

New or changed requirements introduced by the Prevention of Cruelty to Animals (POCTA) Regulations 2019

More detail on the new regulations can be found at animalwelfare.vic.gov.au

Regulatory area	New or changed regulation
<p>Part 2 – Protection of animals</p> <p>This part sets out requirements for animal transport, tethering of animals, pain relief for mulesing, overgrowth of wool for sheep, prohibition on prong collars, twisted horse bits and animal fighting implements, use of oxy-LPG pest control devices, sale and use of fruit netting and sale and use of electronic devices.</p> <p>The following <u>prohibitions</u> have been continued without change:</p> <ul style="list-style-type: none"> • transport of animals in sedan boots • possession of animal fighting implements or an animal with the intention of causing the animal to fight • use of twisted mouthpieces on horses • use of prong collars 	
<p>Animals in vehicles on hot days (New)</p>	<p><i>Regulation 6 (2)</i></p> <p>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.</p> <p>(n.b. exemptions apply)</p>
<p>Animals on metal trays of vehicles/trailers on hot days (New)</p>	<p><i>Regulation 6 (4)</i></p> <p>A person must not secure a dog on a metal tray of a motor vehicle or trailer when outside temperatures are at or above 28 degrees Celsius without the dog having access to an area of insulating material protecting the dog from contact with the metal surface.</p>
<p>Time-off-water when transporting livestock or farm animals (New)</p>	<p><i>Regulation 6 (5)</i></p> <p>A person transporting a farm animal or livestock must ensure that the farm animal or livestock 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 or livestock has expired.</p>
<p>Transportation of livestock or farm animals that cannot bear weight on all legs (New)</p>	<p><i>Regulation 6 (6)</i></p> <p>A person must not transport a farm animal or livestock, other than poultry, that is not able to walk on its own by bearing weight on all legs unless —</p> <ol style="list-style-type: none"> (a) the animal is accompanied by a veterinarian or written veterinary advice that states that the animal is fit for transport; or (b) the animal is accompanied by written veterinary advice 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

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	(c) the animal is being transported for medical veterinary or other appropriate treatment within the property at which the animal resides or to another property that is less than 50km from the property at which the animal resides.
Transportation of livestock or farm animals in a passenger vehicle (New)	<p><i>Regulation 6 (7)</i></p> <p>A person must not transport a farm animal or livestock in a passenger vehicle unless —</p> <ul style="list-style-type: none"> (a) it is transported in a cage or the cargo section (excluding a sedan boot); and (b) the animal is able to stand upright without any part of the animal coming into contact with the roof, the ceiling or cover of the cage or cargo section of the motor vehicle; and (c) if transported in the cargo section, there is a barrier that prevents the animal from moving into the seating area of the vehicle
Tethering of animals (New)	<p><i>Regulation 7 (1)</i></p> <p>A person must not tether an animal, using a fixed tether, or running tether, unless—</p> <ul style="list-style-type: none"> (a) the animal has access to water at all times; and (b) the animal is able to exercise daily off the tether; and (c) the animal is able to lie down and stand up without restriction; and (d) the animal is tethered by a collar or halter which is attached to the tether by a swivel; and (e) the animal is checked at least twice daily; and (f) the animal has access to physical shelter at all times; and (g) if herbivorous, the animal is able to graze or browse freely. <p>(n.b. exemptions apply)</p>
<p>Sheep (New)</p> <p>Regulation of over-grown wool and pain relief for mulesing</p> <p>Requirement to use of pain relief does not commence until 1 July 2020.</p>	<p><i>Regulation 8 (1)</i></p> <p>A person must not allow the fleece of a sheep to grow to a length greater than twice the average annual growth for the breed of sheep or more than 250mm (whichever is shorter).</p> <p><i>*Regulation 8 (2)</i></p> <p>A person must not mules a sheep unless the sheep is administered with a pain relief product that has been registered for use on sheep by the Australian Pesticides and Veterinary Medicines Authority.</p>
Conditions of use of Oxy-LPG pest-control devices (New)	<p><i>Regulation 12</i></p> <p>A person must not use an Oxy-LPG pest-control device unless the person has made all reasonable efforts to empty the burrow or warren of live rabbits using other methods.</p>

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<p>Household fruit netting (New)</p> <p>Requirements for fruit netting will not commence until 1 September 2021</p>	<p><i>Regulation 13</i></p> <p>(1) A person must not use fruit netting for the purposes of covering household fruit-trees, vegetable gardens and other fruiting plants unless it complies with subregulation (3).</p> <p>(2) A person must not 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 subregulation (3).</p> <p>(3) For the purpose of this regulation, fruit netting must — (a) have a mesh-size of 5mm x 5mm or less at full stretch.</p>
<p>Electronic devices</p> <p>Regulation of electronic devices (that impart an electronic shock) has been continued with some changes which are described below. Electronic devices cannot be used unless they are permitted under the regulations. Where permitted they must be used in accordance with any condition set out in the regulations.</p>	
<p>Use of electronic devices for therapeutic purposes (New)</p>	<p><i>Regulation 15</i></p> <p>The Minister may approve the use on an animal of an electronic device that provides a therapeutic effect to an animal.</p>
<p>Electric Fences (Change)</p>	<p><i>Regulation 16</i></p> <p>New requirement that the electric charge travelling through the wire must not be sufficient to harm or kill an animal.</p>
<p>Electric prodders (Change)</p>	<p><i>Regulation 18</i></p> <p>Use of electric prodders on pigs is now allowed during transport under specific circumstances</p>
<p>Electric foot shock apparatus (New)</p>	<p><i>Regulation 22</i></p> <p>A person must not use an electric foot shock apparatus on an animal unless:</p> <ul style="list-style-type: none"> (a) the use is part of a scientific procedure or program of scientific procedures that has been approved under a licence granted under Part 3 of the Act; and (b) there are no valid alternative stimuli.
<p>Electronic Collars</p> <p>Use of electronic collars continues to be regulated. They can only be used on specific species and in accordance with set conditions. These regulations have largely been retained without major change.</p> <ul style="list-style-type: none"> • Remote training, anti-bark and containment collars are permitted for dogs provided use is in accordance with the specified conditions. 	

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<ul style="list-style-type: none"> • Containment collars can be used for cats provided use is in accordance with the specified conditions. • Electronic collars can be used for livestock only under approval of an animal ethics committee as part of a research project. 	
Electronic Collars (Change)	<p><i>Regulation 26</i></p> <p>Exemptions introduced for Victoria Police, the Australian Federal Police and the Australian Defence Force for use of remote training collars and anti-bark collars.</p>
Qualified dog Trainer (Change)	<p>Definition of qualified dog trainer – for purposes of use of electronic collar has been changed to mean a person who has qualifications approved by the Ministerial order.</p>
<p>Part 3 – Traps</p> <p>It is an offence under the POCTA Act to set, use or sell a trap that is not prescribed or to not comply with any prescribed conditions.</p> <p>Prescribed traps are set out in the regulations and types of traps and conditions of use remain largely the same. Any major changes or new provisions are set out below.</p>	
Traps (Changes)	<p><i>Regulation 39</i></p> <p>Fees introduced for applications for Ministerial approvals for setting and using leghold traps in an urban area.</p> <p><i>Regulation 40</i></p> <p>New provision to allow Ministerial approval for the use of leghold traps for the control of declared feral cats in limited situations under specific conditions.</p> <p><i>Regulation 53</i></p> <p>Fees introduced for applications for Ministerial approval for setting and using non-kill snares.</p> <p><i>Regulation 55</i></p> <p>Clarification to the prescribed features of rodent kill traps - trap jaws must not be toothed, serrated or sharp-pointed in a way that can pierce or tear the skin of the animal.</p> <p>Rodent kill traps must not be designed to drown an animal.</p> <p><i>Regulation 61</i></p> <p>Fees introduced for applications for Ministerial approval for setting and using kill traps.</p> <p><i>Regulation 62</i></p> <p>Sale, use or setting of glue traps that can trap an animal is banned.</p>

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	<p>Sale, use or setting of a glue trap for the purposes of capturing an insect is only permitted where the trap has a cage, or is of a design, that prevent an animal contacting the adhesive surface.</p> <p><i>Regulation 64</i></p> <p>Fees introduced for applications for Ministerial approval for setting and using a lethal trap device on a trap to which Division 2,3,4, or 5 applies.</p> <p><i>Regulation 65</i></p> <p>New Ministerial approval process for the emergency use of traps top control an incursion of a noxious aquatic species or declared pest animal not previously found in Victoria.</p> <p><i>Division 11; Regulations 66-68</i></p> <p>New Ministerial approval process for land managers of unincorporated areas to manage domestic dogs and cats, or other species normally kept in captivity, when caught in a trap.</p>
<p>Part 4 – Rodeos</p> <p>Regulation of rodeos has been largely continued unchanged including the requirement for a licence or permit to operate a rodeo or rodeo school.</p>	
<p>Rodeos (Changes)</p>	<p><i>Regulations 71 & 72</i></p> <p>New requirement for an Animal Welfare Plan to be submitted when applying for a rodeo, or rodeo school, licence or permit.</p> <p><i>Regulation 72</i></p> <p>Ability for the Man from Snowy River Bush Festival to apply for a permit to operate a brumby catch event at that festival.</p> <p><i>Regulation 74</i></p> <p>New process, including charging of fees for Ministerial approval of a Rodeo organisation.</p> <p><i>Regulation 80</i></p> <p>Removal of obligation on the Department Head to provide written confirmation to a notification of appointment of a veterinary practitioner by a licence or permit holder.</p> <p><i>Regulation 103</i></p> <p>New provision prohibiting motor vehicles from being present in the arena while the rodeo, or rodeo school, is being held except in an emergency situation.</p> <p><i>Regulation 150</i></p>

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	Fees for Rodeo/Rodeo School licences and permits updated
<p>Part 5 – Scientific Procedures</p> <p>Regulation of scientific procedures has been continued with minimal change, existing requirements for licencing, animal ethics approval etc. continue.</p>	
<p>Scientific Procedures (Changes)</p>	<p><i>Regulations 110, 123 and 136</i></p> <p>New requirement for mandatory training for new Animal Ethics Committee (AEC) members.</p> <p><i>Regulations 114, 126</i></p> <p>Procuring or sourcing of an animal from an animal pound or shelter for use in a scientific procedure or program under a scientific premises licence has been prohibited. (n.b. exemptions apply)</p> <p>Note: Regulations 114 and 126 will replace the code of practice for use of animals from pounds and shelters in scientific procedures.</p> <p><i>Regulation 144</i></p> <p>New provision setting out obligations as to AEC members</p> <p>Removal of requirement that licence holders must make and keep monthly records.</p>
<p>Part 7 – Transitional provisions (New)</p>	<p><i>Regulations 156- 159</i></p> <p>Transitional provisions for trap-check intervals for large leghold traps, use of leghold traps in urban areas and approved rodeo organisations.</p>
<p>Schedule 5 (New)</p>	<p>Infringement penalties introduced for Regulations 6(2), 6(4), 6(5), 6(6), 6(7), (7), 891), 8(2), 13(1), 13(2), 33(2), 86(1), 103(1), 144,</p>