

**Version No. 002**  
**Prevention of Cruelty to Animals Regulations**  
**2008**

**S.R. No. 162/2008**

Version incorporating amendments as at 1 January 2010

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**PART 1—PRELIMINARY**

**1 Objectives**

The objectives of these Regulations are—

- (a) to make provision as to procedures conducted on animals, devices used on animals, implements and methods of capture of animals, methods and procedures of transport of animals and other related matters;
- (b) to prescribe conditions for rodeo licences, rodeo permits and rodeo school permits;
- (c) to make provision as to persons operating, participating in or otherwise involved in rodeos and rodeo schools;
- (d) to prescribe conditions and standards for scientific procedures and breeding;
- (e) to prescribe forms, fees and other matters authorised by the **Prevention of Cruelty to Animals Act 1986**.

**2 Authorising provisions**

These Regulations are made under sections 15, 15AB, 17, 32 and 42 of the **Prevention of Cruelty to Animals Act 1986**.

### 3 Commencement

These Regulations come into operation on 16 December 2008.

### 4 Revocation

The Regulations listed in Schedule 1 are **revoked**.

### 5 Definitions

In these Regulations—

***Animal Ethics Committee***, in relation to a licence under Part 3 of the Act, means a committee that has been nominated by the holder of the licence;

***anti-bark collar*** means an electronic collar designed to modify barking behaviour in dogs and that is activated by a dog's bark;

***Australian Code of Practice*** means the Australian Code of Practice for the Care and Use of Animals for Scientific Purposes, 7th edition 2004 published by the Australian Government Publishing Service, Canberra, October 2004;

***authorised electronic collar*** means—

- (a) in relation to a dog, any one of the following—
  - (i) a remote training collar;
  - (ii) an anti-bark collar;
  - (iii) a containment collar;
- (b) in relation to a cat, a containment collar;

***bar*** in relation to a horse's mouth, means the gums of a horse between the incisors and the molars;

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***confinement trap*** means a trap that uses a cage, bag, yard or container and that confines the whole body of the animal;

***containment collar*** means an electronic collar that is designed to be worn by an animal as part of a containment system;

***containment system*** means a method of containing animals to a specific area through the use of a boundary wire and transmitter that sends a radio signal to a receiver in a containment collar which then delivers an electric shock to an animal wearing the collar if it gets too close to the boundary wire;

***controlled pest animal*** means an animal that has been declared under the **Catchment and Land Protection Act 1994** to be a controlled pest animal;

***Crown land*** has the same meaning as in the **Conservation, Forests and Lands Act 1987** but does not include land that is subject to a lease or licence for agricultural or grazing purposes under Division 4 of Part I of the **Land Act 1958**;

***declared pest animal*** means an animal that is an established pest animal or a restricted pest animal;

***electrocution trap*** means a trap that is designed to kill an animal by electrocution;

***electrofish*** means to use a device that imparts an electric current into water to stun or kill a fish before it is caught;

***electronic collar*** means an animal collar that is designed to be capable of imparting an electric shock to an animal;

***established pest animal*** means an animal that has been declared under the **Catchment and Land Protection Act 1994** to be an established pest animal;

***glue trap*** means a trap that uses glue, adhesive material or any similar viscid substance to capture an animal;

***humanely destroy***, in relation to an animal, means causing the death of an animal by a means that results in immediate loss of consciousness and then death of the animal (without recovering consciousness);

***jaw spread***, in relation to a leghold trap, means the maximum distance between the internal surface of both jaws, when measured perpendicular to a line drawn through the jaw pivot points when the trap is in the set position;

***kill trap*** means a trap designed to kill a trapped animal of the target species;

***Laboratory Animals Code of Practice*** means the Code of Practice for the Housing and Care of Laboratory Mice, Rats, Guinea Pigs and Rabbits approved by the Governor in Council on 12 October 2004 and published in the Victorian Government Gazette G51 on 16 December 2004 at pages 3419–3461;

***laminated***, in relation to a leghold trap, means that the trap has had additional metal welded either above or below, or both above and below, the surface of the jaws to increase the surface area of the jaws where they impact upon the foot or leg of an animal;

**large leghold trap** means a jawed spring-operated trap, designed to capture an animal by the foot or leg with a jaw spread of more than 10 centimetres;

**lethal trap device** means a device attached to a trap that contains a lethal substance for the purposes of causing the rapid death of trapped target animals through ingestion of the substance;

**net trap** means a trap made of netting that is used for the purposes of either catching or holding, or both catching and holding, an animal;

**non-kill snare trap** means an anchored cable or wire noose that is designed and set to catch an animal by the body, neck or limb that tightens around the animal to restrain it without killing it;

**padded**, in relation to a leghold trap, means that rubber pads have been added to the surface of the jaws for the purposes of cushioning the impact of the jaws;

**pan tension**, in relation to a leghold or non-kill snare trap, means tension applied to the pan of a leghold or non-kill snare trap that is capable of being adjusted so that a certain weight is required to depress the pan and trigger the trap;

**Pound Animals Code of Practice** means the Code of Practice for the Use of Animals from Municipal Pounds in Scientific Procedures approved by the Governor in Council on 19 April 1988 and published in the Victorian Government Gazette G47 on 7 December 1988 at pages 3659–3660;

***pronged collar*** means a collar designed for use on dogs that consists of a series of chain links with blunted open ends turned towards the dog's neck so that, when the collar is tightened, it pinches the naturally loose skin around the dog's neck;

***qualified dog trainer*** means a person who meets the requirements of regulation 49(2) of the Domestic (Feral and Nuisance) Animals Regulations 2005;

***regulated pest animal*** means an animal that has been declared under the **Catchment and Land Protection Act 1994** to be a regulated pest animal;

***remote training collar*** means an electronic collar that is designed to be worn by an animal to assist in the modification of the animal's behaviour and that is activated by a person through a transmitter;

***restricted pest animal*** means an animal that has been declared under the **Catchment and Land Protection Act 1994** to be a restricted pest animal;

***rodent*** means a mouse of the species *Mus musculus* or a rat of the species *Rattus norvegicus* or *Rattus rattus*;

***rodent kill trap*** means a kill trap designed to kill a rodent;

***small leghold trap*** means a jawed spring-operated trap, designed to capture an animal by the foot or leg with a jaw spread of 10 centimetres or less;

***the Act*** means the **Prevention of Cruelty to Animals Act 1986**;

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***urban area*** means an area of land that is predominantly—

- (a) subdivided into allotments that, in the case of land used or to be used for residential purposes, are not larger than 0.4 hectares; and
- (b) able to be used or developed under a planning scheme or interim development order for residential, industrial or commercial purposes; and
- (c) provided with constructed streets and public utility services;

***veterinary practitioner*** means a veterinary practitioner registered under the **Veterinary Practice Act 1997**;

***wild dog*** means an animal of the species *Canis familiaris* that is declared to be an established pest animal under the **Catchment and Land Protection Act 1994**.

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## PART 2—PROTECTION OF ANIMALS

### Division 1—General requirements

#### 6 Transportation of animals

A person must not place or transport an animal in an enclosed boot of a sedan motor vehicle.

Penalty: 5 penalty units.

#### 7 Possession of fighting implements

(1) A person must not possess or use a dog fighting implement or cock fighting implement.

Penalty: 20 penalty units.

(2) Subregulation (1) does not apply to—

(a) a person who possesses a dog fighting implement or a cock fighting implement for the purposes of displaying it in a museum that is open to the general public; or

(b) a POCTA inspector, for the purposes of exercising his or her role under the Act or these Regulations.

(3) A person must not possess an animal with the intention of causing that animal to fight.

Penalty: 20 penalty units.

(4) In this regulation, *dog fighting implement* or *cock fighting implement* includes but is not limited to the following—

(a) dog fighting rings or cock fighting rings; or

(b) drugs or other items used to improve the fighting performance of a dog or cock.

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**8 Use of mouthpieces**

A person must not use a mouthpiece on a horse if the mouthpiece is twisted at the point where the device is in contact with the bar of the horse's mouth.

Penalty: 10 penalty units.

**9 Pronged collars prohibited**

A person must not use a pronged collar on any animal.

Penalty: 10 penalty units.

**10 Prescribed kinds of traps**

For the purposes of sections 15(1) and 15AB of the Act, the following kinds of traps are prescribed—

- (a) small leghold traps that meet the requirements of regulation 26;
- (b) large leghold traps that meet the requirements of regulation 29 or 30;
- (c) confinement traps that meet the requirements of regulation 34;
- (d) net traps that meet the requirements of regulation 38;
- (e) non-kill snare traps that meet the requirements of regulation 42;
- (f) rodent kill traps that meet the requirements of regulation 46;
- (g) kill traps that meet the requirements of regulation 50;
- (h) glue traps that meet the requirements of regulation 53.

**Division 2—Electronic devices sold or used on animals**

**11 Placement or use of certain electronic devices**

- (1) A person must not use or place on any animal a device that can impart an electric current or shock to the animal.

Penalty: 10 penalty units.

- (2) Subregulation (1) does not apply where the use of the device is permitted under regulations 12 to 22.

**12 Electric fences**

A person may use an electric fence if it complies with the following specifications—

- (a) the electric current travels through a wire; and
- (b) the electric fence is installed so that an animal is able to move away and avoid contact with the wire that is carrying the electric current.

**13 Electric bird deterrents**

A person may use an electric bird deterrent device if it complies with the following specifications—

- (a) the electric current for the device travels through a wire; and
- (b) the device is installed so that a bird is able to move away and avoid contact with the wire that is carrying the electric current; and
- (c) the electric charge that is imparted to the bird through the wire of the device is not sufficient to harm or kill a bird.

#### 14 Electric prodders

- (1) Subject to subregulation (2), a person may use an electric prodder on—
  - (a) cattle, goats or sheep; or
  - (b) buffalo, camel or deer, in a situation where other permitted means of moving the animal have failed; or
  - (c) other animals kept under the **Zoological Parks and Gardens Act 1995** or regulated or controlled pest animals, if the use of the electric prodder on those animals has been approved by a veterinary practitioner.
- (2) Use of an electric prodder by a person is subject to the following conditions—
  - (a) the electric prodder must not be used on any animal less than 3 months of age; and
  - (b) the electric prodder must not be used on the face, genitals or udder of any animal; and
  - (c) the electric prodder must not be used in a situation where the animal is unable to move away from the application of the electric prodder; and
  - (d) the electric prodder must not be used excessively on an animal.

#### 15 Electronic stunning devices

A person who uses an electronic stunning device must do so in accordance with a licence issued under the **Meat Industry Act 1993**.

#### 16 Electronic ejaculators

Subject to this regulation, a person may use an electronic ejaculator on—

- (a) cattle, buffalo or sheep if the use is approved by a veterinary practitioner; or

- (b) any other animal kept under the **Zoological Parks and Gardens Act 1995** if the animal is anaesthetised and the use is by a veterinary practitioner; or
- (c) any other animal if the electronic ejaculator is used by a veterinary practitioner, or use is under the direct supervision of a veterinary practitioner.

#### **17 Use of electronic collars**

- (1) A person must not use an electronic collar on an animal that is not a dog or cat.
- (2) A person must not use an electronic collar that is not an authorised electronic collar on a dog or a cat.

#### **18 Requirements for use of authorised electronic collars**

A person must not use an authorised electronic collar unless—

- (a) a veterinary practitioner has examined the physical health and temperament of the dog or cat and reasonably believes that the dog or cat is suitable to have an authorised electronic collar used on it; and
  - (b) the dog or cat is over 6 months of age; and
  - (c) a collar is not left on the dog or cat for more than 12 hours in any 24-hour period; and
  - (d) the use is in accordance with any instructions for use of the collar provided by the manufacturer; and
  - (e) the dog or cat is introduced to the use of the collar in accordance with a training program that complies with a code of practice made under section 7 of the Act (if any); and
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- (f) the collar complies with the following specifications—
    - (i) the power of the collar must not exceed either 15 milliamps root mean square or 100 milliamps single pulse with a maximum duration of 3 milliamps per second; and
    - (ii) the length of the stimulation period must be limited by an automatic safety cut-out; and
    - (iii) the collar must provide for variable levels of static stimulation; and
  - (g) the collar contacts have safe, rounded points; and
  - (h) the distance between the collar contact points does not exceed 60 millimetres.

**19 Remote training collars and anti-bark collars**

- (1) A person must not put a remote training collar or anti-bark collar on a dog unless the person is—
  - (a) a veterinary practitioner or a qualified dog trainer; or
  - (b) acting under the supervision and written instructions of a veterinary practitioner or a qualified dog trainer.
- (2) Where subregulation (1)(b) applies, the use of the collar must be reviewed by a veterinary practitioner or qualified dog trainer—
  - (a) within 6 months of the examination referred to in regulation 18(a); and
  - (b) at least every 12 months after the first review.

## **20 Use of containment collars on dogs**

- (1) A person must not use a containment collar on a dog unless the person has ensured that the dog is trained to the use of the containment system and collar by—
  - (a) a veterinary practitioner, a qualified dog trainer or competent trainer; or
  - (b) a person under the supervision and written instructions of a veterinary practitioner, a qualified dog trainer or a competent trainer.
- (2) In this regulation and regulation 21, ***competent trainer*** means a person who is employed by a company that sells containment systems and who is competent to conduct a containment system training program for dogs or cats that complies with the relevant Code of Practice (if any).

## **21 Use of containment collars on a cat**

A person must not use a containment collar on a cat unless the person has ensured that the cat is trained to the use of the containment system and collar by—

- (a) a veterinary practitioner or competent trainer; or
- (b) a person under the supervision and written instructions of a veterinary practitioner or competent trainer.

## **22 Electrofishing**

A person must not electrofish unless it is part of a research project approved under a licence granted under Part 3 of the Act.

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**23 Electrocuting traps**

A trap that uses electrocution as a means to kill an animal must—

- (a) be used only for rodents; and
- (b) comply with the requirements set out under regulation 46; and
- (c) be set or used in accordance with regulations 47 and 48.

**24 Sale of electronic collars**

- (1) A person must not sell or hire out an electronic collar unless the person who sells or hires out the device maintains a record of the following details about the purchaser or hirer of the collar—
  - (a) the full name of the purchaser or hirer; and
  - (b) the street address of the purchaser or hirer; and
  - (c) a contact telephone number or email address (if any) for the purchaser or hirer; and
  - (d) the date of sale or hire of the collar.

Penalty: 10 penalty units.

- (2) A person must not provide false or misleading information in the details to be recorded under subregulation (1).

Penalty: 10 penalty units.

- (3) A person must not sell an electronic collar other than one manufactured for use on cats or dogs.

Penalty: 10 penalty units.

- (4) A person must not sell an electronic collar manufactured for use on cats or dogs unless the seller of the device advises the purchaser of the relevant conditions of use, as set out in regulations 17 to 21, in writing at the time of sale.
- Penalty: 10 penalty units.

### **Division 3—Leghold traps**

#### **25 Requirements for setting or using small leghold traps**

A person must not set or use a small leghold trap unless—

- (a) the person sets or uses the trap for the purposes of trapping rabbits; and
- (b) the trap complies with regulation 26; and
- (c) the person sets or uses the trap in accordance with regulations 27 and 32.

#### **26 Prescribed features of small leghold traps**

A small leghold trap must have the following features—

- (a) the jaws of the trap must be smooth, not serrated;
  - (b) each jaw of the trap must be padded with commercially manufactured rubber pads designed to be used for the particular brand, size and design of the trap;
  - (c) the jaws of the trap must be offset so there is a distance of at least 6 millimetres between the metal parts of the jaws when the jaws are closed;
  - (d) a jaw spread of no more than 10 centimetres;
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- (e) a spring must be placed in the anchor chain of the trap to act as a shock absorber for the purposes of reducing the chance of injury to the captured limb;
- (f) the anchor chain of the trap must have a minimum of 2 swivels with one located at each end of the anchor chain, so that the trap can twist if the animal struggles to escape and the anchor chain must be attached to the centre of the baseplate of the trap;
- (g) adjustable pan tension so that the pan can be set at a tension required for a rabbit to trigger the trap.

**27 Places where small leghold traps must not be set, used or possessed**

- (1) A small leghold trap must not be set or used in the following places—
  - (a) Crown land; or
  - (b) an urban area except with the consent of the Minister (unless the land is mainly used for agriculture); or
  - (c) any other land unless a person has the consent of the owner or occupier of the land.
- (2) A small leghold trap must not be possessed on Crown land.

Penalty: 5 penalty units.

**28 Requirements for setting or using large leghold traps**

A person must not set or use a large leghold trap unless—

- (a) the person sets or uses the trap for the purposes of trapping foxes or wild dogs; and

- (b) if the person sets or uses the trap for the purposes of—
  - (i) trapping foxes, the trap complies with regulation 29; or
  - (ii) trapping wild dogs, the trap complies with regulation 30; and
- (c) the trap is set or used in accordance with regulations 31 and 32.

**29 Prescribed features of a large leghold trap to be set or used for foxes**

A large leghold trap that is to be set or used for the purposes of trapping foxes must have the following features—

- (a) the jaws of the trap must be smooth, not serrated;
  - (b) each jaw of the trap must be padded with commercially manufactured rubber pads designed to be used for the particular brand, size and design of the trap;
  - (c) the jaws of the trap must be offset so there is a distance of at least 6 millimetres between the metal parts of the jaws when the jaws are closed;
  - (d) a jaw spread of between 11 and 14 centimetres;
  - (e) a spring must be placed in the anchor chain of the trap to act as a shock absorber for the purposes of reducing the chance of injury to the captured limb;
  - (f) the anchor chain of the trap must have a minimum of 2 swivels with one located at each end of the anchor chain, so that the trap can twist if the animal struggles to escape
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and the anchor chain must be attached to the centre of the baseplate of the trap;

- (g) adjustable pan tension so that the pan can be set at a tension required for a fox to trigger the trap.

**30 Prescribed features of a large leghold trap to be set or used for wild dogs**

A large leghold trap that is to be set or used for the purposes of trapping wild dogs must have the following features—

- (a) the jaws of the trap must be smooth, not serrated;
- (b) each jaw of the trap must be padded with commercially manufactured rubber pads designed to be used for the particular brand, size and design of the trap;
- (c) the jaws of the trap must be offset so there is a distance of at least 6 millimetres between the metal parts of the jaws when the jaws are closed;
- (d) a jaw spread of between 13 and 15.5 centimetres;
- (e) a spring must be placed in the anchor chain of the trap to act as a shock absorber for the purposes of reducing the chance of injury to the captured limb;
- (f) the anchor chain of the trap must have a minimum of 2 swivels with one located at each end of the anchor chain, so that the trap can twist if the animal struggles to escape and the anchor chain must be attached to the centre of the baseplate of the trap;
- (g) adjustable pan tension so that the pan can be set at a tension required for a wild dog to trigger the trap.

**31 Places where large leghold traps must not be set or used**

- (1) A large leghold trap must not be set or used—
  - (a) in any area unless that area has been declared by the Minister under section 15AB(3) of the Act to be an approved area for setting or using large leghold traps; and
  - (b) within an area declared to be approved under section 15AB(3) of the Act, except with the consent of the owner or occupier of the land, or, in the case of Crown land, the manager of the land.
- (2) If an area has been declared to be an approved area under section 15AB(3), a large leghold trap must not be used in any portion of the area that is an urban area, except with the consent of the Minister.
- (3) Despite subregulation (2), the consent of the Minister is not required for the use of a large leghold trap in any portion of an urban area that—
  - (a) has been declared to be an approved area under section 15AB(3); and
  - (b) is predominantly used for agriculture.

**32 Conditions of setting or use of small and large leghold traps**

- (1) A person must not set or use a small or large leghold trap unless the person complies with the conditions under this regulation.
  - (2) A trapped animal must not be left alive in the trap for more than 24 hours or, in the case of a large leghold trap for wild dogs, as otherwise approved by the Minister.
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- (3) A trapped animal that is a declared pest animal must be humanely destroyed as soon as is reasonably possible unless the person who owns it is authorised to own it under the **Catchment and Land Protection Act 1994** and the animal can be returned to the owner.
- (4) If an animal that is not required to be humanely destroyed under subregulation (3) is captured in the trap, and is alive at the time the trap is checked—
- (a) the animal must be released from the trap as soon as is reasonably possible; and
  - (b) if the animal is injured, it must be taken to a veterinary practitioner for treatment as soon as is reasonably possible or, if severely injured, may be humanely destroyed.
- (5) If an animal that is released from a trap under subregulation (4)(a) is uninjured and—
- (a) is a dog or a cat, it must be taken to the local council as soon as is reasonably possible; or
  - (b) is not wildlife or a dog or a cat, it must be taken to an animal shelter or other appropriate animal care facility as soon as is reasonably possible.
- (6) The trap must be set or used so as to minimise—
- (a) any harm caused to a trapped animal; and
  - (b) the risk of catching non-target species.
- (7) Subregulations (2) to (6) do not apply in circumstances where the use has been otherwise approved by an Animal Ethics Committee for research approved under licence in accordance with Part 3 of the Act.
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**Division 4—Confinement traps**

**33 Requirements for setting or using confinement traps**

A person must not set or use a confinement trap unless—

- (a) the trap complies with regulation 34; and
- (b) the person sets or uses the trap in accordance with regulations 35 and 36.

**34 Prescribed features of confinement traps**

A confinement trap must have the following features—

- (a) the trap must not be designed in such a way that it may cause unreasonable pain or suffering to the trapped animal;
- (b) the trap must not grip any part of the animal's body;
- (c) the trap must not contain hooks or other protruding parts that may injure an animal.

**35 Places where confinement traps may not be set or used**

A confinement trap must not be set or used on any land, except with the consent of the owner or occupier of the land, or, in the case of Crown land, the manager of the land.

**36 Conditions of set or use of confinement traps**

- (1) A person must not set or use a confinement trap unless the person complies with the conditions under this regulation.
- (2) If the animal is trapped in an enclosure or yard in a non-urban area where sufficient food, water and shelter is provided to the trapped animal, the animal must not be left trapped for more than 48 hours.

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- (3) In any case other than that referred to in subregulation (2), the trapped animal must not be left alive in the trap for more than 24 hours.
  - (4) A trapped animal that is a declared pest animal must be humanely destroyed as soon as is reasonably possible unless the person who owns it is authorised to own it under the **Catchment and Land Protection Act 1994** and the animal can be returned to the owner.
  - (5) If an animal is not required to be humanely destroyed under subregulation (4) or an animal for which the trap has been set or used, is captured in the trap and is alive at the time the trap is checked—
    - (a) the animal must be released from the trap as soon as is reasonably possible; and
    - (b) if the animal is injured, it must be taken to a veterinary practitioner for treatment as soon as is reasonably possible or, if severely injured, may be humanely destroyed.
  - (6) If an animal that is released from a trap under subregulation (5)(a) is uninjured and is—
    - (a) a dog or a cat, it must be taken to the local council as soon as is reasonably possible; or
    - (b) an animal that is not wildlife or a dog or a cat, it must be taken to an animal shelter or other appropriate animal care facility as soon as is reasonably possible.
  - (7) The trap must be set or used so as to minimise—
    - (a) any harm caused to a trapped animal; and
    - (b) the risk of catching non-target species.
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- (8) Subregulations (2) to (7) do not apply in circumstances where the use has been otherwise approved by an Animal Ethics Committee for research approved under licence in accordance with Part 3 of the Act.

#### **Division 5—Net traps**

#### **37 Requirements for setting or using net traps**

A person must not set or use a net trap unless—

- (a) the trap complies with regulation 38; and
- (b) the person sets or uses the trap in accordance with regulations 39 and 40.

#### **38 Prescribed features of net traps**

A net trap must have the following features—

- (a) the trap may entangle the animal but must be constructed of materials designed to minimise any injury to the animal;
- (b) the trap must not be made of monofilament netting unless the use has been approved by an Animal Ethics Committee for research approved under a licence in accordance with Part 3 of the Act.

#### **39 Places where net traps may be set or used**

A net trap must not be set or used on any land, except with the consent of the owner or occupier of the land, or, in the case of Crown land, the manager of the land.

#### **40 Conditions of set or use of net traps**

- (1) A person must not set or use a net trap unless the person complies with the conditions under this regulation.
  - (2) A net trap that is designed to be triggered by an animal must be checked at least every 4 hours.
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- (3) A net trap that is designed to be triggered by a person or set across the path of an animal such as a bird or bat must not be used unless the trap is constantly monitored.
  - (4) As soon as is reasonably possible after an animal is observed to be trapped or entangled in a net trap, the animal must be removed.
  - (5) A person removing animals from a net trap must be experienced in handling the target species or under the supervision of a person experienced in handling the target species.
  - (6) A trapped animal that is a declared pest animal must be humanely destroyed as soon as is reasonably possible unless the person who owns it is authorised to own it under the **Catchment and Land Protection Act 1994** and the animal can be returned to its owner.
  - (7) If an animal that is not required to be humanely destroyed under subregulation (6), or an animal for which a net trap has been set or used is captured in the trap and is alive and injured at the time the trap is checked, it must be taken to a veterinary practitioner for treatment as soon as is reasonably possible or, if severely injured, may be humanely destroyed.
  - (8) If an animal that is removed from a trap under this regulation is uninjured and—
    - (a) is a dog or cat, it must be taken to the local council as soon as is reasonably possible; or
    - (b) is not wildlife, a dog or a cat, it must be taken to an animal shelter or other appropriate animal care facility as soon as is reasonably possible.
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- (9) A net trap must be set or used so as to minimise—
  - (a) any harm caused to a trapped animal; and
  - (b) the risk of catching non-target species.
- (10) Subregulations (2) to (9) do not apply in circumstances where the use has been otherwise approved by an Animal Ethics Committee for research approved under licence in accordance with Part 3 of the Act.

#### **Division 6—Non-kill snare traps**

#### **41 Requirements for setting or using non-kill snare traps**

- (1) A person must not set or use a non-kill snare trap unless—
  - (a) the person sets or uses the trap for the purposes of trapping animals that are established pest animals or any other species approved by the Minister; and
  - (b) the trap complies with regulation 42; and
  - (c) the person sets or uses the trap in accordance with regulations 43 and 44.
- (2) Subregulation (1) does not apply where the setting or use of the trap is approved by an Animal Ethics Committee for research approved under licence in accordance with Part 3 of the Act.

#### **42 Prescribed features of non-kill snare traps**

A non-kill snare trap must have the following features—

- (a) the trap must not strangle or cut the animal;
  - (b) the trap must include a locking device which prevents the trap from inhibiting blood flow through the limbs, neck or body of the animal;
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- (c) the trap must have a spring placed in the anchor chain to act as a shock absorber to prevent dislocation of the trapped limb or spine of the animal;
- (d) the anchor chain of the trap must have a minimum of 2 swivels, with one located at each end of the anchor chain, so that the trap can twist if the animal struggles to escape;
- (e) if designed to be triggered by an animal stepping on a pan, the trap must have adjustable pan tension so that the pan can be set at a tension required for the target species to trigger the trap.

**43 Places where non-kill snare traps may be set or used**

A non-kill snare trap must not be set or used in the following places—

- (a) in an urban area except if the setting or use of the trap is approved under regulation 44(2); or
- (b) on any other land except with the consent of the owner or occupier of the land or, in the case of Crown land, the manager of the land.

**44 Conditions of set or use of non-kill snare traps**

- (1) A person must not set or use a non-kill snare trap unless the person complies with the conditions under this regulation.
- (2) A non-kill snare trap must only be set or used in accordance with the approval of the Minister and in accordance with any conditions of that approval.
- (3) A trapped animal must not be left alive in the trap for more than 8 hours.

- (4) A trapped animal that is a declared pest animal must be humanely destroyed as soon as is reasonably possible unless the person who owns it is authorised to own it under the **Catchment and Land Protection Act 1994** and the animal can be returned to its owner.
- (5) If an animal that is not required to be humanely destroyed under subregulation (4) or that is not an animal for which the trap has been set or used, is captured in the trap and is alive at the time the trap is checked—
  - (a) the animal must be released from the trap as soon as is reasonably possible; and
  - (b) if the animal is injured, it must be taken to a veterinary practitioner for treatment as soon as is reasonably possible or, if severely injured, the animal may be humanely destroyed.
- (6) If an animal that is released from a trap under subregulation (5)(a) is uninjured and is—
  - (a) a dog or a cat, it must be taken to the local council as soon as is reasonably possible; or
  - (b) an animal that is not wildlife or a dog or a cat, it must be taken to an animal shelter or other appropriate animal care facility as soon as is reasonably possible.
- (7) The trap must be set or used so as to minimise—
  - (a) any harm caused to a trapped animal; and
  - (b) the risk of catching non-target species.

- (8) Subregulations (2) to (7) do not apply in circumstances where the use has been otherwise approved by an Animal Ethics Committee for research approved under licence in accordance with Part 3 of the Act.

**Division 7—Rodent kill traps**

**45 Requirements for setting or using rodent kill traps**

A person must not set or use a rodent kill trap unless—

- (a) the person sets or uses the trap for the purposes of trapping rodents; and
- (b) the trap complies with regulation 46; and
- (c) the person sets or uses the trap in accordance with regulations 47 and 48.

**46 Prescribed features of rodent kill traps**

A rodent kill trap must have the following features—

- (a) if jawed, the trap must have smooth, not serrated jaws;
- (b) the trap must humanely destroy the animal;
- (c) the trap must not have spikes or serrations which could cause injury to a trapped animal before its death.

**47 Places where rodent kill traps may be set or used**

A rodent kill trap must not be set or used on any land or premises except with the consent of the owner or occupier of the land or premises or, in the case of Crown land, the manager of the land.

**48 Conditions of set or use of rodent kill traps**

The trap must be set or used so as to minimise the risk of catching non-target species.

**Division 8—Kill traps**

**49 Requirements for setting or using kill traps**

- (1) A person must not set or use a kill trap unless—
  - (a) the person sets or uses the trap for the purposes of trapping animals that are established pest animals or any other species approved by the Minister; and
  - (b) the trap complies with regulation 50; and
  - (c) the person sets or uses the trap in accordance with regulations 51 and 52.
- (2) Subregulation (1) does not apply—
  - (a) where the use of the trap is approved by an Animal Ethics Committee for research approved under a licence in accordance with Part 3 of the Act; or
  - (b) if it is a rodent kill trap used in accordance with Division 7.

**50 Prescribed features of kill traps**

A kill trap must have the following features—

- (a) the trap must humanely destroy the animal; and
- (b) the trap must not have spikes or serrations which could cause injury to a trapped animal before its death.

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**51 Places where kill traps may be set or used**

A kill trap must not be set or used on any land except with the consent of the owner or occupier of the land or, in the case of Crown land, the manager of the land.

**52 Conditions of set or use of kill traps**

A kill trap, other than a rodent kill trap under Division 7, must not be set or used unless the use has been approved by the Minister and the use complies with any conditions of that approval.

**Division 9—Glue traps**

**53 Requirements for setting or using glue traps**

A person must not set or use a glue trap unless—

- (a) the person is a commercial pest control operator; and
- (b) the person sets or uses the trap for the purposes of trapping rodents; and
- (c) the person has been approved by the Minister to set or use the trap; and
- (d) the person sets or uses the trap in accordance with any determination by the Minister as to—
  - (i) the period of time during which setting or using a glue trap is permitted; and
  - (ii) any other conditions of setting or using a glue trap that the Minister considers appropriate.

**Division 10—Lethal trap devices**

**54 Lethal trap devices**

A lethal trap device must not be set or used with a trap to which Division 3, 4, 5 or 6 applies unless the lethal agent used in the device has been approved by the Minister for use on that type of trap and the use complies with any conditions of that approval.

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**PART 3—RODEOS AND RODEO SCHOOLS**

**55 Definitions**

In this Part—

***appointed veterinary practitioner*** means a veterinary practitioner appointed by the nominated veterinary practitioner under regulation 63 and approved by the Department Head under regulation 64;

***approved rodeo organisation*** means an organisation that accredits persons who operate rodeos or provide stock to rodeos and that has been approved by the Minister under regulation 58(4);

***drug*** has the same meaning as in the **Road Safety Act 1986**;

***girth or cinch*** means the strap or band used to secure a saddle around a horse;

***gullet*** means the central part of a saddle for a horse that runs along the horse's spine but is raised so there is no contact with the horse's spine;

***nominated veterinary practitioner*** means the veterinary practitioner nominated by the applicant on an application for a rodeo or rodeo school permit, or the veterinary practitioner who is nominated by a licence holder under regulation 57(h) and 60(d) to attend a rodeo to be held under that licence;

***paddle rowels*** means a wheel attached to the spur with 5 sides and having inward grooves at the end of each point;

***rigging*** means the equipment or rope used on an animal in bareback riding for the rider to hold on to;

***rodeo licence holder*** means a person holding a rodeo licence;

***rodeo permit holder*** means a person holding a rodeo permit;

***rodeo school permit holder*** means a person holding a permit for a rodeo school;

***spur rowel*** means a device attached to the rear of a rider's boot with a wheel (or rowel) that can rotate.

#### **56 Application for a rodeo licence**

For the purposes of section 17C(2)(a) of the Act, the prescribed particulars for an application for a rodeo licence are—

- (a) the full name of the applicant;
- (b) the street and postal address of the applicant;
- (c) a contact telephone number and email address (if any) for the applicant;
- (d) the name of the approved rodeo organisation that the applicant is accredited with;
- (e) the date that the form was signed by the applicant.

#### **57 Application for an individual rodeo or rodeo school permit**

For the purposes of section 17C(2)(a) of the Act, the prescribed particulars for an application for a rodeo permit or rodeo school permit are—

- (a) the full name of the applicant;

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- (b) the street and postal address of the applicant;
  - (c) the contact telephone number and email address (if any) of the applicant;
  - (d) the location of the rodeo or rodeo school;
  - (e) a list of all rodeos or rodeo school events;
  - (f) the start and finish date for the rodeo or rodeo school;
  - (g) the start and finish time for each day the rodeo or rodeo school is to be operated;
  - (h) the full name of the veterinary practitioner nominated by the applicant to attend rodeos or rodeo schools conducted under the licence or permit;
  - (i) the street and postal address of the nominated veterinary practitioner;
  - (j) the telephone number of the nominated veterinary practitioner;
  - (k) the name of the approved rodeo organisation that has accredited the applicant;
  - (l) in the case of a rodeo school permit—
    - (i) the name of the instructor or instructors nominated for each class of instruction;
    - (ii) the name of the nominated instructor-in-charge;
    - (iii) the name of the approved rodeo organisation that has accredited each instructor;
  - (m) the date that the form was signed by the applicant.
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**58 Conditions for rodeo licences, rodeo permits and rodeo school permits and approvals of organisations**

(1) For the purposes of section 17E(4) of the Act, the prescribed conditions for a rodeo licence, rodeo permit and rodeo school permit are—

- (a) the licence or permit holder must—
    - (i) provide proper and sufficient food, water and shelter for all animals involved in a rodeo or rodeo school; and
    - (ii) take responsibility for the management of all animals involved in a rodeo or rodeo school;
  - (b) the licence or permit holder must not provide, use or allow use of a stimulant or hypnotic substance on any animal that is to take part in a rodeo or rodeo school;
  - (c) the licence or permit holder must ensure that the rodeo arena, rodeo school training area, chute and yard fencing for a rodeo or rodeo school—
    - (i) is strong enough to contain animals;
    - (ii) is clearly visible to the animals;
    - (iii) is constructed in a manner that is not likely to cause injury or harm to any animal; and
    - (iv) contains no protrusions likely to cause injury or harm to any animal;
  - (d) the licence or permit holder must ensure that any animal in a chute during a rodeo or rodeo school operated under the licence or permit is immediately released if it becomes caught, tries to jump out more than twice or
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- otherwise appears to be in danger of injury or harming itself;
- (e) the licence or permit holder must be accredited by an approved rodeo organisation.
- (2) An organisation may apply to the Minister to be an approved rodeo organisation.
- (3) An application under subregulation (2) must include—
- (a) a copy of the organisation's annual report for the preceding year; and
  - (b) a copy of the organisation's code of ethics and details of how the code is enforced; and
  - (c) any other information required by the Minister.
- (4) The Minister may, by notice in the Government Gazette, approve a rodeo organisation if the Minister is satisfied that—
- (a) the organisation consists of members of the rodeo industry and represents the interests of the rodeo industry; and
  - (b) the objectives of the organisation provide for the welfare of animals used in rodeos and rodeo schools; and
  - (c) the organisation has in place a code of ethics which covers the protection of the welfare of animals used in rodeos and this code of ethics is enforced; and
  - (d) any other condition imposed by the Minister is satisfied.
- (5) An approval under subregulation (4) of an approved rodeo organisation remains in force for the period specified in the notice.
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- (6) The Minister may, by notice in the Government Gazette, revoke the approval of an approved rodeo organisation at any time if the Minister reasonably believes the organisation no longer satisfies the requirements set out in subregulation (4).

**59 Licence or permit holder must produce licence or permit to POCTA inspector**

- (1) The holder of a rodeo licence, rodeo permit or rodeo school permit must produce the permit or licence to a POCTA inspector on demand.

Penalty: 10 penalty units.

- (2) Before demanding the production of the permit or licence, a POCTA inspector must—
- (a) announce that he or she is authorised to see the permit or licence; and
  - (b) show his or her identification card to the holder of the permit or licence.

**60 Department to be notified of rodeo**

The holder of a rodeo licence must notify the Department Head at least 28 days before a rodeo is operated under the licence of—

- (a) the date or dates that the rodeo will be held; and
  - (b) the start and finish times for each day of the rodeo; and
  - (c) the location where the rodeo will be held; and
  - (d) the full name of the veterinary practitioner nominated by the applicant to attend the rodeo and the practitioner's street or postal address and contact telephone number; and
  - (e) a list of all rodeo events to be held at the rodeo; and
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- (f) the name of the approved organisation that the licence holder is accredited with.

Penalty: 10 penalty units.

**61 Rodeo and rodeo school must be attended by a veterinary practitioner**

- (1) The holder of a rodeo licence, rodeo permit or rodeo school permit must attend when any rodeo or rodeo school held under the licence or permit is in progress.

Penalty: 10 penalty units.

- (2) The holder of a rodeo licence, rodeo permit or rodeo school permit must ensure that the nominated veterinary practitioner or appointed veterinary practitioner attends when any rodeo or rodeo school held under the licence or permit is in progress.

Penalty: 10 penalty units.

**62 Instructions from veterinary practitioner**

The holder of a rodeo licence, rodeo permit or rodeo school permit must accept and implement the instructions of the nominated veterinary practitioner or appointed veterinary practitioner in relation to any animals used or held in relation to any rodeo or rodeo school held under the licence or permit.

Penalty: 10 penalty units.

**63 Duties of veterinary practitioner**

- (1) If a nominated veterinary practitioner is unable to attend a rodeo or rodeo school for which the practitioner has been nominated, the nominated veterinary practitioner must, as soon as possible but at least 72 hours prior to the commencement date of the rodeo or rodeo school—

- (a) appoint another veterinary practitioner to attend the rodeo or rodeo school; and
- (b) notify the licence or permit holder in writing of the name and address of the appointed veterinary practitioner.

Penalty: 5 penalty units.

- (2) If, within 72 hours of the rodeo or rodeo school taking place, for reason of an emergency, the nominated veterinary practitioner is unable to attend the rodeo or rodeo school, the nominated veterinary practitioner must inform the Department Head that the practitioner is unable to attend and the name and address of the appointed veterinary practitioner as soon as possible.

Penalty: 5 penalty units.

- (3) Within 28 days of a rodeo or rodeo school taking place, the nominated veterinary practitioner or appointed veterinary practitioner who attended the event must submit to the Department Head a veterinary report detailing the condition of the animals involved in the rodeo or rodeo school and any injuries sustained.

Penalty: 10 penalty units.

- (4) A nominated veterinary practitioner or appointed veterinary practitioner must inspect animals before and after a rodeo or rodeo school for which the veterinary practitioner is nominated or appointed.

**64 Department to be advised of nominated or appointed veterinary practitioner**

- (1) Upon being notified by a nominated veterinary practitioner under regulation 63(1), the holder of a rodeo licence, rodeo permit or rodeo school permit must notify the Department Head in writing of the name, postal address and contact

telephone number of the appointed veterinary practitioner as soon as is reasonably possible but no later than 48 hours prior to the relevant rodeo or rodeo school start date.

Penalty: 5 penalty units.

- (2) If the Department Head receives a notification of an appointment under subregulation (1), the Department Head must, at least 24 hours prior to the start of the relevant rodeo or rodeo school, provide written advice of the appointment to the relevant holder of a rodeo licence, rodeo permit or rodeo school permit.
- (3) If the Department Head receives a notification of an appointed veterinary practitioner under regulation 63(2), the Department Head must, as soon as possible before the start of the rodeo, provide written advice of the appointment to the relevant holder of the rodeo licence, rodeo permit or rodeo school permit.

#### **65 Types of animals that may be used**

The holder of a rodeo licence, rodeo permit or rodeo school permit must not permit animals, other than cattle and horses, to take part in a rodeo or rodeo school held under the licence or permit.

Penalty: 10 penalty units.

#### **66 Minimum weight for animals**

The holder of a rodeo licence, rodeo permit or rodeo school permit must not permit an animal that weighs less than 200 kilograms to take part in a rodeo or rodeo school held under the licence or permit.

Penalty: 5 penalty units.

**67 Minimum age for rodeo horses**

The holder of a rodeo licence, rodeo permit or rodeo school permit must not allow use of horses under 3 years of age for bucking events held at a rodeo or rodeo school operated under the licence or permit.

Penalty: 10 penalty units.

**68 Repeat use of animals**

- (1) The holder of a rodeo licence, rodeo permit or rodeo school permit must not allow the use of any animal in a rodeo or rodeo school event operated under the licence or permit on more than 3 occasions on any one day.

Penalty: 5 penalty units.

- (2) The holder of a rodeo licence, rodeo permit or rodeo school permit must not allow use of the same animal for both steer wrestling and roping events at a rodeo or rodeo school conducted under the licence or permit.

Penalty: 5 penalty units.

**69 Inspection of animals before a rodeo or rodeo school**

The holder of a rodeo licence, rodeo permit or rodeo school permit must ensure that all animals used in a rodeo or rodeo school operated under the licence or permit are inspected prior to the use of the animals in an event on the day of the rodeo by the licence or permit holder and the nominated veterinary practitioner or appointed veterinary practitioner and that the animals are found to be fit for use in a rodeo or rodeo school.

Penalty: 5 penalty units.

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**70 Condition of animals used at rodeos or rodeo schools**

The holder of a rodeo licence, rodeo permit or rodeo school permit must ensure that all animals used in any rodeo or rodeo school operated under the licence or permit are fit, healthy, without any defects and suitable for the intended use.

Penalty: 10 penalty units.

**71 Lamé, sick, injured or defective animals**

- (1) The holder of a rodeo licence, rodeo permit or rodeo school permit must not permit any animal that is lame, sick, injured or has defective eyesight to take part in a rodeo or rodeo school held under the licence or permit.

Penalty: 10 penalty units.

- (2) The holder of a rodeo licence, rodeo permit or rodeo school permit must ensure that injured animals are isolated from other animals while a rodeo is being operated under the licence or permit unless otherwise approved by the nominated veterinary practitioner or appointed veterinary practitioner.

Penalty: 10 penalty units.

**72 Transport of injured animals**

The holder of a rodeo licence, rodeo permit or rodeo school permit must ensure that a suitable method of transport is available on site at all times for moving injured animals from a rodeo arena during or after any rodeo or rodeo school operated under the licence or permit.

Penalty: 5 penalty units.

**73 Humane destruction of seriously injured animals**

The holder of a rodeo licence, rodeo permit or rodeo school permit must ensure that, during a rodeo or rodeo school operated under the licence or permit—

- (a) the means to humanely destroy a severely injured animal is available on site; and
- (b) a person licensed and qualified to humanely destroy an animal is available at all times.

Penalty: 20 penalty units.

**74 Penning of cattle and horses**

The holder of a rodeo licence, rodeo permit or rodeo school permit must ensure that during any rodeo or rodeo school operated under the licence or permit—

- (a) cattle and horses are not penned together in the yards; and
- (b) aggressive animals are isolated from other animals.

Penalty: 5 penalty units.

**75 No rocks, holes or obstacles in arena**

The holder of a rodeo licence, rodeo permit or rodeo school permit must ensure that a rodeo arena, or the training area at the premises of a rodeo school, is free of rocks, holes and any other obstacles during any rodeo or rodeo school operated under the licence or permit.

Penalty: 5 penalty units.

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**76 Removal of animals from the arena**

The holder of a rodeo licence, rodeo permit or rodeo school permit must ensure that any animal is removed immediately from a rodeo arena or the premises of a rodeo school after completing an event in any rodeo or rodeo school operated under the licence or permit.

Penalty: 5 penalty units.

**77 Foals or calves not yarded or used**

The holder of a rodeo licence, rodeo permit or rodeo school permit must ensure that, in or at a rodeo or rodeo school conducted under the licence or permit, mares with foals at foot, or cows with calves at foot, are not yarded or used.

Penalty: 5 penalty units.

**78 Fitting saddles**

The holder of a rodeo licence, rodeo permit or rodeo school permit must ensure that the saddle on a horse in a rodeo or rodeo school operated under the licence or permit is correctly fitted.

Penalty: 5 penalty units.

**79 Fitting cinches or girths**

The holder of a rodeo licence, rodeo permit or rodeo school permit must ensure that when fully tightened cinches or girths are used on bucking animals in any rodeo or rodeo school operated under the licence or permit—

- (a) the rear cinch is not over-tightened; and
- (b) the front cinch or girth is a minimum of 12 centimetres in width.

Penalty: 5 penalty units.

### **80 Fitting pads**

The holder of a rodeo licence, rodeo permit or rodeo school permit must ensure, in any rodeo or rodeo school operated under the licence or permit, that on any horse ridden bareback—

- (a) pads are placed under the rigging to protect the animals from abrasion or injury; and
- (b) pads extend to a minimum of 5 centimetres past the back of the rigging.

Penalty: 5 penalty units.

### **81 Tightening flank straps and ropes**

- (1) The holder of a rodeo licence, rodeo permit or rodeo school permit must ensure that flank straps and ropes are not tightened more than twice on an animal standing in the chute in any rodeo or rodeo school operated under the licence or permit.

Penalty: 5 penalty units.

- (2) The holder of a rodeo licence, rodeo permit or rodeo school permit must only use flank straps at a rodeo or rodeo school operated under the licence or permit that—
  - (a) incorporate a quick-release device; and
  - (b) are lined to prevent injury or undue discomfort to the animal.

Penalty: 10 penalty units.

- (3) The holder of a rodeo licence, rodeo permit or rodeo school permit must ensure horn wraps that protect the ears and base of the horns from rope burns are used on cattle in roping events at a rodeo or rodeo school operated under the licence or permit.

Penalty: 5 penalty units.

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**82 Use of electric prodders**

- (1) A person must not use an electric prodder at a rodeo or rodeo school on any animal other than cattle and must do so only on the hip or shoulder of the animal.

Penalty: 10 penalty units.

- (2) A person must not use an electric prodder in the rodeo arena or training area of a rodeo school.

Penalty: 10 penalty units.

- (3) A person at a rodeo or rodeo school must not use an electric prodder on cattle in the chute unless—

- (a) the animal is down in the chute and is in a position to rise; or  
(b) the animal has refused to leave the chute.

Penalty: 10 penalty units.

**83 Poking or harming animals**

A person at a rodeo or rodeo school must not use any item when handling animals to strike or poke an animal in a manner or with such force that may cause unreasonable pain or injury to an animal.

Penalty: 10 penalty units.

**84 Free-running paddle or spur rowels**

- (1) A person at a rodeo or rodeo school must not wear or use paddle rowels or spur rowels that are not free-running when riding a horse.

Penalty: 10 penalty units.

- (2) A person at a rodeo or rodeo school must not wear or use spur rowels that are incapable of at least half a turn when riding a bull.

Penalty: 10 penalty units.

(3) A person at a rodeo or rodeo school must not wear or use spur rowels that are not—

- (a) dulled and a minimum of 3 millimetres in width at the narrowest part; and
- (b) a minimum of 2 centimetres to the point of the rowel.

Penalty: 10 penalty units.

#### **85 Sharp or cutting objects**

A person at a rodeo or rodeo school must not use sharp or cutting objects in a cinch, saddle, girth or flank strap.

Penalty: 10 penalty units.

#### **86 Roped animals at rodeos**

During a rodeo or rodeo school, a person must not—

- (a) pull a roped animal backward off its feet; or
- (b) allow a roped animal to be dragged.

Penalty: 5 penalty units.

#### **87 Animals permitted in arena**

While a rodeo or rodeo school is being held, a person must not bring animals other than cattle and horses used for the rodeo or rodeo school into a rodeo arena during an event at the rodeo or into the training area at the premises of the rodeo school.

Penalty: 5 penalty units.

#### **88 Fireworks prohibited**

(1) A person must not use fireworks during an event taking place as part of a rodeo.

Penalty: 10 penalty units.

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- (2) A person must not use fireworks at the premises of a rodeo school while the school is being held.

Penalty: 10 penalty units.

**89 Drugs and alcohol prohibited**

- (1) A person must not take part in a rodeo or rodeo school or handle animals in the holding yards, chute, rodeo arena or premises of a rodeo or rodeo school if the person has a concentration of alcohol in the blood or breath of 0.05% or more.

Penalty: 10 penalty units.

- (2) A person must not take part in a rodeo or rodeo school or handle animals in the holding yards, chute, rodeo arena or premises of a rodeo or rodeo school if the person is under the influence of drugs.

Penalty: 10 penalty units.

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## **PART 4—SCIENTIFIC PROCEDURES**

### **Division 1—Scientific procedure premises licence**

#### **90 Definitions**

In this Part—

*nominee* means a person nominated under section 26(2) of the Act.

#### **91 Application for the issue or renewal of a scientific procedures premises licence**

For the purposes of sections 30(2) and 32J(2) of the Act, the prescribed particulars for an application for the issue or renewal of a scientific procedures premises licence are—

- (a) if the applicant is a natural person, the name and address of the applicant; and
  - (b) if the applicant is a body corporate, the name, registered address and registration number or, if no registration number exists, a reference to the legislation under which the body is established, and its address; and
  - (c) the name, title, address, telephone contact details, email address (if any), fax contact details (if any) and employment position of the nominee; and
  - (d) the names, qualifications and relevant experience of the members of each Animal Ethics Committee to be nominated for that licence; and
  - (e) if more than one Animal Ethics Committee is nominated for a licence, specification of each committee's proposed functions and responsibilities under the licence; and
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- (f) the name and location of the scientific premises at which it is intended to carry out scientific procedures; and
- (g) a declaration by the person nominated for the purposes of section 26(2) of the Act that the person consents to that nomination.

**92 Conditions on scientific procedures premises licences**

- (1) For the purposes of section 32 of the Act, the conditions set out in the following subregulations of this regulation are prescribed for scientific procedures premises licences.

***Compliance with codes of practice***

- (2) All scientific procedures carried out under the licence must be carried out in accordance with the Australian Code of Practice, the Laboratory Animals Code of Practice and the Pound Animals Code of Practice.

***Nomination and membership of Animal Ethics Committees***

- (3) The licence holder must nominate one or more Animal Ethics Committees for the purposes of the licence to perform functions under the licence in accordance with the Australian Code of Practice.
- (4) The licence holder must use only the Animal Ethics Committee or Committees nominated under the licence for the purposes of the licence.
- (5) If an Animal Ethics Committee nominated by the licence holder does not carry out its functions under the licence in accordance with the Australian Code of Practice, the licence holder must nominate another Animal Ethics Committee to take the place of the earlier nominated committee.

- (6) Before making a nomination under subregulation (5), the licence holder must first notify the Department Head of the proposal to make the nomination.
- (7) If there is to be a change in the membership of an Animal Ethics Committee nominated by the licence holder, the licence holder must notify the Department Head of the proposed change before the change is made.

***Functions of Animal Ethics Committee***

- (8) Any scientific procedure or program of scientific procedures carried out under the licence must not commence until the Animal Ethics Committee nominated by the licence holder, in relation to the procedure or program of scientific procedures, has approved—
    - (a) the procedure or program of procedures; and
    - (b) the premises at which the procedure or program of procedures are to be carried out; and
    - (c) the person or persons who are to carry out the procedure or program of procedures.
  - (9) The licence holder must ensure that an Animal Ethics Committee, nominated by the licence holder, acts in accordance with the Australian Code of Practice, in relation to any scientific procedure or program of scientific procedures carried out under the licence, when—
    - (a) making any recommendation and approvals as to the use of animals in the procedure or program; or
    - (b) supervising the carrying out of the procedure or program; or
    - (c) performing any other function in relation to the procedure or program.
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***Obtaining specification of premises in licence***

- (10) All scientific procedures carried out under the licence must be carried out on premises specified in the licence.
- (11) If a place at which the licence holder proposes that a scientific procedure or a program of scientific procedures be carried out under the licence is not specified in the licence, the licence holder must notify the Department Head of the proposal to use the place and must set out in the notice—
- (a) a description of the place; and
  - (b) a description of the procedure or program of procedures to be carried out at the place; and
  - (c) a description of the animals proposed to be used in the procedure or program of procedures.
- (12) The licence holder must give a notification under subregulation (11) no later than 14 days after the licence holder has first obtained approval for use of the place for the carrying out of the procedure or program of procedures from the Animal Ethics Committee nominated by the licence holder as responsible.
- (13) The place in respect of which notice is given under subregulation (11) is taken to be specified in the licence if the Department Head, on receiving the notice, so advises the licence holder.

***Obligations as to persons acting under the licence***

- (14) Any person carrying out a scientific procedure or program of scientific procedures under the licence must conduct the procedure in accordance with the approval given by the Animal Ethics Committee, and any recommendations and conditions imposed by the Animal Ethics Committee.

***Sources of animals used under the licence***

- (15) Any specified animal that is used in any scientific procedure or program of scientific procedures carried out under the licence must have been bred at—
- (a) a scientific premises for which a scientific procedures premises licence has been granted, where the breeding of the animal has been carried out for the purposes of scientific procedures to be carried out at the premises; or
  - (b) premises for which a specified animals breeding licence has been granted; or
  - (c) premises within Australia but outside Victoria which comply with all relevant requirements for the breeding of specified animals that are imposed by the State or Territory in which the premises are located; or
  - (d) premises outside Australia which comply with all relevant requirements for the breeding of specified animals that are imposed by the country in which the premises are located.
- (16) Despite subregulation (15), a specified animal that has been bred in its native habitat must not be used for a scientific procedure or program of scientific procedures under the licence or for breeding for the purposes of such a procedure or program.

*Animal care and welfare*

- (17) The licence holder must ensure that the husbandry practices and care of animals—
- (a) undergoing scientific procedures under the licence; or
  - (b) kept in breeding colonies for the purposes of the licence; or
  - (c) kept as stock animals for the purposes of the licence—
- are carried out in accordance with the Australian Code of Practice, the Laboratory Animals Code of Practice and the Pound Animals Code of Practice.
- (18) All animal housing, facilities and equipment used for the purposes of the licence must comply with the Australian Code of Practice, the Laboratory Animals Code of Practice and the Pound Animals Code of Practice.
- (19) A person must not carry out a scientific procedure under the licence involving the eye of any animal to determine irritancy of a chemical or biological agent unless the procedure is carried out under terminal anaesthesia.
- (20) A person must not carry out a scientific procedure or program of scientific procedures under the licence involving the death of an animal as an endpoint, where the death is a deliberate measure in the procedure and where there will be no intervention to kill the animal humanely before death occurs in the course of the procedure or procedures, unless—
- (a) the objective of the procedure or procedures cannot be achieved by any other scientific means; and

- (b) the procedure or procedures are approved by the Minister and are carried out in accordance with any conditions determined by the Minister; and
- (c) the procedure or procedures are related to—
  - (i) potentially lifesaving treatment for animals or human beings; or
  - (ii) research in connection with cancer in animals or human beings; or
  - (iii) development and assessment of the humaneness of lethal vertebrate pest control agents; or
  - (iv) investigation of environmental contaminants.

***Record keeping***

- (21) The licence holder must ensure that a record is kept, for each month, of—
    - (a) any scientific procedure or program of scientific procedures carried out during the month; and
    - (b) the number and species of animals held at any place or premises at which scientific procedures are carried out under the licence on the first working day of each month; and
    - (c) the source of each such animal (which, in the case of animals acquired from outside Australia, must include the name and address of the supplier of the animal to the licence holder); and
    - (d) the number and species of animals held for the purposes of the licence which were destroyed during the month without being used in any scientific procedures under the
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licence and the date of and reason for each animal's destruction; and

- (e) the number and species of live animals held for the purposes of the licence which were removed from the premises during the month, and the date of each animal's removal and destination.

***Change of nominated person***

- (22) If the licence holder wants to change the person nominated for the licence to be responsible for the obligations and requirements in respect of the licence, the licence holder must do so by notice in writing to the Department Head.
- (23) A notice under subregulation (22)—
  - (a) must be given to the Department Head no later than 14 days after the change of nominated person; and
  - (b) must set out the name and number of the licence; and
  - (c) must set out the name and address of the licence holder; and
  - (d) must set out the following information in relation to the nominated person—
    - (i) the name, title, address and employment position of the person; and
    - (ii) the contact details for the person including any telephone number, email, address and fax number of the person; and
    - (iii) the effective date of the change to the nominated person; and
    - (iv) a declaration from the person nominated that the person consents to that nomination.

**93 Minimum standards for scientific premises**

The licence holder and nominee of a scientific premises procedures licence must ensure that—

- (a) the facilities used for housing or handling animals for the purposes of the licence are clean and kept in good order and repair; and
- (b) the equipment used with animals held for the purposes of the licence are clean and kept in good order and repair.

Penalty: 20 penalty units.

**Division 2—Scientific procedures field work licence**

**94 Application for the issue or renewal of a scientific procedures field work licence**

For the purposes of sections 32B and 32J(2) of the Act, the prescribed particulars for an application for the issue or renewal of a scientific procedures field work licence are—

- (a) if the applicant is a natural person, the name and address of the applicant; and
- (b) if the applicant is a body corporate, the name, registered address and registration number or, if no registration number exists, a reference to the legislation under which the body is established, and its address; and
- (c) the name, title, address, telephone, email address (if any) and fax contact details (if any) and employment position of a person proposed to be responsible for the obligations and requirements in respect of the licence; and

- (d) the names, qualifications and relevant experience of the members of each Animal Ethics Committee to be nominated for that licence; and
- (e) if more than one Animal Ethics Committee is nominated for a licence, specification of each committee's proposed functions and responsibilities under the licence; and
- (f) a declaration by the person nominated under paragraph (c) that the person consents to that nomination.

**95 Conditions on scientific procedures field work licences**

- (1) For the purposes of section 32D of the Act, the conditions set out in the following subregulations of this regulation are prescribed for scientific procedures field work licences.

***Compliance with codes of practice***

- (2) All scientific procedures carried out under the licence must be carried out in accordance with the Australian Code of Practice, the Laboratory Animals Code of Practice and the Pound Animals Code of Practice.

***Nomination and membership of Animal Ethics Committees***

- (3) The licence holder must nominate one or more Animal Ethics Committees for the purposes of the licence to perform functions under the licence in accordance with the Australian Code of Practice.
- (4) The licence holder must use only the Animal Ethics Committee or Committees nominated under the licence for the purposes of the licence.

- (5) If an Animal Ethics Committee nominated by the licence holder does not carry out its functions under the licence in accordance with the Australian Code of Practice, the licence holder must nominate another Animal Ethics Committee to take the place of the earlier nominated committee.
- (6) Before making a nomination under subregulation (5), the licence holder must first notify the Department Head of the proposal to make the nomination.
- (7) If there is to be a change in the membership of an Animal Ethics Committee nominated by the licence holder, the licence holder must notify the Department Head of the proposed change before the change is made.

***Functions of Animal Ethics Committees***

- (8) Any scientific procedure or program of scientific procedures carried out under the licence must not commence until the Animal Ethics Committee nominated by the licence holder, in relation to the procedure or program of scientific procedures, has approved—
  - (a) the procedure or program of procedures; and
  - (b) the place at which the procedure or program of procedures are to be carried out; and
  - (c) the person or persons who are to carry out the procedure or program of procedures.
- (9) The licence holder must ensure that an Animal Ethics Committee, nominated by the licence holder, acts in accordance with the Australian Code of Practice, in relation to any scientific procedure or program of scientific procedures carried out under the licence, when—

- (a) making any recommendation and approvals as to the use of animals in the procedure or program; or
- (b) supervising the carrying out of the procedure or program; or
- (c) performing any other function in relation to the procedure or program.

***Obligations as to persons acting under the licence***

- (10) Any person carrying out a scientific procedure or program of scientific procedures under the licence must conduct the procedure in accordance with the approval given by the Animal Ethics Committee, and any recommendations and conditions imposed by the Animal Ethics Committee.

***Sources of animals used under the licence***

- (11) Any specified animal that is used in any scientific procedure or program of scientific procedures carried out under the licence must have been bred at—
  - (a) a scientific premises for which a scientific procedures premises licence has been granted, where the breeding of the animal has been carried out for the purposes of scientific procedures to be carried out at the premises; or
  - (b) premises for which a specified animals breeding licence has been granted; or
  - (c) premises within Australian but outside Victoria which comply with all relevant requirements for the breeding of specified animals that are imposed by the State or Territory in which the premises are located; or

- (d) premises outside Australia which comply with all relevant requirements for the breeding of specified animals that are imposed by the country in which the premises are located.
- (12) Despite subregulation (11), a specified animal that has been bred in its native habitat must not be used for a scientific procedure or program of scientific procedures under the licence or for breeding for the purposes of such a procedure or program.

***Animal care and welfare***

- (13) The licence holder must ensure that the husbandry practices and care of animals—
- (a) undergoing scientific procedures under the licence; or
  - (b) kept in breeding colonies for the purposes of the licence; or
  - (c) kept as stock animals for the purposes of the licence—
- are carried out in accordance with the Australian Code of Practice, the Laboratory Animals Code of Practice and the Pound Animals Code of Practice.
- (14) All animal housing, facilities and equipment used for the purposes of the licence must comply with the Australian Code of Practice, the Laboratory Animals Code of Practice and the Pound Animals Code of Practice.
- (15) A person must not carry out a scientific procedure under the licence involving the eye of any animal to determine irritancy of a chemical or biological agent unless the procedure is carried out under terminal anaesthesia.
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- (16) A person must not carry out a scientific procedure or program of scientific procedures under the licence involving the death of an animal as an endpoint, where the death is a deliberate measure in the procedure and where there will be no intervention to kill the animal humanely before death occurs in the course of the procedure or procedures, unless—
- (a) the objective of the procedure or procedures cannot be achieved by any other scientific means; and
  - (b) the procedure or procedures are approved by the Minister and are carried out in accordance with any conditions determined by the Minister; and
  - (c) the procedure or procedures are related to—
    - (i) potentially lifesaving treatment for animals or human beings; or
    - (ii) research in connection with cancer in animals or human beings; or
    - (iii) development and assessment of the humaneness of lethal vertebrate pest control agents; or
    - (iv) investigation of environmental contaminants.

***Record keeping***

- (17) The licence holder must ensure that a record is kept, for each month, of—
- (a) any scientific procedure or program of scientific procedures carried out under the licence during the month; and

- (b) the number and species of animals held at any place for the purposes of scientific procedures carried out under the licence on the first working day of each month; and
- (c) the source of each such animal (which, in the case of animals acquired from outside Australia, must include the name and address of the supplier of the animal to the licence holder);
- (d) the number and species of animals held for the purposes of the licence which were destroyed during the month without being used in any scientific procedures under the licence and the date of, and reason for, each animal's destruction; and
- (e) the number and species of live animals held for the purposes of the licence which were removed from the premises during the month, and the date of each animal's removal and destination.

***Notification of procedures to Department Head***

- (18) Before a scientific procedure or a program of scientific procedures to be conducted under the licence may commence, the licence holder must ensure that the Department Head is notified in writing of—
- (a) the place at which the scientific procedure or program of scientific procedures is to be carried out; and
  - (b) a description of the procedure or program of procedures to be carried out at the place; and
  - (c) a description of the animals proposed to be used in the procedure or program of procedures.
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***Change of nominated person***

- (19) If the licence holder wants to change the person nominated for the licence to be responsible for the obligations and requirements in respect of the licence, the licence holder must do so by notice in writing to the Department Head.
- (20) A notice under subregulation (19)—
- (a) must be given to the Department Head no later than 14 days after the change of nominated person; and
  - (b) must set out the name and number of the licence; and
  - (c) must set out the name and address of the licence holder; and
  - (d) must set out the following information in relation to the nominated person—
    - (i) the name, title, address and employment position of the person; and
    - (ii) the contact details for the person including any telephone number, email, address and fax number of the person; and
    - (iii) the date of the change of person; and
    - (iv) a declaration from the person nominated that the person consents to that nomination.

**96 Minimum standards for field work**

A licence holder must ensure that only places that comply with the following conditions are used when conducting scientific procedures under a field work licence—

- (a) the facilities used for housing or handling animals for the purposes of the licence are clean and kept in good order and repair; and
- (b) the equipment used with animals held for the purposes of the licence are clean and kept in good order and repair.

Penalty: 20 penalty units.

### **Division 3—Specified animals breeding licence**

#### **97 Application for the issue or renewal of a specified animals breeding licence**

For the purposes of sections 32F and 32J(2) of the Act, the prescribed particulars for an application for the issue or renewal of a specified animals breeding licence are—

- (a) if the applicant is a natural person, the name and address of the applicant; and
  - (b) if the applicant is a body corporate, the name, registered address and registration number or, if no registration number exists, a reference to the legislation under which the body is established, and its address; and
  - (c) the name, title, address, telephone, email address (if any) and fax contact details (if any) and employment position of a person proposed to be responsible for the obligations and requirements in respect of the licence; and
  - (d) the names, qualifications and relevant experience of the members of each Animal Ethics Committee to be nominated for that licence to perform functions as required by the Australian Code of Practice; and
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- (e) if more than one Animal Ethics Committee is nominated for a licence, specification of each committee's proposed functions and responsibilities under the licence; and
- (f) the name and location of the premises at which the breeding of specified animals and any practices which are necessary for the breeding, sale and delivery of specified animals will be carried out; and
- (g) a declaration by the person nominated under paragraph (c) that the person consents to that nomination.

**98 Conditions on specified animals breeding licence**

- (1) For the purposes of section 32H of the Act, the conditions set out in the following subregulations of this regulation are prescribed for specified animals breeding licences.

***Compliance with codes of practice***

- (2) All breeding of specified animals and related practices, which may involve the surgical, medical or physical treatment or extraction or derivation of tissues, material or substance from the bodies of specified animals, may only be conducted if—
  - (a) they are necessary for the breeding, sale, and delivery of specified animals; and
  - (b) they are carried out in accordance with the Australian Code of Practice and the Laboratory Animals Code of Practice.

***Nomination and membership of Animal Ethics Committees***

- (3) The licence holder must nominate one or more Animal Ethics Committees for the purposes of the licence to perform functions under the licence in accordance with the Australian Code of Practice.

- (4) The licence holder must use only the Animal Ethics Committee or Committees nominated under the licence for the purposes of the licence.
- (5) If an Animal Ethics Committee nominated by the licence holder does not carry out its functions under the licence in accordance with the Australian Code of Practice, the licence holder must nominate another Animal Ethics Committee to take the place of the earlier nominated committee.
- (6) Before making a nomination under subregulation (5), the licence holder must first notify the Department Head of the proposal to make the nomination.
- (7) If there is to be a change in the membership of an Animal Ethics Committee nominated by the licence holder, the licence holder must notify the Department Head of the proposed change before the change is made.

***Functions of Animal Ethics Committees***

- (8) Any use of animals in breeding or practices necessary for the breeding, sale and delivery of specified animals carried out under the licence must not commence until the Animal Ethics Committee nominated by the licence holder has approved—
    - (a) the breeding and practices which are necessary for the breeding, sale or delivery of the specified animals under the licence; and
    - (b) the premises at which the breeding and practices which are necessary for the breeding, sale or delivery of specified animals are to be carried out, which must be the same as those specified on the licence under regulation 97(f); and
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- (c) the person or persons who are to carry out the breeding and practices which are necessary for the breeding, sale or delivery of the specified animals.
- (9) The licence holder must ensure that an Animal Ethics Committee, nominated by the licence holder, acts in accordance with the Australian Code of Practice, in relation to breeding or practices carried out under the licence, when—
- (a) making recommendations and giving approvals as to the use of animals in breeding and practices necessary for the breeding, sale and delivery of specified animals;
  - (b) the supervision of the carrying out of the breeding and practices under that licence;
  - (c) performing any other function in relation to the breeding and practices under that licence.

***Obligations as to persons acting under the licence***

- (10) Any person carrying out breeding or practice necessary for the breeding, sale and delivery of specified animals under the licence must conduct the breeding or practice in accordance with the approval given by the Animal Ethics Committee, and any recommendations and conditions imposed by the Animal Ethics Committee.

***Sources of animals used under the licence***

- (11) Any specified animal that is used for breeding under the licence must have been bred at—
- (a) a scientific premises for which a scientific procedures premises licence has been granted, where the breeding of the animal has been carried out for the purposes of supply for use on scientific procedures; or

- (b) premises for which a specified animals breeding licence has been granted; or
  - (c) premises within Australia but outside Victoria which comply with all relevant requirements for the breeding of specified animals that are imposed by the State or Territory in which the premises are located; or
  - (d) premises outside Australia which comply with all relevant requirements for the breeding of specified animals that are imposed by the country in which the premises are located.
- (12) Despite subregulation (11), a specified animal that has been bred in its native habitat must not be used for breeding under the licence.

***Animal care and welfare***

- (13) The licence holder must ensure that the husbandry and care of animals kept for the purposes of the licence are carried out in accordance with the Australian Code of Practice and the Laboratory Animals Code of Practice.
- (14) All animal housing, facilities and equipment used for the purposes of the licence must comply with the Australian Code of Practice and the Laboratory Animals Code of Practice.

***Record keeping***

- (15) The licence holder must ensure that a record is kept, for each month, of—
- (a) any breeding or practice which is necessary to be carried out for the breeding, sale, and delivery of specified animals; and
  - (b) the number and species of specified animals at the premises on the first working day of each month; and
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- (c) the number and species of specified animals sold or delivered to each scientific premises; and
- (d) the number and species of specified animals held for the purposes of the licence which were destroyed and the date of, and reason for, their destruction.

***Change of nominated person***

- (16) If the licence holder wants to change the person nominated for the licence to be responsible for the obligations and requirements in respect of the licence, the licence holder must do so by notice in writing to the Department Head.
- (17) A notice under subregulation (16)—
  - (a) must be given to the Department Head no later than 14 days after the change of nominated person; and
  - (b) must set out the name and number of the licence; and
  - (c) must set out the name and address of the licence holder; and
  - (d) must set out the following information in relation to the nominated person—
    - (i) the name, title, address and employment position of the person; and
    - (ii) the contact details for the person including any telephone number, email, address and fax number of the person; and
    - (iii) the date of the change to the nominated person; and
    - (iv) a declaration from the person nominated that the person consents to that nomination.

**99 Minimum standards for premises specified in a specified animals breeding licence**

A licence holder must ensure that only premises that comply with the following conditions are used for the purposes of the licence—

- (a) the facilities used for housing or handling animals are clean and kept in good order and repair; and
- (b) the equipment used for animals undergoing any breeding or practices necessary for the breeding, sale and delivery of specified animals is clean and kept in good order and repair.

Penalty: 20 penalty units.

**Division 4—Records, returns and other requirements**

**100 Completion of annual returns**

- (1) The licence holder of a scientific procedures premises licence, scientific procedures field work licence or a specified animals breeding licence must, on or before 31 March of each year, send to the Department Head a return containing the following—
  - (a) details of the animals used in scientific procedures carried out under that licence or specified animals bred under that licence during the 12 months ending on 31 December in the previous year; or
  - (b) if no animals were used in any procedures under the licence, a statement to that effect.

Penalty: 5 penalty units.

- (2) For the purposes of subregulation (1)(a), where one or more animals have been assigned to a scientific procedure approved by an Animal

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Ethics Committee, a return must specify the following matters in the manner determined by the Department Head—

- (a) the name of the licence holder;
  - (b) the project number given to the project by the relevant Animal Ethics Committee;
  - (c) the date the project was approved by the relevant Animals Ethics Committee;
  - (d) the type of animal or animals;
  - (e) the source of the animal or animals;
  - (f) the procedure or breeding option for the animal or animals;
  - (g) the overall purpose of the project;
  - (h) the impact of the project on the animals used;
  - (i) particular procedures used during the project;
  - (j) the benefit of the project to humans or animals;
  - (k) the number of animals used;
  - (l) the number of animals that died, including the number of animals that were humanely destroyed during the project or breeding program.
- (3) For the purposes of subregulation (1)(a), where breeding of specified animals has occurred, a return for those animals must specify the following matters in the manner determined by the Department Head—
- (a) the name of the licence holder;
  - (b) the type of animal;

- (c) the source of the animal or animals;
  - (d) the procedure or breeding option used;
  - (e) the overall purpose of the breeding;
  - (f) the impact of the project on the animal or animals;
  - (g) particular procedures used during the breeding;
  - (h) the benefit of the breeding to humans or animals;
  - (i) the number of animals used; and
  - (j) the number of animals that died, including the number of animals that were humanely destroyed during the project or breeding program.
- (4) The licence holder must not give false and misleading information to the Department Head under subregulation (1).  
Penalty: 5 penalty units.
- (5) The licence holder must send the following documents with the return to the Department Head under subregulation (1)—
- (a) a declaration verifying the facts contained in the return; and
  - (b) a statement of the total number of projects approved by an Animal Ethics Committee under that licence.
- Penalty: 5 penalty units.

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**101 Return of records**

The holder of a scientific procedures premises licence, scientific procedures field work licence or specified animals breeding licence must keep all records required to be kept under the licence for 4 years and must send them to the Department Head if the licence holder ceases to hold the licence during that period.

Penalty: 5 penalty units.

**102 Variation to a licence or licence condition**

For the purposes of section 32M of the Act, the prescribed particulars are—

- (a) the type of licence; and
  - (b) the name and address of the licence holder; and
  - (c) a description of the proposed variation.
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**PART 5—MISCELLANEOUS**

**103 Definitions**

For the purposes of regulations 107 and 108, a *not-for-profit organisation* means an organisation that—

- (a) is not established for the purposes of profit or gain; and
- (b) has a primary purpose or objective that it is operated not for profit or gain; and
- (c) does not distribute any part of the profit or gain made in the conduct of activities by the organisation to any entity; and
- (d) has wholly charitable, benevolent, philanthropic or recreational purposes; and
- (e) is not a school or an educational institution; and
- (f) is not a body which promotes or is funded by horse racing or greyhound racing.

**104 Identification certificates**

- (1) For the purposes of section 19(1) of the Act, an identification certificate issued—
  - (a) to a general inspector must be in the form in Schedule 2;
  - (b) to a specialist inspector must be in the form in Schedule 3.
- (2) For the purposes of section 35(4) of the Act, an identification certificate issued to an authorised officer must be in the form in Schedule 4.

**105 Order for the destruction, treatment, housing or feeding of animals**

For the purposes of section 35(7)(b) of the Act, an order must be in the form in Schedule 5.

**106 Fees for rodeo licences, rodeo and rodeo school permits**

- (1) For the purposes of section 17C(2)(b) of the Act, the prescribed fee for the issue of a rodeo licence is 45 fee units.
- (2) For the purposes of section 17C(2)(b) of the Act, the prescribed fee for the issue of a rodeo permit is 12 fee units.
- (3) For the purposes of section 17C(2)(b) of the Act, the prescribed fee for the issue of a rodeo school permit is 6 fee units.

**107 Fees for a scientific procedures premises licence**

- (1) For the purposes of section 30(2)(b) of the Act, the prescribed fee for the grant of a scientific procedures premises licence is, for each year or part of a year—
  - (a) for a licence for the purposes of scientific procedures undertaken by or at a registered school within the meaning of the **Education and Training Reform Act 2006**—nil;
  - (b) for a licence for the purposes of scientific procedures undertaken by or at a children's service within the meaning of the **Children's Services Act 1996**—nil;
  - (c) for a licence for the purposes of scientific procedures undertaken by a not-for-profit organisation that consists of 5 or less full-time equivalent employees—nil;
  - (d) for a licence granted to any other person—57.2 fee units.

- (2) For the purposes of section 32J(2)(b) of the Act, the prescribed fee for the renewal of a scientific procedures premises licence is, for each year or part of a year—
- (a) for a licence for the purposes of scientific procedures undertaken by or at a registered school within the meaning of the **Education and Training Reform Act 2006**—nil;
  - (b) for a licence for the purposes of scientific procedures undertaken by or at a children's service within the meaning of the **Children's Services Act 1996**—nil;
  - (c) for a licence for the purposes of scientific procedures undertaken by a not-for-profit organisation that has 5 or less full-time equivalent employees—nil;
  - (d) for a licence granted to any other person—57.2 fee units.

**108 Fees for a scientific procedures field work licence**

- (1) For the purposes of section 32B(2)(b) of the Act, the prescribed fee for the grant of a scientific procedures field work licence is, for each year or part of a year—
- (a) for a licence for the purposes of scientific procedures undertaken by or at a registered school within the meaning of the **Education and Training Reform Act 2006**—nil;
  - (b) in the case of a licence for the purposes of scientific procedures undertaken by or at a children's service within the meaning of the **Children's Services Act 1996**—nil;

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- (c) for a licence for the purposes of scientific procedures undertaken by a not-for-profit organisation that has 5 or less full-time equivalent employees—nil;
  - (d) for a licence granted to any other person—57.2 fee units.
- (2) For the purposes of section 32J(2)(b) of the Act, the prescribed fee for the renewal of a scientific procedures field work licence is, for each year or part of a year—
- (a) for a licence for the purposes of scientific procedures undertaken by or at a registered school within the meaning of the **Education and Training Reform Act 2006**—nil;
  - (b) for a licence for the purposes of scientific procedures undertaken by or at a children's service within the meaning of the **Children's Services Act 1996**—nil;
  - (c) for a licence for the purposes of scientific procedures undertaken by a not-for-profit organisation that has 5 or less full-time equivalent employees—nil;
  - (d) for a licence granted to any other person—57.2 fee units.

### **109 Specified animals breeding licence**

- (1) For the purposes of section 32F(2)(b) of the Act, the prescribed fee for the grant of a specified animals breeding licence for each year or part of a year is 57.2 fee units.
  - (2) For the purposes of section 32J(2)(b) of the Act, the prescribed fee for the renewal of a specified animal breeding licence, for each year or part of a year is 57.2 fee units.
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**110 Infringement offences**

- (1) For the purposes of section 37A(1)(b) of the Act, an offence set out in column 1 of Schedule 6 is a prescribed offence.
- (2) For the purposes of section 37A(3) of the Act—
  - (a) the prescribed penalty in respect of an offence against section 15A(2) of the Act is 2 penalty units; and
  - (b) the prescribed penalty for an offence set out in column 1 of Schedule 6 is the amount set out opposite that offence in column 3 of Schedule 6; and
  - (c) the description of an offence set out in column 1 of Schedule 6 that may be used in an infringement notice is set out in column 2 of Schedule 6 opposite the corresponding offence.
- (3) A summary of an infringement offence in column 2 of Schedule 6 is not to be taken to affect—
  - (a) the nature or elements of the infringement offence to which the summary refers; or
  - (b) the operation of these Regulations.

Reg. 111  
expired by  
force of  
S.R. No.  
162/2008  
reg. 111(2).

\* \* \* \* \*

Reg. 112  
expired by  
force of  
S.R. No.  
162/2008  
reg. 112(2).

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**113 Transitional provision—set or use of other kinds of traps**

- (1) For the purposes of section 15AB(1) of the Act, the following traps are prescribed kinds of traps—
- (a) despite regulation 26(b), a small leghold trap with laminated jaws;
  - (b) despite regulations 29(b) and 30(b), a large leghold trap with laminated jaws;
  - (c) despite regulation 29(d), a large leghold trap with a jaw spread of between 13 and 19 centimetres and that is to be set or used for the purposes of trapping wild dogs.
- (2) This regulation expires on 31 December 2011.
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Prevention of Cruelty to Animals Regulations 2008

**Sch. 1**

S.R. No. 162/2008

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**SCHEDULES**

**SCHEDULE 1**

Regulation 4

**REGULATIONS REVOKED**

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<i>S.R. No.</i>	<i>Title</i>
159/1997	Prevention of Cruelty to Animals Regulations 1997
65/2001	Prevention of Cruelty to Animals (Amendment) Regulations 2001
23/2004	Prevention of Cruelty to Animals (Tail Docking of Dogs) Regulations 2004
63/2004	Prevention of Cruelty to Animals (Amendment) Regulations 2004
64/2004	Prevention of Cruelty to Animals (Further Amendment) Regulations 2004
70/2005	Prevention of Cruelty to Animals (Fee Units) Regulations 2005
121/2005	Prevention of Cruelty to Animals (Rodeos) Regulations 2005
3/2006	Prevention of Cruelty to Animals (Amendment) Regulations 2006
58/2006	Prevention of Cruelty to Animals (Rodeo Permits) Regulations 2006
129/2007	Subordinate Legislation (Prevention of Cruelty to Animals Regulations 1997 - Extension of Operation) Regulations 2007
144/2007	Prevention of Cruelty to Animals (Amendment) Regulations 2007
16/2008	Prevention of Cruelty to Animals (Prohibited Procedures) Regulations 2008
68/2008	Prevention of Cruelty to Animals (Amendment) Regulations 2008

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**SCHEDULE 2**

Regulation 104(1)(a)

**CERTIFICATE OF IDENTIFICATION AS A GENERAL  
INSPECTOR**

The bearer [*insert name*], who is an employee of the [*insert organisation*], and whose photograph and signature appear on this card, is approved as a general inspector under section 18 of the **Prevention of Cruelty to Animals Act 1986** and is authorised to exercise the powers of a general inspector under Part 2A and Part 3A of that Act.

Expiry date 30/6/

No.

Minister

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**SCHEDULE 3**

Regulation 104(1)(b)

**CERTIFICATE OF IDENTIFICATION AS A SPECIALIST  
INSPECTOR**

The bearer [*insert name*], who is an employee of the [*insert organisation*], and whose photograph and signature appear on this card, is a specialist inspector appointed under section 18A of the **Prevention of Cruelty to Animals Act 1986** and is authorised to exercise the powers of a specialist inspector under Part 2A and Part 3A of that Act.

Expiry date 30/6/

No.

Minister

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**SCHEDULE 4**

Regulation 104(2)

**CERTIFICATE OF IDENTIFICATION AS AN AUTHORISED OFFICER**

The bearer [*insert name*], who is an employee of the [*insert organisation*], and whose photograph and signature appear on this card, is appointed as an authorised officer under the **Prevention of Cruelty to Animals Act 1986** for the purposes of Part 3 and Part 3A of that Act generally or for the following specific purposes:

[*insert details*]

and is authorised to exercise the powers under sections 35(7) and 37A of that Act.

Expiry date 30/6/

No.

Minister

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**SCHEDULE 5**

Regulation 105

**ORDER FOR THE DESTRUCTION, TREATMENT, HOUSING  
OR FEEDING OF ANIMALS**

To: *[insert name]*

I, *[Name of officer]* being an officer authorised under section 35 of the  
**Prevention of Cruelty to Animals Act 1986**, order that—

- \**(a)* the animals referred to below are to be destroyed for the following reasons:
- \**(b)* the animals referred to below are to be treated as follows:  
*[insert details]*
- \**(c)* the animals referred to below are to be housed or fed in accordance with the Prevention of Cruelty to Animals Regulations 2008.

The animals to which this order applies are:

*[insert details of animals]*

Date:                      Signature of authorised officer:

\*Strike out the provisions that do not apply.

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**SCHEDULE 6**

Regulation 110

**INFRINGEMENT PENALTIES**

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Offence</i>	<i>Brief description of offence</i>	<i>Prescribed penalty</i>
Section 15A(2)	Failure to secure a dog on the tray of a motor vehicle or a trailer attached to a motor vehicle	2 penalty units
Regulation 6	Transport of an animal in an enclosed boot of a motor vehicle	1 penalty unit
Regulation 7(1)	Possess any dog fighting or cock fighting implement	3 penalty units
Regulation 8	Use any mouthpiece on a horse that is twisted, corrugated or has an uneven surface	2 penalty units
Regulation 9	Use or put a pronged collar on any animal	2 penalty units
Regulation 11	Placement or use of certain electronic devices on an animal	2 penalty units
Regulation 13	Unauthorised use of an electric bird deterrent	2 penalty units
Regulation 14(1)	Use of an electric prod on animal not listed	2 penalty units
Regulation 14(2)(a)	Use of prod on animal less than 3 months of age	2 penalty units
Regulation 14(2)(b)	Use of prod on face, genitals or udder of an animal	2 penalty units
Regulation 14(2)(c)	Use of prod where animal is unable to move away	2 penalty units
Regulation 15	Use of an electronic stunning device	2 penalty units
Regulation 16	Use of an electronic ejaculator on animal not listed	2 penalty units

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Offence</i>	<i>Brief description of offence</i>	<i>Prescribed penalty</i>
Regulation 16	Use of electronic ejaculator if use not approved by veterinary practitioner	2 penalty units
Regulation 16	Use of electronic ejaculator on species not listed except as approved	2 penalty units
Regulation 18(a)	Failure to have a veterinary practitioner assess cat or dog for suitability to wear electronic collar	2 penalty units
Regulation 18(b)	Use of electronic collar on a cat or dog not over 6 months of age	2 penalty units
Regulation 18(c)	Use of electronic collar on cat or dog for more than 12 hours in any 24-hour period	2 penalty units
Regulation 18(d)	Failure to use electronic collar in accordance with manufacturer's instructions	2 penalty units
Regulation 18(g)	Use of electronic collar with contacts that are not rounded	2 penalty units
Regulation 17	Use of electronic collar on cat or dog if not authorised	2 penalty units
Regulation 17(1)	Use of electronic collar on animal other than a cat or dog	2 penalty units
Regulation 19(2)	Use of electronic collar on cat or dog without review within 6 months of examination by veterinary practitioner and review every 12 months thereafter	2 penalty units
Regulation 24(1)	Failure to record required details of purchaser or hirer of electronic collar	2 penalty units
Regulation 24(3)	Sale of a collar other than one manufactured for use on dogs or cats	2 penalty units

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Offence</i>	<i>Brief description of offence</i>	<i>Prescribed penalty</i>
Regulation 24(4)	Sale of a collar for use on cats or dogs without advice on conditions of use	2 penalty units
Regulation 59	Failure to produce licence or permit on demand	2 penalty units
Regulation 60	Failure to notify Department Head of the details of the rodeo	2 penalty units
Regulation 61(1)	Failure of licence or permit holder to be present at rodeo or rodeo school	2 penalty units
Regulation 61(2)	Failure of licence or permit holder to ensure that veterinary practitioner is present at rodeo or rodeo school	2 penalty units
Regulation 62	Failure to implement the instructions of nominated veterinary practitioner	2 penalty units
Regulation 63(1)	Failure of nominated veterinary practitioner to carry out duties if unable to attend	1 penalty unit
Regulation 63(2)	Failure of nominated veterinary practitioner to carry out duties if unable to attend for reason of an emergency	1 penalty unit
Regulation 63(3)	Failure of nominated veterinary practitioner to submit report to Department Head detailing condition of animals	2 penalty units
Regulation 64(1)	Failure to notify Department Head of appointed veterinary practitioner	1 penalty unit
Regulation 65	Use of animals—other than cattle and horses—in a rodeo or rodeo school	2 penalty units
Regulation 66	Use of an animal weighing less than 200kg in a rodeo or rodeo school	1 penalty unit

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Offence</i>	<i>Brief description of offence</i>	<i>Prescribed penalty</i>
Regulation 67	Use of a horse less than 3 years of age in bucking events	2 penalty units
Regulation 68(1)	Use of an animal for rodeo or rodeo school more than 3 times on one day	1 penalty unit
Regulation 68(2)	Use of the same cattle for steer wrestling and roping events	1 penalty unit
Regulation 69	Failure to have animals inspected prior to use in rodeo or rodeo school	1 penalty unit
Regulation 72	Failure to have suitable method of transport available for injured animals	1 penalty unit
Regulation 73(a)	Failure to have means to humanely destroy a severely injured animal available on site	3 penalty units
Regulation 73(b)	Failure to have a licensed and qualified person available to humanely destroy an animal at all times during a rodeo or rodeo school	3 penalty units
Regulation 74(a)	Failure to keep cattle and horses penned separately	1 penalty unit
Regulation 74(b)	Failure to keep aggressive animals isolated from other animals	1 penalty unit
Regulation 75	Failure to ensure areas free of rocks, holes and other obstacles	1 penalty unit
Regulation 76	Failure to remove animal after completion of event	1 penalty unit
Regulation 77	Use or yarding of mares with foals at foot or cows with calves at foot	1 penalty unit
Regulation 78	Failure to have saddles correctly fitted	1 penalty unit

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Offence</i>	<i>Brief description of offence</i>	<i>Prescribed penalty</i>
Regulation 79(a)	Failure to ensure that a rear cinch is not over-tightened	1 penalty unit
Regulation 79(b)	Failure to ensure that the front cinch or girth is a minimum of 12 centimetres in width	1 penalty unit
Regulation 80(a)	Failure to ensure that pads are placed under rigging to protect the animals from abrasion or injury	1 penalty unit
Regulation 80(b)	Failure to ensure that pads extend a minimum of 5 centimetres beyond the rigging	1 penalty unit
Regulation 81(1)	Over-tightening flank straps and ropes in chute	1 penalty unit
Regulation 81(2)(a)	Failure to use flank straps that have a quick-release device	2 penalty units
Regulation 81(2)(b)	Failure to use flank straps that are lined to effectively prevent injury or undue discomfort to the animal	2 penalty units
Regulation 81(3)	Failure to use protective horn wraps in roping events	1 penalty unit
Regulation 82(1)	Use of electric prodder at rodeo or rodeo school on any animal other than cattle	2 penalty units
Regulation 82(2)	Use of electric prodder in the rodeo arena or training area of a rodeo school	2 penalty units
Regulation 82(3)	Use of electric prodder on cattle in a chute	2 penalty units
Regulation 84(1)	Use of paddle or spur rowels that are not free-running when riding a horse	2 penalty units
Regulation 84(2)	Wear or use of spur rowels that are incapable of at least half a turn when riding a bull	2 penalty units

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Offence</i>	<i>Brief description of offence</i>	<i>Prescribed penalty</i>
Regulation 84(3)(a)	Wear or use of spur rowels that are not dulled and a minimum of 3 millimetres in width at the narrowest part	2 penalty units
Regulation 84(3)(b)	Wear or use of spur rowels that are not a minimum of 2 centimetres to the point of the rowel	2 penalty units
Regulation 85	Use of sharp objects in equipment	2 penalty units
Regulation 86(a)	Pull a roped animal backward off its feet	1 penalty unit
Regulation 86(b)	Allowing a roped animal to be dragged	1 penalty unit
Regulation 87	Use of animals other than cattle and horses at a rodeo or rodeo school	1 penalty unit
Regulation 88(1)	Use of fireworks during a rodeo	2 penalty units
Regulation 88(2)	Use of fireworks at the premises of a rodeo school while the school is being held	2 penalty units
Regulation 100(1)	Failure of a licence holder to forward to the Department Head an annual return on animal use	1 penalty unit
Regulation 100(4)	Providing false or misleading information for annual returns under regulation 100(1)	1 penalty unit
Regulation 100(5)	Failure of a licence holder to forward to the Department Head a declaration verifying the facts contained in a return	1 penalty unit
Regulation 101	Failure of a licence holder to keep all records required under the licence for 4 years	1 penalty unit

## ENDNOTES

### 1. General Information

The Prevention of Cruelty to Animals Regulations 2008, S.R. No. 162/2008 were made on 16 December 2008 by the Governor in Council under sections 15, 15AB, 17, 32 and 42 of the **Prevention of Cruelty to Animals Act 1986**, No. 46/1986 and came into operation on 16 December 2008: regulation 3.

The Prevention of Cruelty to Animals Regulations 2008 will sunset 10 years after the day of making on 16 December 2018 (see section 5 of the **Subordinate Legislation Act 1994**).

**2. Table of Amendments**

There are no amendments made to the Prevention of Cruelty to Animals Regulations 2008 by statutory rules, subordinate instruments and Acts.

Where a provision has expired, the provision has been omitted and an explanatory sidenote included.

### 3. Explanatory Details

#### Table of Applied, Adopted or Incorporated Matter Required by the Subordinate Legislation Regulations 2004

Note that the following table of applied, adopted or incorporated matter is included in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2004.

Statutory Rule provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Regulation 92(2) Regulation 92(3) Regulation 92(5) Regulation 92(9) Regulation 92(17) Regulation 92(18) Regulation 95(2) Regulation 95(3) Regulation 95(5) Regulation 95(9) Regulation 95(13) Regulation 95(14) Regulation 97(d) Regulation 98(2)(b) Regulation 98(3) Regulation 98(5) Regulation 98(9) Regulation 98(13) Regulation 98(14)	Australian Code of Practice for the Care and Use of Animals for Scientific Purposes, 7th edition 2004, published by the Australian Government Publishing Service, Canberra, October 2004	Whole document

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<b>Statutory Rule provision</b>	<b>Title of applied, adopted or incorporated document</b>	<b>Matter in applied, adopted or incorporated document</b>
Regulation 92(2) Regulation 92(17) Regulation 92(18) Regulation 95(2) Regulation 95(13) Regulation 95(14) Regulation 98(2)(b) Regulation 98(13) Regulation 98(14)	Code of Practice for the Housing and Care of Laboratory Mice, Rats, Guinea Pigs and Rabbits, approved by the Governor in Council on 12 October 2004 and published in the Victorian Government Gazette G51 on 16 December 2004 at pages 3419–3461	Whole document
Regulation 92(2) Regulation 92(17) Regulation 92(18) Regulation 95(2) Regulation 95(13) Regulation 95(14)	Code of Practice for the Use of Animals from Municipal Pounds in Scientific Procedures approved by the Governor in Council on 19 April 1988 and published in the Victorian Government Gazette G47 on 7 December 1988 at pages 3659–3660	Whole document