

Draft Prevention of Cruelty to Animals Regulations 2019

Summary of proposed revisions

This document provides a summary of the provisions in the proposed Prevention of Cruelty to Animals Regulations (POCTA) 2019. It does not provide an exact description of each regulation or detailed explanation of any conditions or requirements.

1. General requirements:

Refer to Part 2, Division 1, Regulations 6-12.

The proposed regulations will:

- Retain a ban on pronged collars.
- Retain a ban on twisted horse bits.
- Retain a ban on animal fighting implements.
- Retain a ban on the transport of animals in sedan boots.
- Introduce requirements for the transport of farm animals including:
 - maximum time off water (as set out in Australian Animal Welfare Standards for Land Transport of Livestock)
 - no transport of livestock that cannot bear weight on all limbs (some exemptions apply)
 - set standards for how a farm animal can be transported in a passenger vehicle.
- Introduce a requirement that a sheep fleece does not become overgrown (not more than twice the annual growth).
- Introduce requirements for animals in cars and on metal vehicle trays on hot days:
 - animals must not be left attended in vehicles for more than 10 minutes on days at or above 28 degrees Celsius
 - animals must not be placed on metal trays of vehicles on days at or above 28 degrees Celsius without an insulating material protecting animal from hot metal.
- Introduce new tethering requirements including access to water and shelter, exercise requirements and inspection.
- Limit use of Oxy-LPG devices to rabbit warrens that are empty of live rabbits.

2. Mulesing of sheep:

Refer to Part 2, Division 1, Regulation 8(2).

The proposed regulations require the use of a pain relief product, that is registered with the Australian Pesticides and Veterinary Medicines Authority for use on sheep, when mulesing sheep. It is proposed that there would be a phase-in of this requirement after 6 or 12 months – comment is sought on the appropriate transition period.

3. Fruit tree netting

Refer to Part 2, Division 2, Regulation 13.

The proposed regulations set specifications for the type of fruit netting that can be sold or used in household situations. Household fruit netting will be limited to netting that has a mesh size of 5mm or less, is white in colour, and has a strand diameter of no less than 500 microns.

4. Electronic Devices:

Refer to Part 2, Division 3, Regulations 14-30.

The proposed regulations specify the type of electronic devices (which impart an electric shock) that can be used and place conditions on use of these devices. Permitted devices include:

- electric fences
- electronic bird deterrents
- electronic prodders – use expanded to enable limited use on pigs in accordance with Australian Animal Welfare Standards for Land Transport of Livestock
- electronic stunning devices
- electronic ejaculators
- permitted for scientific procedure purposes, where approved by an Animal Ethics Committee:
 - electrofishing
 - electric foot shock apparatus.
- electrocution traps
- specified types of electronic collars, with the following changes:
 - retain a prohibition on the sale and use of electronic collars unless done in accordance with the regulations
 - introducing a ban on the use of remote training and anti-bark electronic collars (with limited exemptions)
 - retain use of containment collar systems for dogs and cats with additional requirements for use of visual boundary markers and auditory, or vibratory, warning tones when in proximity of boundary
 - providing for Ministerial approval of electronic collar technical specifications, rather than specifying in the regulations. This enables a more flexible approach to update specifications to reflect technology improvements.
- therapeutic electronic devices for animals where the device has been approved for use by the Minister.

5. Traps

Refer to Part 3, Divisions 1-12, Regulations 31-69.

Under the POCTA Act traps are prohibited unless use is allowed through the regulations. The proposed regulations set out conditions, which are largely unchanged, for the sale and use of the following traps:

- leghold
- confinement
- net
- non-kill snares
- rodent kill
- kill traps
- lethal trap devices.

The main changes relating to traps include:

- prohibiting the use of glue traps for animals and limit use and sale to insect glue traps which prevent animal capture
- clearer Ministerial approval processes for use of traps, where an approval is required, including application fees
- setting a five-year phase-out of the Ministerial approval process to vary trap-check time intervals for leghold traps for wild dogs
- a new Ministerial approval to use traps for additional species, in the event of an exotic pest species incursion
- clarification of administrative procedural requirements relating to trapped non-target animal species.

6. Rodeos

Refer to Part 4, Regulations 70-105.

Proposed fees for rodeo licences, permits and approvals are set out in Part 6, Division 2, Regulation 150.

The proposed regulations retain existing restrictions on the use of animals, equipment and facilities at rodeos, requirements for people involved in rodeos, and processes for application for a rodeo licence, permit and organisation approval.

Proposed amendments to existing regulations:

- clarify responsibilities of people and requirements for use of animals involved in rodeos
- enable Approved Rodeo Organisations to apply for a rodeo licence or permit
- enable the Man from Snowy River Bush Festival Committee to apply for a permit for the brumby catch event
- require an animal welfare plan to be submitted as part of a rodeo licence or permit application.

7. Scientific Procedures

The 'Scientific Procedures' provisions are set out in Part 5, Divisions 1 – 4, Regulations 106 – 147.

Proposed fees for licensing and audits are set out in Part 6, Division 2, Regulations 151 – 154.

The proposed regulations retain existing provisions for the use of animal in scientific procedures, with the addition of:

- mandatory training for new members of Animal Ethics Committees (AECs)
- prevention of the sourcing of animals from pounds and shelters for scientific procedures, unless the research is related to the health or welfare of pound animals
- administrative requirements for AEC membership changes and reporting by scientific establishments.

Submissions can be provided on the proposed POCTA Regulations 2019 at the Engage Victoria website <https://engage.vic.gov.au/prevention-cruelty-animals-draft-regulations-2019>.