

# Prevention of Cruelty to Animals Regulations 2019

Summary Report – Stakeholder Engagement





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## Executive summary

Animal Welfare Victoria (AWV) has developed the Prevention of Cruelty to Animals Regulations 2019 (2019 Regulations) to replace the sunsetting Prevention of Cruelty to Animals Regulations 2008 (2008 Regulations). The *Prevention of Cruelty to Animals Act 1986* (POCTA Act) enables regulations to be made to support the objectives of the POCTA Act.

In late 2018, AWV sought feedback from 62 stakeholder groups on the 2008 Regulations to identify areas of improvement. In March 2019, six issues papers highlighting the key issues and opportunities related to the remaking of the regulations were produced.

A range of stakeholders including peak bodies, veterinary groups, statutory enforcement organisations, animal welfare groups, individuals with substantial industry involvement and government organisations were invited to provide feedback on the issues papers in a series of six targeted workshops.

Following consideration of the feedback received from stakeholders and the workshop discussions, proposed 2019 Regulations were drafted and a Regulatory Impact Statement (RIS) was completed in August 2019.

The proposed Regulations and RIS were released for public comment from 28 August 2019 to 26 September 2019. A total of 2,468 submissions were received by AWV.

The majority of stakeholders were supportive of the proposed Regulations. There was overall support for the proposed Regulations relating to general requirements, pain relief for mulesing, fruit netting and scientific procedures.

The area with least agreement was electronic devices where the majority of responses did not support the proposed ban on remote-training and anti-bark electronic collars. Amendments were made to the proposed Regulations in response to feedback received, which will allow the continued use of all three types of electronic collars on dogs, and containment collars on cats.

In general, comments supported the provisions relating to traps. However, the greatest number of submitters commenting on traps sought amendment to the proposed Regulations to allow the use of leghold traps for the control of feral cats.

Qualified support for the proposed Regulations for rodeos was identified, with most comments of disagreement seeking a ban on rodeos, which is outside the scope of the regulations.

November 2019



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## Introduction

### Purpose

This report summarises stakeholder consultation that occurred to inform the development of the Prevention of Cruelty to Animals Regulations 2019 (2019 Regulations). It analyses feedback received from stakeholders on the proposed 2019 Regulations, and provides a summary of the resulting 2019 Regulations, following this consultation.

### Background

The *Prevention of Cruelty to Animals Act 1986* (POCTA Act) enables regulations to be made to support the objectives of the POCTA Act. This is achieved by preventing, or minimising, harm through regulation of specific activities. The Prevention of Cruelty to Animals Regulations 2008 (2008 Regulations) sunset on 15 December 2019. Animal Welfare Victoria was tasked with developing the 2019 Regulations.

The Victorian Government has committed to modernising Victoria's animal welfare laws to support better harm prevention, improved education, a more effective regulatory response and effective penalties. Under a new modernised animal welfare legislative framework, new regulations will need to be developed. As a result, the remaking of the 2008 Regulations has focused on existing areas of regulation and ensuring that Victoria maintains effective regulations to underpin the POCTA Act in the interim.

## How we engaged

### Early feedback

In late 2018, AWW sought feedback from stakeholder groups and the Animal Welfare Advisory Committee on the scheduled remake of the 2008 Regulations to identify opportunities to improve regulatory processes and animal welfare.

This feedback informed the development of six issues papers.

### Stakeholder engagement workshops

In March 2019, a broad range of stakeholders, including industry members and organisations, peak bodies, animal welfare and wildlife organisations and government were invited to attend a series of six workshops which covered the principal issues raised in the initial consultation.

These targeted consultation processes involved 62 organisations or representatives. The draft 2019 Regulations and an associated Regulatory Impact Statement (RIS), which were released for public consultation, were informed by this consultation.



In addition, two surveys were conducted. One was a survey of local Councils to understand the key areas of concern with the POCTA Regulations 2008, and the other was sent to scientific procedures licence holders to better understand issues identified through earlier consultation.

### **Fruit netting**

This workshop identified that certain types of household fruit netting entangles hundreds of animals annually in Victoria. The nets entangle grey-headed flying foxes, birds, snakes and lizards. In addition, the dependent young of entangled animals are affected when the parent is injured or dies. There was discussion on the consequences following entrapment, including the trauma and behaviour change in released animals, and lack of research into post-release survival for these individuals. Wildlife rescuers advised that the majority of entanglements to which they respond occur in household situations.

For wildlife rescuers there are risks of emotional trauma, financial impact and the potential risk of zoonotic disease transmission, especially lyssavirus.

While some retail outlets have voluntarily moved to sell only wildlife safe types of fruit netting, there are a wide range of retail outlets from which wildlife-unsafe netting is still available. Educational campaigns have previously endeavoured to change purchasing behaviour, but some sectors of the community are difficult to reach with educational material, and not everyone is receptive.

Attendees at the workshop were strongly supportive of the need to regulate specifications of fruit netting for households to minimise wildlife entanglements.

### **Rodent pest control (including glue traps)**

Attendees discussed how glue traps are being sold and used illegally, including in non-permitted locations, and animals other than rodents being captured. It was noted that the existing regulatory provisions had made enforcement of sale of glue traps difficult. Pest control representatives noted that glue traps are an important tool for rodent management.

Other topics discussed at the workshop included no firm definition of serration (in relation to rodent kill traps) in the Regulations, and baiting resulting in secondary poisoning of non-target species, including wildlife and pets.

Attendees at the workshop were divided in opinions between supporting a total ban and allowing restricted use in specified circumstances.

### **Electronic collars (for dogs and cats)**

Attendees considered the possibility of strengthening the scope of the regulation of electronic collars for dogs and cats in Victoria. The group opinion was equally split regarding maintaining the current regulations or reducing the use of electronic collars in Victoria. Areas around which discussions were focussed included misuse, non-compliance with existing



regulations, uncontrolled access, sale, and purchase of devices (despite existing regulations) and what criteria, including specifications, should be set for the use of electronic collars.

The group also considered how professional dog trainers should be defined, what standards or training they should have to use these collars and mechanisms for 'approval' for trainers.

Attendees at the workshop, including the dog training representatives, were divided and either supported a ban on all use of electronic collars or believed these collars are a useful tool for dog behaviour and containment and supported ongoing use. However, there was general support that any use of electronic collars should be by or under supervision of appropriately accredited and knowledgeable trainers or registered veterinary practitioners.

### **Rodeos**

A number of technical matters that can impact on animal welfare at rodeos were discussed at the workshop. This included flexibility to manage rodeo start-times when severe weather events occur, roping of steers, motor vehicle displays being in the arena at the same time as animals, gear-checks for riders, and risks to animal welfare from non-standard rodeo events.

Other areas for discussion included managing responsibilities for the welfare and management of animals and whether any industry rules and by-laws should be included in the 2019 Regulations.

Attendees at the workshop were generally supportive of the current legislative framework with some changes to address the issues above.

### **Feral pest control (including trapping)**

Discussions at the workshop considered whether the current Regulations were sufficient to minimise animal welfare impacts and off-target capture, including domestic pets and wildlife, and if not, why not and what could be done. It was suggested that traps should be used by trained and competent operators to ensure correct use as this reduces off target capture and animal welfare impacts. It was also recognised that in unincorporated areas, there are no local councils to which trapped cats and dogs can be surrendered as required under the Regulations, and options around managing this issue were reviewed.

The issue of feral cats management was discussed, and if the Regulations should be changed to all use of leghold traps for feral cats. Consideration was also given to new technologies and if it should be considered for incorporation into the Regulations (e.g. trap alert systems).

Animal welfare issues associated with Oxy-LPG devices used on rabbit burrows and warrens were discussed. In particular, how operational circumstances, such as user training, soil type and warren size influence the effectiveness and likely impact of unacceptable animal welfare outcomes.



Attendees at the workshop generally supported the need to regulate the use of traps to minimise animal welfare impacts and agreed there was a need to clarify how unincorporated areas managed any off target domestic animals. There were divided opinions in the workshop on allowing use of leghold traps for feral cats.

### **Enforcement**

Discussions at this workshop focussed on the practicalities associated with implementing the requirements of the proposed Regulations and how, and where, penalties should apply.

Attendees discussed potential changes and provided comment on how they could be implemented and enforced. The workshop also discussed the use of infringements for some minor offences as an alternative to court proceedings.

### **Public consultation**

Public consultation on the proposed 2019 Regulations and a RIS occurred from 28 August 2019 until 26 September 2019.

A public survey, accompanied by the proposed 2019 Regulations and RIS, was published on the Engage Victoria platform. Respondents were also able to submit longform written responses in addition to or in place of responding to the survey.

Stakeholders and the general public were informed of the opportunity to have their say on the proposed 2019 Regulations and RIS via Animal Welfare Victoria's Facebook page, a media release, the Government gazette, Animal Welfare Victoria's website, the Herald Sun and Weekly Times newspapers and direct email to identified potential respondents. This email was sent to 3991 individuals and stakeholder organisations, and to 522 local government stakeholders, including authorised officers.

All submissions received during this period were recorded and thoroughly reviewed. Feedback informed the preparation of the 2019 Regulations.

## Who was involved

### Targeted stakeholders

Targeted stakeholders were organisations and individuals who represented areas of significant regulation.

They included peak bodies, advisory groups, veterinary groups, enforcement organisations, animal welfare groups, wildlife and conservation groups, individuals with substantial industry involvement and government organisations.

The Animal Welfare Advisory Committee was consulted throughout the process.

### Demographics of survey respondents

The age ranges of survey participants were reasonably well distributed between 20 – 69 years old. The age group most represented was 50-59, containing over 25% of participants.

#### Gender

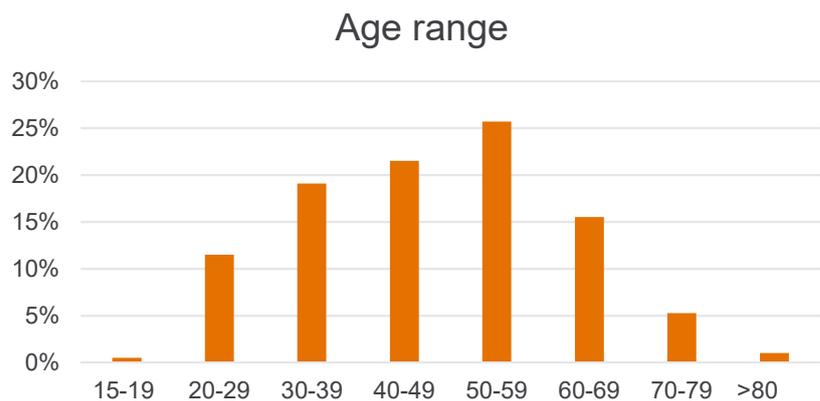
60.3% female  
39.1% male  
0.6% self-described

#### Location

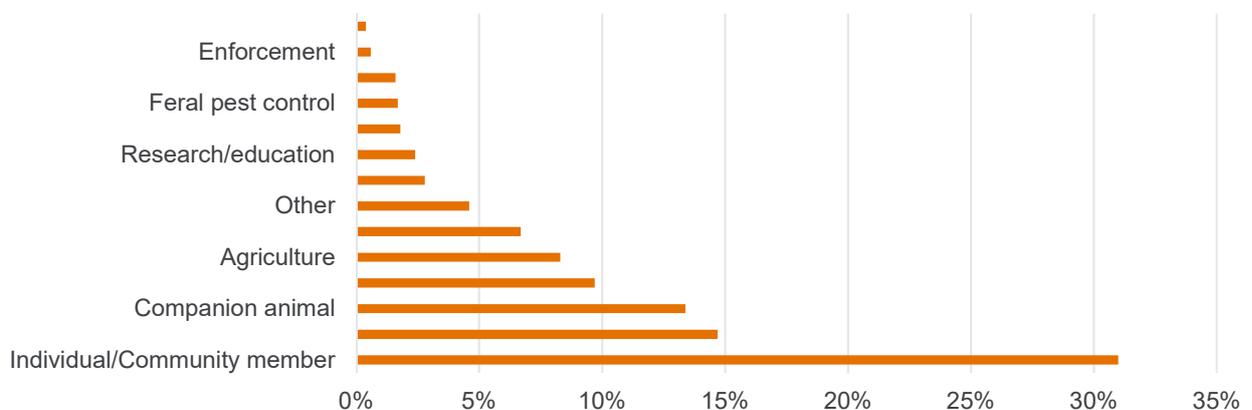
84.7% Victoria  
11.7% interstate  
4% not disclosed or overseas

#### Geographic identity

Rural 33.3%  
Regional 16.25%  
Peri-Urban 13.72%  
Urban 36.7%



Which sector would you, or the organisation you represent, most readily identify with?



## What we heard

### Submissions on the proposed Prevention of Cruelty to Animals Regulations 2019

A total of **2,468** submissions were received:

- 2051 survey responses made through Engage Victoria, including 52 with attached written submissions
- 334 campaign emails via a campaign template
- 83 written submissions were received directly

As well as the campaign emails, a number of survey's and written submissions provided responses that aligned with campaigns by groups who were seeking either less or more regulation in specific areas, particularly in relation to leghold trap use for feral cats, fruit netting and electronic collars.

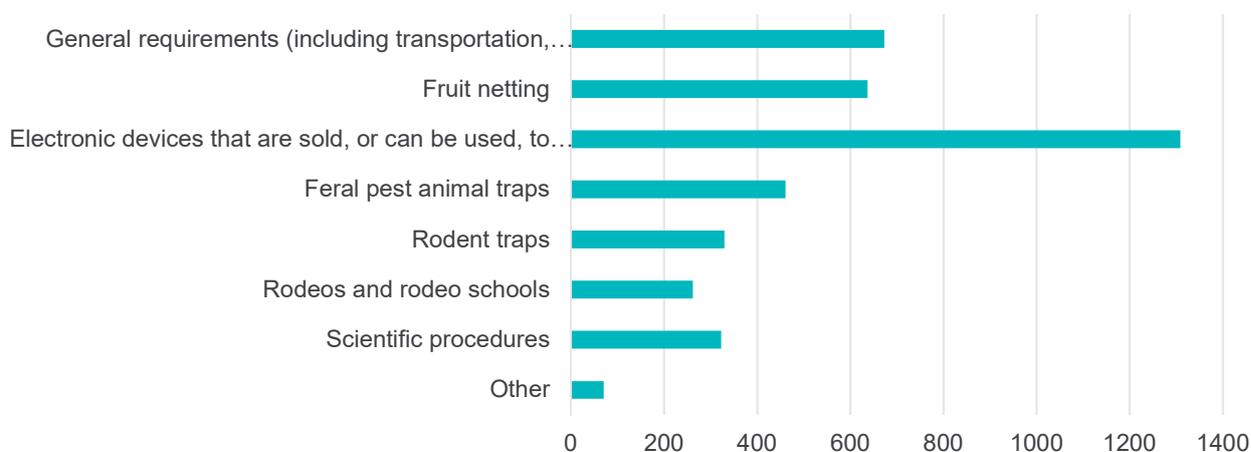
#### Engage Victoria online survey

Engage Victoria is the Victorian Government's online consultation platform and has significant reach across the Victorian public. Comment was invited using a survey format to facilitate the analysis of the responses.

Respondents were asked to indicate their level of support and provide additional comments for the proposed 2019 Regulations.

The survey also invited respondents to comment on any other aspect of the proposed 2019 Regulations and the RIS, attach longer written submissions and provide demographic information.

### Which parts of the proposed 2019 POCTA Regulations are most important or relevant to you or your work



## Topic: General requirements

Mixed support was received for the proposed 2019 Regulations in this section.

988 survey respondents expressed a clear preference, either agreeing or disagreeing with the proposals under the General Requirements section. Of these:

- 61% agree
- 39% disagree

Note: a number of people who selected disagree in this section did so due to concerns with other parts of the regulations rather than the specific provisions in this section.

### Key responses

Two areas to receive substantial comment were the animal transport provisions and prong collars, each accounting for 10% of the 'disagree' comments.

A number of respondents suggested that the use of prong collars should be reinstated in Victoria as they believed they are a valuable dog training tool. The ban on prong collars was introduced in 2004 under the 1997 POCTA Regulations.

Opinion was split in relation to animals left unattended in motor vehicles on hot days, as to whether there should be more, or less, regulation in this area. Feedback also raised concerns regarding requirements for insulating material on metal trays for all animals as this could apply to livestock transport vehicles.

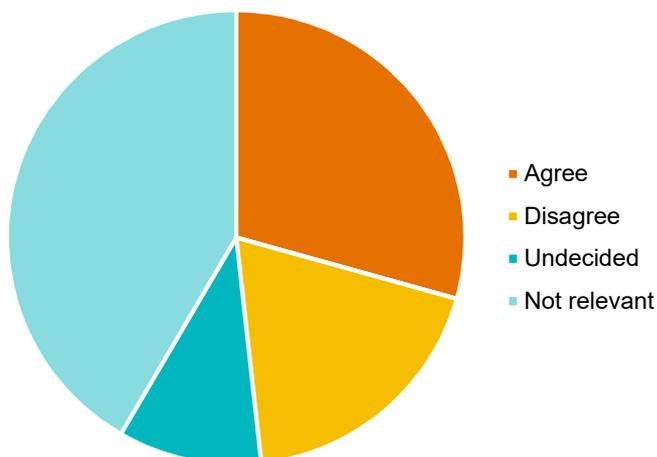
Comments were received about some of the tethering provisions being impractical for animals tethered at shows or used in research where an Animal Ethics Committee had approved the management of the animal.

A number of stakeholders sought greater regulation around animal transportation and tethering, but others wanted less, with the provision preventing animals being transported in the boot of sedan cars, which has been banned since 2008, receiving some criticism.

There was general support for regulations that aligned with Australian Animal Welfare Standards and Guidelines.

Some comments sought less restriction on use of Oxy-LPG devices while other stakeholders would prefer a ban on these devices.

Survey response: General requirements



## Selection of comments received

*“The regulations seem based on sound science, and animal welfare considerations.”*

*“Animal should never be left unattended in a vehicle”*

*“With regards to an unattended dog in a vehicle with the temperature of 28 degrees; there are exceptions for example unless a ventilation system is in place and the car has an inside temperature of say 16-18 degrees.”*

*“...fully support the retention of the ban on pronged collars, twisted horse bits, animal fighting implements and the transport of animal in sedan car boots.”*

*“In my view the 20km limit on transporting an injured or down animal might be a bit too arbitrary.”*

*“...support(s) and endorse(s) that livestock should not be transported unless animals can bear weight on all limbs”.*

*“Animals must be provided with sufficient food, water and rest before, during and after the journey, according to their physical and biological needs.”*

*“Transporting avian species in a boot of a car in an appropriate carry cage is my preferred option, it’s (sic) is dark and much quieter than in the cabin, birds that are kept quiet in a dark area remained much more relaxed.”*

*“While I agree with most of the regulations set out in this part of the draft, retaining the ban on prong collars is absolutely ridiculous. I can tell you that prong collars are much more humane and modify behaviour with much less pressure than any other collar available.”*

## Actions

- No change was proposed to the provision banning the use of prong collars.
- A minor change has been made to the requirements around leaving animals unattended in motor vehicles on hot days to enable authorised officers to hold stray animals in an animal transport vehicle, under certain conditions, to facilitate the animals return home.
- The provision relating to the metal trays of motor vehicles and trailers has been clarified, as it only applies to dogs secured to metal trays.
- Exemptions have been included in the tethering provisions to accommodate animals at agricultural shows and those involved in certain scientific procedures. No change has been made to the proposed regulation for Oxy-LPG devices, other than how burrows and warrens are described.

## Topic: Pain relief for mulesing of sheep

Strong support for pain relief for mulesing.

823 survey respondents expressed a clear preference, either agreeing or disagreeing with this proposal. Of these:

- 87% agree
- 13% disagree

### Key responses

The majority of comments suggested mulesing should be phased out or that the timing and duration of pain relief was inadequate.

Several respondents suggested the definition of mulesing should apply only to surgical mulesing and align with the Australian Animal Welfare Standards and Guidelines for Sheep.

A small number of participants variously commented that regulation is not required, pain relief should remain voluntary, the introduction should be further delayed, or pain relief should commence immediately.

### Selection of comments received

*“Striving for better methods and decreased pain potential in pursuit of best practice should be continually assessed”*

*“If you wouldn’t do it to yourself without pain relief, don’t do it to other sentient creatures”*

*“Mulesing of sheep has been a safe and effective way of protecting sheep from fly strike”*

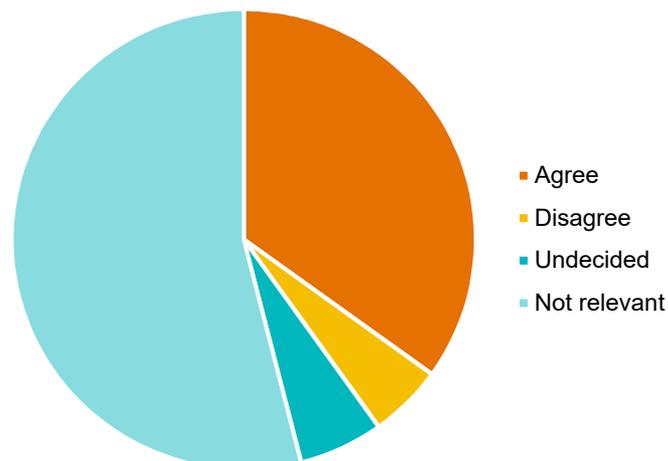
*“I think mulesing should be banned. However, requiring pain relief is better than no change at all.”*

*“Mulesing is not necessary with correct stock selection and selective breeding for clean breeched animals.”*

### Actions

- The definition of mulesing has been updated to align with the Australian Animal Welfare Standards and Guidelines for Sheep.
- A transition period of six months has been included in the 2019 Regulations.

Survey response: Pain relief for mulesing



## Topic: Fruit netting

Overall support for fruit netting regulation.

967 survey respondents expressed a clear preference, either agreeing, disagreeing or preferring an alternative option for this proposal. Of these:

- 72% agree
- 23% disagree
- 5% would prefer another option

### Key responses

Supporters welcomed the measures and commented that it would mean less entanglements which would reduce impacts on wildlife and rescuers.

Those who disagreed with the regulation commented that regulation is unnecessary or that the need is unproven.

Concerns were raised over the effect of small mesh size on pollinators and pest control, the ability to gauge strand diameter and the possible effects of restricting netting colour to white.

Gardeners raised concerns about the impact of wildlife-safe netting on access of pollinators, such as bees, to the plants, and changing the micro-climate around the plants.

There were also concerns over the expense of replacing new nets without adequate transition arrangements.

A small number of participants advocated for the restriction to be applied to commercial growers equally or considered all netting to be cruel.

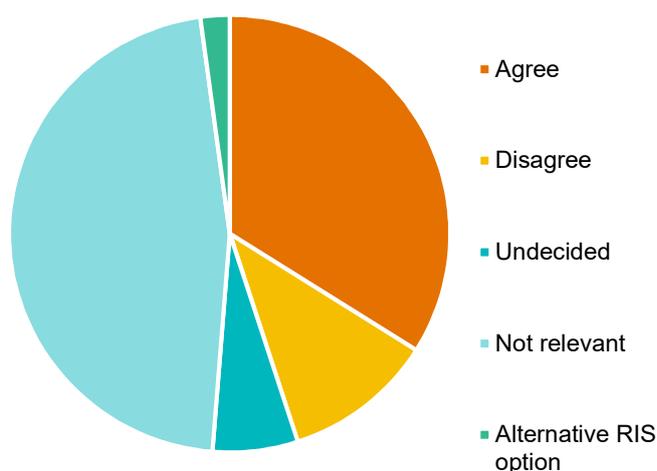
### Selection of comments received

*“I think it is incredibly important and should be a core value of our society to minimise harm and suffering of wildlife when we inflict these situations on them.”*

*“There appears to be no scientific evidence that white netting is better than black netting.”*

*“Fruit netting is dangerous for our bats, birds and other creatures and should be banned immediately”*

Survey response: Fruit netting





*“This proposal is impractical, pollinators, particularly bees, cannot fly through a max 5mm diamond”*

*“Ridiculous concept that a household cannot protect its own produce from pests”*

*“I truly believe that the implementation of these new regulations will amount to a reduced cost of animal and human health”*

### **Actions**

- The proposed Regulations remove the colour and strand diameter requirements for netting but retain the requirement to use mesh of 5x5mm.
- This regulation commencement will be 1 September 2021 to allow time for gardeners to plan for a changeover of netting and to utilise existing netting.

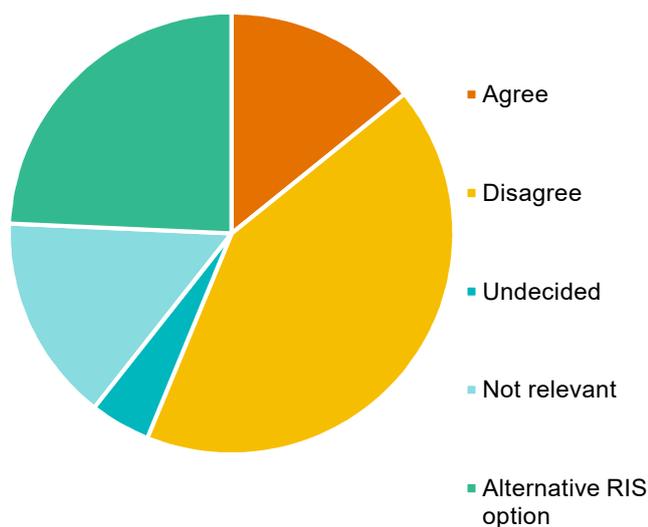
## Topic: Electronic devices

Significant disagreement with the proposed 2019 Regulations for electronic devices, mostly relating to electronic collars.

1650 survey respondents expressed a clear preference, either agreeing, disagreeing or preferring an alternative option for this section. Of these:

- 18% agree
- 52% disagree
- 30% prefer another option

Survey response: Electronic devices



### Key responses

Feedback from stakeholders regarding proposals for electronic devices was primarily related to electronic collars (82%).

The majority of stakeholders sought less regulation of electronic collars, in particular disagreeing with the proposed ban on anti-bark collars and remote-training collars (44% of those that disagreed) and without them some dogs would be euthanised. A number of comments indicated that users were not always aware of the appropriate use of these collars, did not know use was currently regulated or were non-compliant. Dog trainers were divided and either strongly in favour of the ban or believed these collars were a useful tool in some circumstances.

Another 15% requested that electronic containment collars not be banned. However, there was no proposal to ban this type of electronic collar in the proposed 2019 Regulations.

Most stakeholders who commented on electronic prodders sought greater regulation, including a ban, of these devices.

### Selection of comments received

*“Electric devices are cruel and inappropriate and should not be used period.”*

*“Evidence has been shown that electric prodders are systematically overused and poorly used on farm animals causing high levels of anxiety and distress.”*

*“I do not believe it is necessary to bring about behaviour change in animals in particular dogs via electronic devices.”*



*“Electronic devices should be appropriately used in the right situation and not cause discomfort to the animal.”*

*“As a professional behavioural trainer of dogs for over 15 years, I’m continually saddened and frustrated by the trauma and fall out I see from the use of electronic collars”*

*“When people are properly educated, remote training devices are an excellent tool and can when used properly, can actually save many dogs lives.”*

*“Electronic anti-barking collars are highly effective and have saved many animals from premature euthanasia.”*

*“As a veterinarian who sees a lot of behaviour cases, I routinely see dogs who have had extremely poor outcomes having had electronic collars placed on them by ‘trainers’ usually inappropriately, never following the code of practice and in many cases these dogs have had behaviour escalate to the point where euthanasia is the only viable option.”*

*“What we need is regulation of the (dog training and behaviour consulting) industry and a requirement for contemporary qualification in animal behaviour and learning.”*

*“Professional quality pinch (prong) collars and E-collars are invaluable tools amongst high level dog enthusiasts and trainers.”*

## **Actions**

- An amendment has been made to the proposed 2019 Regulations to allow use of remote training and anti-bark collars under strict conditions. The 2019 Regulations will retain the level of regulation provided by the 2008 Regulations for electronic collars.
- Proposed exemptions for Victoria Police, Australian Federal Police and Australian Defence Force are retained in the 2019 Regulations.

## Topic: Traps

Mixed response to the proposed regulations for traps.

831 survey respondents expressed a clear preference, either agreeing, disagreeing or preferring an alternative option for the traps section. Of these:

- 55% agree
- 40% disagree
- 5% prefer another option

### Key responses

The topic of traps attracted a high number of comments from stakeholders, representing diverse views.

There was significant opposition to trapping in general, the many permitted trapping methods and trap-check intervals of up to 72 hours, permitted for the Victorian Wild Dog Program.

A small number of respondents suggested that there is no alternative to glue traps and wanted the proposed regulations changed to continue use of glue traps for rodents. However, other respondents supported the ban on glue traps.

There was significant advocacy to amend the proposed Regulations to allow use of leghold traps for feral cats under prescribed conditions for eradication/environmental programs. Stakeholders commented that eradication is feasible for island populations, such as French Island, and would be facilitated by the use of leghold traps to capture those cats that had not been picked up by other trap or baiting programs.

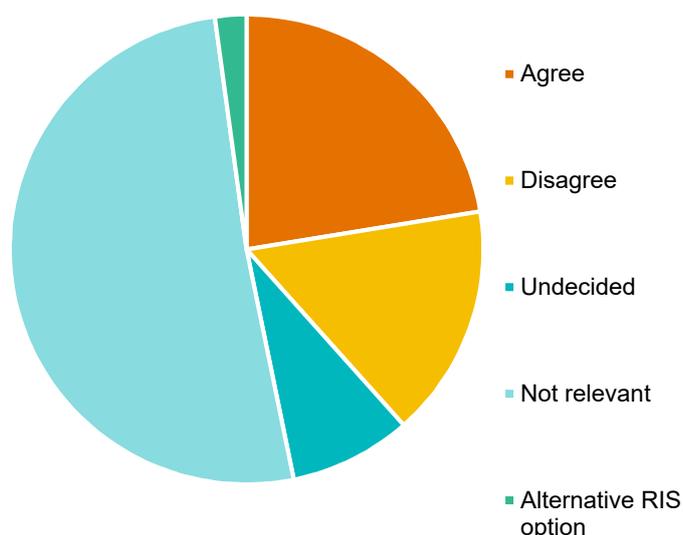
### Selection of comments received

*“Glue traps should be banned as that (sic) often catch and kill tiny microbats and birds.”*

*“Traps are cruel and leave the animals to suffer an excruciating long and painful death. All leg traps should be banned.”*

*“Proposed regulations will help achieve balance between pest control and animal suffering and may help to reduce the indiscriminate killing of wildlife.”*

Survey response: Traps





*“Our native wild life deserves adequate protection from feral cats which are horribly efficient predators of our native fauna. Cats have devastating effects on our native animals.”*

*“Appreciate the need to trap some pest species, but find leg hold traps extremely cruel. Struggle to agree with the proposals.”*

*“Padded leghold traps are critical, cost effective equipment required to catch those feral cats that avoid capture by other means.”*

*“...the 72-hour timeframe should be retained until reliable, remote trap checking technology is available.”*

### **Action**

- Introduction of a Ministerial approval to allow use of leghold traps for feral cats (where declared) for use where eradication is achievable, such as on French Island.

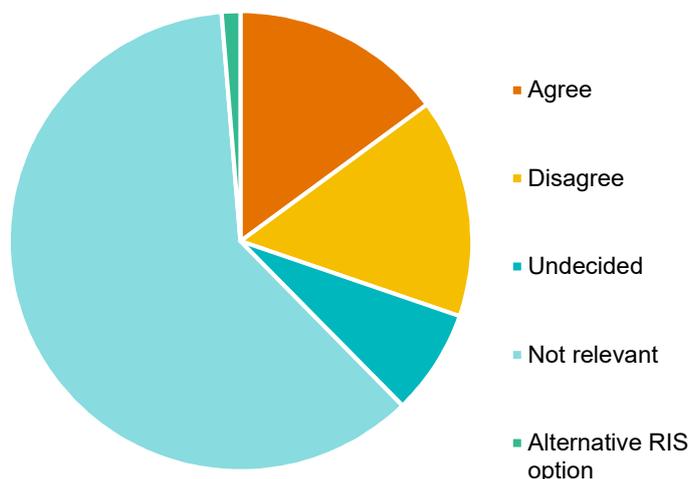
## Topic: Rodeos

Mixed response to the proposed rodeos regulations.

648 survey respondents expressed a clear preference, either agreeing, disagreeing or preferring an alternative option for the rodeo section. Of these:

- 47% agree
- 49% disagree
- 24% prefer another option

Survey results: Rodeos



## Key responses

A number of comments supported the requirement an animal welfare plan to be submitted as part of a rodeo licence or permit application and sought strict enforcement action to ensure compliance.

There were 14 comments specifically objecting to the conduct of the brumby catch event.

Participants also variously commented that regulation is not required, license fees should be removed, licence fees should be increased, stronger or more prescriptive regulation should be made, events should be cancelled in extreme weather, and that more information about the impact on animals should be available.

A large number of comments advocating the banning of rodeos were received but this is outside the scope of these regulations.

## Selection of comments received

*“I believe that rodeos are inherently stressful to animals”*

*“I believe that these changes will positively impact the welfare of the animals used in rodeos.”*

*“These improvements for animals in rodeos are a step in the right direction but do not go far enough.”*

## Action

- No changes were made to the proposed 2019 Regulations.

## Topic: Scientific procedures

Overall support for the provisions for scientific procedures.

618 survey respondents expressed a clear preference, either agreeing, disagreeing or preferring an alternative option for this section. Of these:

- 76% agree
- 19% disagree
- 5% prefer another option

### Key responses

Comments on mandatory training for new members of Animal Ethics Committees (AECs) were largely supportive, although there were submissions expressing reservations about costs and other consequences.

Two respondents considered the administrative requirements for AEC membership changes and reporting by scientific establishments to be administratively burdensome.

A small number of comments suggested the sourcing of animals from pounds and shelters should continue.

Responses also included calls for less regulation, expressions of support for scientific procedures on animals where necessary and concerns about penalties for isolated code breaches.

Sixty comments were received expressing opposition to scientific procedures in general, but this is outside the scope of the 2019 Regulations.

### Selection of comments received

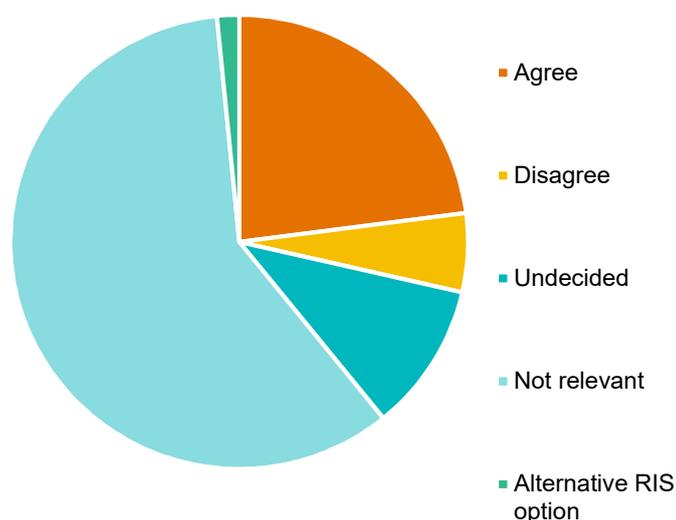
*“Animals should not be bred or used for the purpose of scientific experiments”*

*“Completely in favour of mandated training for AEC members”*

*“We need experimentation to make safe medicines for humans.”*

*“We must avoid using animals for scientific procedures as much as possible, and limit suffering as much as possible.”*

Survey results: Scientific procedures





*“Animal experimentation is cruel and unnecessary. It causes pain, suffering and severe stress to the animals involved.”*

*“I don’t see the logic of not using pound animals for research. If the animals are going to euthanized in any case as long as the scientific procedure is carried out humanely I don’t see any downside.”*

**Action**

- An infringement penalty has been included for failure to comply with the new requirement for mandatory training of new members appointed to an Animal Ethics Committee.

## Engagement outcomes

Feedback from all submissions received during the public consultation period was reviewed, and informed changes to the proposed 2019 Regulations.

Table 1. Changes to proposed 2019 Regulations

Proposed 2019 Regulation title	Proposed 2019 Regulation section	Proposed 2019 Regulations at consultation	2019 Regulations	Justification
Animal(s) in motor vehicle on hot days	Part 2, Division 1, Regulation 6(2)	A person must not leave an animal unattended inside a motor vehicle, for more than 10 minutes, when outside temperatures are at or above 28 degrees Celsius.	Provides an exemption for authorised officers provided the compartment is maintained at or below 28 degrees and the animal has access to water.	Enables authorised officers to keep animals in specifically designed animal transport vehicles to facilitate the quick return of stray animals to owners.
Animals on metal tray of motor vehicle or trailer on hot days	Part 2, Division 1, Regulation 6(4)	A person must not place an animal onto a metal tray of a motor vehicle or trailer when outside temperatures are at or above 28 degrees celsius without a layer of insulating material protecting the animal from contact with the metal tray.	The 2019 Regulation has been amended to clarify that it applies to dogs when secured on the metal tray.	It is generally only dogs and livestock which are transported in these circumstances. Unlike livestock hooves, the soft paws of dogs do not provide protection from a hot metal surface. Also clarified to apply to dogs secured rather than where dogs can choose to jump on or off the vehicle.

Proposed 2019 Regulation title	Proposed 2019 Regulation section	Proposed 2019 Regulations at consultation	2019 Regulations	Justification
Farm animal transport – time off water, weight bearing, passenger vehicles	Part 2, Division 1, Regulations 6(5), 6(6), 6(7)	<p>A person transporting a farm animal must ensure that the farm animal is provided with access to water before the maximum time off water specified in the Land Transport Standard for that species or type of farm animal has expired.</p> <p>A person must not transport a farm animal, other than poultry, that is not able to stand and bear weight on all limbs unless:</p> <p>(a) the farm animal is accompanied by a veterinarian or veterinary certificate that states that the farm animal is fit for transport; or</p> <p>(b) the farm animal is accompanied by a veterinary certificate that specifies conditions that must be complied with in order to manage the animal welfare risks associated with the transport and the person transporting the animal complies with conditions; or</p> <p>(c) the farm animal is being transported for medical veterinary or other appropriate treatment within the property at which the farm animal resides or to another property that is less than 20km from the property at which the animal resides.</p>	<p>Inclusion of 'livestock' in some offences as defined under the Australian Animal Welfare Standards and Guidelines for Land Transport of Livestock (Transport S&amp;G). This ensures alignment with the Transport S&amp;G.</p> <p>Regulation has been amended to clarify reference to not weight-bearing when walking.</p> <p>Regulation has been amended to increase distance to 50km and require written veterinary advice instead of a veterinary certificate.</p>	<p>The use of both definitions allows the protection afforded by the 2019 Regulations to apply to all classes of livestock, defined as such, not just those involved in primary production.</p> <p>Clarifies concerns about interpretation of weight-bearing.</p> <p>Access to veterinary treatment may exceed 20km, particularly rural areas.</p>

Proposed 2019 Regulation title	Proposed 2019 Regulation section	Proposed 2019 Regulations at consultation	2019 Regulations	Justification
Tethering	Part 2, Division 1, Regulation 7	A person must not tether an animal, using a fixed tether, or running tether, unless specified prescribed requirements are met.	Addition of exemptions from some tethering requirements (access to water and graze) for animals at agricultural shows or involved in Animal Ethics Committee (AEC) approved research.	The amendments overcome some of practical management issues arising from this provision for animals at agricultural shows or involved in specific AEC-approved research.
Mulesing	Part 2, Division 1, Regulation 8(2)	A person must not mules a sheep unless the sheep is administered pain relief with a product that has been registered for use on sheep by the Australian Pesticides and Veterinary Medicines Authority.	Definition of mulesing revised to mirror the definition in the Australian Animal Welfare Standards and Guidelines for Sheep.  Commencement of these requirements will be in 1 July 2020.	Definition of mulesing is consistent with the Australian Animal Welfare Standards and Guidelines for Sheep.  Commencement in 6 months to allow sufficient time for community to understand the new requirements and prepare for implementation.
Fruit netting	Part 2, Division 2, Regulation 13	A person must not use, advertise or offer for sale fruit netting for the purpose of covering household fruit trees, vegetable gardens and other fruiting plants, however labelled, unless it complies with sub-regulation 3: (a) have a mesh-size of 5mm or less at full stretch; and (b) be white in colour; and (c) have a strand diameter of no less than 500 microns.	Refinement of the fruit netting provisions to remove colour and strand diameter requirements.  Commencement of these requirements will be 1 September 2021.	Setting maximum dimensions for the mesh-size of fruit-netting will greatly minimize the risks of entanglement of wildlife. Most product meeting the required specification is sold in white, making the need to regulate colour less necessary.  The strand diameter of netting is not always provided when sold, making it

Proposed 2019 Regulation title	Proposed 2019 Regulation section	Proposed 2019 Regulations at consultation	2019 Regulations	Justification
				<p>difficult for the community to meet this requirement.</p> <p>The delayed commencement will allow time for gardeners to plan for a changeover of netting and to utilise existing netting</p>
Electronic collars	Part 2, Division 3, Regulations 24-29	A person must not use a remote training or anti-bark collar on a dog unless: (a) the dog is in the service of Victoria Police, Australian Federal Police or the Australian Defence Force and the collar is used for the purpose of that service; or (b) the dog is in training to be in the service of and the dog is under the supervision of Victoria Police, Australian Federal Police or the Australian Defence Force and the collar is used for the purpose of that service or training.	<p>Return to the requirements in the POCTA Regulations 2008 for the regulation of electronic collars. This will allow ongoing use of remote training and anti-bark collars under strict conditions.</p> <p>Proposed exemptions for Victoria Police, the Australian Federal Police, and the Australian Defence Force retained.</p>	<p>Feedback from the public consultation demonstrated a strong preference to allow continued use of remote training collars and anti-bark collars.</p> <p>Conditions of use of these collars aim to minimise animal welfare impacts.</p>
Traps	Part 3, Divisions 1-11, Regulations 32-69	Use of leghold traps for feral cats prohibited.	Introduction of a Ministerial approval to allow specified use of leghold traps for feral cats (where declared).	A ministerial approval for use of small leghold traps has been introduced for circumstances where eradication is achievable, such as French Island, to protect native species.



<b>Proposed 2019 Regulation title</b>	<b>Proposed 2019 Regulation section</b>	<b>Proposed 2019 Regulations at consultation</b>	<b>2019 Regulations</b>	<b>Justification</b>
Scientific procedures	Part 5, Divisions 1-4, Regulation 144	A member appointed to an Animal Ethics Committee on or after 14 December 2019 must, prior to or within 6 months of their appointment, complete a training course approved by the Minister under this regulation.	Infringement penalty introduced for offence for failure to comply with the new regulatory requirement for mandatory training of new members appointed to an Animal Ethics Committee.	Enables effective enforcement of this provision through a fine without the requirement to take minor non-compliances to court.