 (1) (b) (iii) or (iv); and
  - (c) fails, or fails to arrange for another person, to do any of the following after the inspection is carried out:
    - (i) if a water trough provided for the fowl has little or no water in the trough—provide the fowl with adequate water;
    - (ii) if a drinker or an electronic or mechanical drinking system provided for the fowl is not operating correctly—take reasonable steps to correct the operation of the drinker or system, and provide the fowl with adequate water;
    - (iii) if a feeder provided for the fowl has little or no food in or on the feeder—provide the fowl with adequate food;
    - (iv) if the food in or on a feeder is contaminated—replace the contaminated food with food that is not contaminated, and take reasonable steps to prevent future contamination of food provided by the feeder;
    - (v) if an electronically or mechanically operated feeder is not operating correctly—take reasonable steps to correct the operation of the feeder.

Maximum penalty: 10 penalty units.

- (2) An offence against this section is a strict liability offence.

**24 Offence—failure to keep inspection records**

- (1) A person commits an offence if the person—
- (a) keeps a laying fowl; and
  - (b) fails to keep a record—
    - (i) of each inspection of the matters mentioned in section 21 (1) (c); and
    - (ii) of the actions mentioned in section 22 (1) (c) and section 23 (1) (c); and
    - (iii) for at least 1 year after the record is made.

Maximum penalty: 10 penalty units.

- (2) An offence against this section is a strict liability offence.

**Division 6.5 Management practices**

**25 Offence—blinkers etc**

- (1) A person commits an offence if the person—
- (a) keeps a laying fowl; and
  - (b) applies, or allows another person to apply, blinkers or any other vision impairing equipment to the fowl.

Maximum penalty: 10 penalty units.

- (2) An offence against this section is a strict liability offence.

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**10 Dictionary, new definitions**

*insert*

*adequate food*, for a laying fowl, for part 6 (Commercial egg production)—see section 8.

*adequate water*, for a laying fowl, for part 6 (Commercial egg production)—see section 8.

*cup drinker*, for part 6 (Commercial egg production)—see section 8.

*drinker*, for part 6 (Commercial egg production)—see section 8.

*feeder*, for part 6 (Commercial egg production)—see section 8.

*floor area*, of a cage, for part 6 (Commercial egg production)—see section 8.

*fowl*, for part 6 (Commercial egg production)—see section 8.

*keeps a laying fowl*, for part 6—see section 9.

*layer pullet*, for part 6 (Commercial egg production)—see section 8.

*laying fowl*, for part 6 (Commercial egg production)—see section 8.

*nipple drinker*, for part 6 (Commercial egg production)—see section 8.

*shed*, for part 6 (Commercial egg production)—see section 8.

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## Endnotes

**1 Notification**

Notified under the Legislation Act on 17 March 2010.

**2 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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