

PREVENTION OF CRUELTY TO ANIMALS REGULATIONS 2008 – KEY CHANGES FROM OLD REGULATIONS

INCOMING REGULATION	OLD REGULATION	DETAILS & REASON FOR CHANGE
<p>Transport of animals in enclosed boot of a sedan type car</p>	<p>Not regulated</p>	<p>POCTA Inspectors regularly have trouble with individuals purchasing small livestock (including sheep) from saleyards and tying them up and transporting them home in the boot of the car. Before these regulations, offenders had to be taken to court and cruelty proven. This regulation enables such transport to be stopped at the saleyard or point of transport and infringement notice issued.</p> <p>Only covers sedan boots NOT cargo areas of SUV's or wagons where animal transport is still permitted.</p>
<p>Dog & cock fighting offences Offence expanded to cover use as well as possession and what is covered by 'implement' expanded to also cover things such as dog or cock fighting rings or drugs used to enhance the animal's performance. Exemption from possession for museums widened to cover POCTA Inspectors for the purposes of their duties under the Act. New offence added for a person to possess an animal with intent to fight.</p>	<p>Person must not possess dog or cock fighting implements.</p>	<p>Addition of 'use' as well as possess for this offence. Also addition of exemption for possession by POCTA Inspectors in the course of their duties.</p> <p>The definition of implement has been widened to cover a dog or cock fighting ring or drugs used to enhance an animal's performance</p> <p>Inspectors regularly investigate animal fights and properties set up for fights. The legislation does not allow animals to be seized unless they are being fought. This offence allows prosecution and seizure where intent to fight can be demonstrated</p>
<p>Use of twisted bits on horses</p>	<p>Not regulated</p>	<p>These bits are used on difficult or hard mouthed horses and are intended to cause pain. Industry does not generally accept use of these bits.</p> <p>Other horse bits are not impacted and can still be used.</p>
<p>Prohibition on use of pronged collars Offence carried over from previous regulations</p>	<p>Prohibition on use of pronged collars</p>	<p>No change to existing regulation, penalty increased from 5 to 10 penalty units.</p> <p>Use of these collars continues to be an offence.</p>
<p>Prescribing of traps Sets out what traps can be used, specifications for those traps, conditions of use and where they can be used.</p>	<p>Old regulations prescribed what a small and large leg-hold trap were to support the offences in the Act for use other than in specified areas.</p>	<p>The Animals Legislation Amendment (Animal Care) Act introduced an offence to sell, use or set a trap that was not prescribed. The regulations set out what traps <u>can</u> be used and conditions of use. Regulations are based on a comprehensive</p>

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<p>Traps not prescribed cannot be used.</p> <p>Transitional arrangements have been built in to allow a phase out of some traps to reduce cost burden on sellers and users who may have recently brought these traps.</p>		<p>scientific literature review of traps, national codes and stakeholder consultation.</p>
<p>Electronic shock devices – other than electronic collars</p> <p>These regulations prescribe the use of electric prods, electric ejaculators, electronic bird deterrent devices, electro fishing & electronic stunning devices with conditions of use. Electric fences are included to ensure their continued use. Electric immobilisers will be prohibited.</p>	<p>Only covered electronic collars on dogs</p>	<p>Electronic shock devices have the potential to cause pain and suffering to animals. Other Australian jurisdictions already regulate the use of these devices to some degree. These new regulations introduce sensible conditions of use for these devices to ensure use is appropriate and by competent persons.</p>
<p>Electronic devices – electronic collars</p> <p>The regulations relating to electric collars specify that these collars can only be used on dogs and cats and only in accordance with the prescribed conditions. Collars are separated into two groups, remote training and anti-bark collars for use on dogs and containment collars for use on dogs and cats. Each group has specific conditions of use as well as some general conditions for use such as the requirement for veterinary check before using as required in the old regulations. Safety specifications for collars have also been built in.</p> <p>Electronic collars for other species will not be allowed to be sold or used.</p>	<p>Old regulations covered the use of electronic collars on dogs and required a veterinary check of the dog first and then use by or under the supervision of a veterinary practitioner or qualified dog trainer.</p> <p>Use on other species not regulated.</p>	<p>Electric dog collars are regulated in the existing regulations. Use of electric collars for other species was not covered by the regulations. There are welfare risks associated with these collars if not used properly or animals not correctly trained to understand the reason for the shock. Conditions of use have been put in place to ensure that they are only used on certain species and that those using them are either appropriately trained or supervised by someone who is.</p> <p>Other Australian jurisdictions also regulate the use of these collars with some banning use of some or all types of these collars.</p>
<p>Electronic Collars – Conditions for sale</p> <p>Requirements for sellers of electric collars have been introduced to require them to advise of the legal requirements of use to ensure they are aware of the legal requirements and to record the purchaser's or hirer's details.</p>	<p>No requirements on sale of collars</p>	<p>Electronic collars for dogs were being sold and purchasers were unaware of the legal requirements for use of these collars. Unless there was a complaint that a collar was not being used in accordance with the regulations it was difficult to identify users and ensure they were educated on proper use. It is important that if these collars are used they are used correctly and that purchasers/hirers of these collars are informed of their legal</p>

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<p>Rodeos – licensing & permits The regulations introduce a new annual licence as an option to the current individual permit situation. Regulations set out processes for licenses and permits. Licensing has been introduced to reduce administrative burden on rodeo operators. Rodeo schools continue to require a one off permit as there are very few of these and a licence would not be economical for operators.</p>	<p>Rodeo operators must apply for an individual permit for every rodeo or rodeo school they conduct. Fee for each permit applies.</p>	<p>obligations. This was introduced to reduce the administrative burden on applicants by allowing them to apply for an annual licence rather than individual permits, however, to cater for those who may only organise the occasional rodeo the permit system remains.</p>
<p>Rodeos – conditions of operations Conditions for operating a rodeo have been moved from the permit into the body of the regulations as individual offences with the ability to issue infringement notices for many offence. Some offences only apply to the permit or licence holder, others apply to the person who commits the offence.</p>	<p>Conditions for the operation of rodeos set out on the permit and an offence for non compliance by the permit holder in the Act. Only the permit holder could be prosecuted even if it was another person who actually committed the offence.</p>	<p>Conditions for operating a rodeo or rodeo school were previously listed on the permit as a schedule to the regulations. In line with current drafting practice, to facilitate better enforcement and allow for responsibility for offences to be better targeted, the conditions have been moved into the body of the regulations. They have been split into conditions of licence/permit, offences for licence/permit holder and offences for a person involved in the event.</p>
<p>Scientific Establishments related regulations – Decapod Crustacea Exemption for Decapods removed, this means they will now need to be treated the same as other animals used in research and teaching.</p>	<p>Decapod Crustacea exempted from definition of animal in Part 3 (Scientific Procedures) section of the Act. This effectively means they are not under the same regulation as other animals used in research and teaching</p>	<p>Removed exemption for live adult decapod crustaceans for regulation under this Part. This means that procedures that fall within the definition of scientific procedures in live adult decapod crustaceans, which were previously exempted, will now need to be performed under a scientific procedure licence. Reason for change is because there is increasing peer-reviewed published literature and working party reports to suggest that such species are sentient and therefore need to be protected when used for such purposes.</p>
<p>Scientific Establishments related regulations – licensing Monthly record keeping requirements changed to include all species used in research and teaching.</p>	<p>Monthly record keeping required only for specified animals used in research and teaching.</p>	<p>Licence conditions now require not only the monthly record keeping of Specified Animals, but all animals held for the purposes of the licence. This is because it is not consistent to require it only of certain species but not others.</p>
<p>Scientific Establishments related regulations – licensing Scientific procedures proposed to be done at premises</p>	<p>Scientific procedures done at premises other than those on the licence could be performed as field work (notification to DPI</p>	<p>It was identified that the previous system of using Fieldwork Notifications was outside of the powers given by the Act.</p>

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other than those on the licence cannot commence until premises is officially added to the licence.	only)	
Scientific Establishments related regulations A new category of “not for profit” for the purpose of licence fees has been introduced.	Old regulations contained no concessions for ‘not for profit’ organisations	This is to enable persons who are part of purely not for profit (as per the definition in Part 5) to be exempted from what could potentially be a prohibitively expensive licence fee (which could stop them doing research which would otherwise be of value to society). Eg. wildlife hobby groups. This was also partly necessary since Parliamentary Counsel identified that the Act does not give the power to have tiers of licence fees, although nil fee categories can be included if appropriately justified.
Scientific Establishments related regulations – licence fees Regulations set out the fees for the various scientific procedure licences. Only full fee or nil fee levels now apply.	Licence fees for scientific procedure licences were tiered, nil-fee licences only for school’s & children’s services.	Removal of category for a lower licence fee for scientific establishments where less than 10 investigators perform scientific procedures. This was removed because it was identified that the Act does not give the power for the Regs to prescribe tiers of fees (other than a fee, and a nil fee).
Introduction of infringements for offences under the regulations Ability to issue infringements for suitable offences	No ability to have infringement for regulation offences.	Changes to the Act last year allowed infringements to be issued for Regulation offences. Relevant offences have been identified and an infringement penalty set. These have been approved by the Infringement oversight unit in Department of Justice.