

Authorised Version

Prevention of Cruelty to Animals Regulations 2019

S.R. No. 133/2019

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Authorised Version

STATUTORY RULES 2019

S.R. No. 133/2019

Prevention of Cruelty to Animals Act 1986

Prevention of Cruelty to Animals Regulations 2019

The Governor in Council makes the following Regulations:

Dated: 10 December 2019

Responsible Minister:

JACLYN SYMES
Minister for Agriculture

ANDREW ROBINSON
Acting Clerk of the Executive Council

Part 1—Preliminary

1 Objectives

The objectives of these Regulations are—

- (a) to provide for procedures conducted on animals, devices used on animals, implements and methods of capture of animals, transport of animals, restraint of animals and other related matters; and
- (b) to prescribe conditions for rodeo licences, rodeo permits and rodeo school permits; and
- (c) to provide for persons operating, participating in or otherwise involved in rodeos and rodeo schools; and
- (d) to prescribe conditions and standards for scientific procedures using animals and breeding; and

(e) to prescribe forms, fees and other matters authorised by the **Prevention of Cruelty to Animals Act 1986**.

2 Authorising provision

These Regulations are made under section 42 of the **Prevention of Cruelty to Animals Act 1986**.

3 Commencement

- (1) These Regulations (other than regulations 8(2) and 13) come into operation on 14 December 2019.
- (2) Regulation 8(2) comes into operation on 1 July 2020.
- (3) Regulation 13 comes into operation on 1 September 2021.

4 Revocations

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

5 Definitions

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 means the National Health and Medical Research Council (2013) Australian code for the care and use of animals for scientific purposes, published by the National Health and Medical Research Council, Canberra;

Australian Pesticides and Veterinary Medicines Authority means the Australian government statutory authority continued by section 6 of the Agricultural and Veterinary Chemicals (Administration) Act 1992 of the Commonwealth;

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;

confinement trap means a trap that uses a cage, bag, fence, yard or container to confine the whole body of one or more animals;

containment collar means an electronic collar that is 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 containment collar which may deliver an electric shock to an animal if it gets too close to the designated boundary;

controlled pest animal means an animal that has been declared under Part 8 of 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 feral cat means an animal of the species *Felis catus* declared to be an established pest animal by a feral cat declaration;

declared pest animal means an established pest animal or a restricted pest animal;

electric foot shock apparatus means a device designed to deliver electric shocks of controlled intensity and duration to the foot of an animal under experimental conditions;

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 Part 8 of the **Catchment and Land Protection Act 1994** to be an established pest animal;

feral cat declaration means a declaration under Part 8 of the **Catchment and Land Protection Act 1994** declaring the feral or wild population of the cat (*Felis catus*) to be an established pest animal on specified Crown Land;

glue trap means a trap that uses glue, adhesive material or any similar viscid substance as the mode of capture to trap an animal or insect;

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;

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

Land Transport Standard means the Australian Animal Welfare Standards and Guidelines—Land Transport of Livestock Edition 1, published by Animal Health Australia 2012, Canberra;

large leghold trap means a jawed spring-operated trap, designed to capture an animal by the foot or leg with a jaw spread between 10·1 centimetres and 15·5 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;

livestock has the same meaning as in the Land Transport Standard;

mules has the same meaning as in the Australian Animal Welfare Standards and Guidelines for Sheep Edition 1, published by Animal Health Australia 2014, Canberra;

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-human hominid means a non-human member of the family Hominidae, being a gorilla, chimpanzee, bonobo or an orangutan;

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

noxious aquatic species means a noxious aquatic species declared under section 75 of the **Fisheries Act 1995**;

Oxy-LPG pest control device means a gas explosive device capable of pumping a propane and oxygen mixture into burrows and tunnels, resulting in an underground blast-wave with the intent of collapsing the burrow or warren;

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

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

qualified dog trainer means a person who has completed a qualification approved by the Minister, and published in the Government Gazette, relating to the training of dogs;

regulated pest animal means an animal that has been declared under Part 8 of 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 has the same meaning as in the **Catchment and Land Protection Act 1994**;

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**;

unincorporated area means—

- (a) French Island; or
- (b) Sandstone Island (incorporating Elizabeth Island); or
- (c) Gabo Island; or
- (d) Lady Julia Percy Island; or
- (e) an alpine resort with the meaning of the **Alpine Resorts (Management) Act 1997**;

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;

Victorian Code of Practice for Training Dogs and Cats to Wear Electronic Collars means the Code of Practice made under section 7 of the Act and published in Government Gazette G48 on 1 December 2011 at pages 2853 to 2860;

wild dog means an animal of the species *Canis familiaris* that is declared to be an established pest animal under Part 8 of the **Catchment and Land Protection Act 1994**;

wildlife has the same meaning as in the **Wildlife Act 1975**.

Part 2—Protection of animals

Division 1—General requirements

6 Transportation of animals

- (1) A person must not place or transport an animal in the boot of a sedan motor vehicle.

Penalty: 15 penalty units.

- (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.

Penalty: 20 penalty units.

- (3) Subregulation (2) does not apply—

(a) to a person who leaves a farm animal or livestock in the livestock crate of a livestock transport vehicle; or

(b) to a POCTA inspector or an authorised officer within the meaning of the **Domestic Animals Act 1994** who leaves an animal in an animal transport vehicle operated by that inspector or officer if—

(i) the temperature inside the vehicle is maintained at or below 28 degrees Celsius; and

(ii) the animal has access to water at all times.

- (4) 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.

Penalty: 15 penalty units.

- (5) 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.

Penalty: 20 penalty units.

- (6) 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—
- (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
 - (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 50 km from the property at which the animal resides.

Penalty: 20 penalty units.

- (7) A person must not transport a farm animal or livestock in a passenger vehicle unless—
- (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.

Penalty: 15 penalty units.

7 Tethered animals

- (1) A person must not tether an animal, using a fixed tether, or running tether, unless—
 - (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.

Penalty: 15 penalty units.

- (2) Subregulation (1)(f) does not apply if the animal is tethered for no more than 2 hours per day and is under supervision of a person.

- (3) For the purposes of subregulation (1)(f), in the case of a tethered animal that is a bovine or equid, physical shelter may include shade or protection from a tree.
- (4) Subregulation (1)(a) and (g) do not apply if the animal—
 - (a) is tethered for the purposes of exhibition as part of an event such as an agricultural show; and
 - (b) is provided with food and water at least twice daily.
- (5) This regulation does not apply in circumstances where the tethering of an animal has been otherwise approved as part of a scientific procedure or program of scientific procedures approved under a licence granted under Part 3 of the Act.

8 Sheep

- (1) 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 250 mm (whichever is shorter).

Penalty: 10 penalty units.

- (2) 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.

Penalty: 20 penalty units.

9 Possession of animal for fighting and use 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 solely 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 the inspector's 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;
 - (b) drugs or other items used to improve the fighting performance of a dog or cock.

10 Use of twisted mouthpieces

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

Penalty: 15 penalty units.

11 Pronged collars prohibited

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

Penalty: 15 penalty units.

12 Conditions of use of Oxy-LPG pest-control devices

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.

Penalty: 20 penalty units.

Division 2—Sale and use of netting for fruiting plants

13 Selling and use of fruit netting

- (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).

Penalty: 15 penalty units.

- (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).

Penalty: 15 penalty units.

- (3) For the purpose of this regulation, fruit netting must have a mesh-size of 5 mm x 5 mm or less at full stretch.

Division 3—Sale or use of electronic devices

14 Use of certain electronic devices

- (1) A person must not use or place on any animal a device that is capable of imparting or is designed to impart an electric current or shock to the animal, whether or not the device is working.

Penalty: 20 penalty units.

- (2) Subregulation (1) does not apply if the use or placement of the device is permitted under regulations 15 to 28.
- (3) Subregulation (1) does not apply to an electrocution trap that is permitted to be used under Division 6 of Part 3.

15 Use of electronic devices for therapeutic purposes

- (1) The Minister may, by notice in the Government Gazette, approve the use on an animal of an electronic device that provides a therapeutic effect to an animal.
- (2) An approval of the Minister under this regulation may impose any condition on the use of the approved electronic device in relation to—
 - (a) the persons or class of persons who are permitted to use the device; or
 - (b) the manner in which and period for which the device may be used, including commencement and end dates; or
 - (c) the species of animal, and other characteristics of the animal, that the device may be used to treat; or
 - (d) any other matter related to protecting the welfare of an animal on which the device is permitted to be used.
- (3) A person must only use an electronic device for therapeutic effect on an animal that has been approved by the Minister and in accordance with any conditions of the approval.
- (4) A person may apply to the Minister in the approved form for approval to use on an animal an electronic device that has a therapeutic effect on an animal.

- (5) An application to the Minister for an approval under this regulation must include—
- (a) the name, address, telephone and email contact details of the applicant; and
 - (b) the name and type of device the approval is sought for; and
 - (c) evidence of the therapeutic effect from the device; and
 - (d) details of why the device is needed (such as the conditions which it would be used to treat); and
 - (e) details of the competency required of the person using the device; and
 - (f) details of how and on what species of animal the device will be used and any other characteristics of the animals; and
 - (g) any other details required by the Minister to assess the suitability of the device for approval.
- (6) The application must be accompanied by the prescribed fee of 30 fee units.

16 Electric fences

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

- (a) the electric current travels through a wire;
- (b) the electric fence is installed so that—
 - (i) an animal is able to move away and avoid contact with the wire that is carrying the electric current; and
 - (ii) the electric charge that is imparted to the animal through the wire of the device is not sufficient to harm or kill an animal.

17 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;
- (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;
- (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.

18 Electric prodders

- (1) Subject to subregulations (2) and (3), a person may use or place 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) pigs in a situation where a person is loading, transporting or unloading pigs and—
 - (i) other permitted means of moving the animal have failed; and
 - (ii) the individual pig weighs 60 kg in live weight or more; and
 - (iii) there is a reasonable risk to the safety of the driver or the pigs; or
 - (d) regulated pest animals or controlled pest animals, if the use or placement of the electric prodder on those animals has been approved by a veterinary practitioner.

- (2) A person may use or place an electric prodder on cattle at a rodeo if the device is—
- (a) placed only on the hip or shoulder of the animal; and
 - (b) not used inside the rodeo arena or training area of a rodeo school; and
 - (c) not used in the chute unless—
 - (i) the animal is down in the chute and is in a position to rise; or
 - (ii) the animal is standing and has refused to leave the chute.
- (3) Use of an electric prodder by a person is subject to the following conditions—
- (a) the electric prodder must not be used or placed on any animal less than 3 months of age;
 - (b) the electric prodder must not be used or placed on the face, genitals, perineum, or udder of any animal;
 - (c) the electric prodder must not be used or placed on an animal in a situation where the animal is unable to move away from the application of the electric prodder;
 - (d) the electric prodder must not be used excessively on an animal.

19 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**.

20 Electronic ejaculators

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.

21 Electrofishing

A person must not electrofish unless it is part of a scientific procedure or program of scientific procedures approved under a licence granted under Part 3 of the Act.

22 Electric foot shock apparatus

A person must not use an electric foot shock apparatus on an animal unless—

- (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.

23 Use of electronic collars

A person must not use an electronic collar on an animal unless—

- (a) the electronic collar is an authorised electronic collar and is used on a dog or cat in accordance with regulations 24 to 28; or

- (b) the electronic collar is used on cattle, sheep, goats, pigs, camels, alpacas or llamas as part of a scientific procedure or program of scientific procedures approved under a licence granted under Part 3 of the Act.

24 Requirements for use of authorised electronic collars

A person must not use an authorised electronic collar on a dog or cat 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 the Victorian Code of Practice for the Training of Dogs and Cats to Wear Electronic Collars; and
- (f) the design and technical specifications of the collar comply with standards that have been approved by the Minister and published in the Government Gazette.

25 Use of remote training collars and anti-bark collars

- (1) A person must not use a remote training or anti-bark collar on a dog unless—
 - (a) the person is a veterinary practitioner or qualified dog trainer; or

- (b) the person is acting under the supervision and written instructions of a veterinary practitioner or a qualified dog trainer.
- (2) If subregulation (1)(b) applies, the use of the collar must be reviewed by the veterinary practitioner or qualified dog trainer—
 - (a) within 6 months of the examination referred to in regulation 24(a); and
 - (b) at least every 12 months after the first review.

26 Use of remote training collars and anti-bark collars—police and Australian Defence Force

- (1) A person may use a remote training collar or an anti-bark collar on a dog if the dog—
 - (a) 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) is in training to be 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 training.
- (2) Regulations 24 and 25 do not apply to the use of a remote training collar or anti-bark collar in accordance with subregulation (1).

27 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) A person must not use a containment collar on a dog unless there is a visual cue (such as a fence, posts or flags) that clearly indicates to the dog the boundary of the containment system.
- (3) In this regulation and in regulation 28—
- 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 Victorian Code of Practice for the Training of Dogs and Cats to Wear Electronic Collars.

28 Use of containment collars on a cat

- (1) 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.
- (2) A person must not use a containment collar on a cat unless there is a visual cue (such as a fence, posts or flags) that clearly indicates to the cat the boundary of the containment system.

29 Sale, hire or supply of electronic collars

- (1) A person must not sell, hire or supply an electronic collar that has not been manufactured for use on a dog, cat or livestock.

Penalty: 20 penalty units.

- (2) A person must not sell, hire or supply an electronic collar for use on a cat or a dog unless the design and technical specifications of the collar comply with the standards approved by the Minister for electronic collars for dogs and cats, published in the Government Gazette.

Penalty: 20 penalty units.

- (3) A person must not sell, hire or supply an electronic collar for use on livestock unless it has been manufactured for that purpose.

Penalty: 20 penalty units.

- (4) A person must not sell, hire or supply an electronic collar for use on a cat or dog unless at the time of the sale, hire or supply the person records—

- (a) the full name of the purchaser, hirer or recipient; and
- (b) the street address of the purchaser, hirer or recipient; and
- (c) a contact telephone number or email address (if any) for the purchaser, hirer or recipient; and
- (d) the date of sale, hire or supply of the electronic collar; and

- (e) that the person has advised the purchaser, hirer or recipient of the relevant conditions of use, as set out in regulations 24 to 28, in writing.

Penalty: 10 penalty units.

- (5) A person must not sell, hire or supply an electronic collar for use on livestock unless, at the time of sale, hire or supply, the person records—
 - (a) the full name of the purchaser, hirer or recipient; and
 - (b) the street address of the property where the electronic collar is to be used; and
 - (c) a contact telephone number or email address (if any) for the purchaser, hirer or recipient; and
 - (d) the date of sale, hire or supply of the electronic collar; and
 - (e) if the street address referred to in paragraph (b) is in Victoria, that the person has obtained written evidence, from the purchaser, hirer or recipient that the electronic collar will be used on an animal that is part of a scientific procedure or program of scientific procedures approved under a licence granted under Part 3 of the Act.

Penalty: 10 penalty units.

- (6) A person must not provide any false or misleading information in relation to the details or evidence to be recorded under subregulation (4) or (5).

Penalty: 10 penalty units.

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- (7) A person who sells, hires or supplies an electronic collar must keep a record of the following for 7 years after the sale, hire or supply—
- (a) the details recorded under subregulation (4) or (5);
 - (b) if applicable, the written evidence provided under subregulation (5).

Part 3—Traps

Division 1—Prescribed traps

30 Prescribed kinds of traps

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

- (a) small leghold traps that meet the requirements of regulation 32;
- (b) large leghold traps that meet the requirements of regulation 35 or 36;
- (c) confinement traps that meet the requirements of regulation 42;
- (d) net traps that meet the requirements of regulation 46;
- (e) non-kill snares that meet the requirements of regulation 50;
- (f) rodent kill traps that meet the requirements of regulation 55;
- (g) kill traps that meet the requirements of regulation 59;
- (h) glue traps that meet the requirements of regulation 62(3);
- (i) lethal trap devices that have been approved by the Minister under regulation 64.

Division 2—Leghold traps

31 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 purpose of trapping rabbits; and
- (b) the trap complies with regulation 32; and
- (c) the person sets or uses the trap in accordance with regulations 33 and 38.

32 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;
- (e) a spring 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 has 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) an adjustable pan tension so that the pan can be set at a tension required for a rabbit to trigger the trap.

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

- (1) A person must not set or use a small leghold trap in the following places—
 - (a) Crown land; or
 - (b) land in an urban area, except with—
 - (i) the approval of the Minister under regulation 39; and
 - (ii) the consent of the owner or occupier of the land; or
 - (c) any other land unless a person has the consent of the owner or occupier of the land.
- (2) A person must not possess a small leghold trap on Crown land.

Penalty: 10 penalty units.

- (3) Subregulation (2) does not apply to—
 - (a) a person who possesses a small leghold trap if possession is solely 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 the inspector's role under the Act or these Regulations.

34 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 purpose of trapping foxes, wild dogs or, if an approval has been granted under regulation 40, declared feral cats; and
- (b) if the person sets or uses the trap for the purpose of—
 - (i) trapping foxes or declared feral cats, the trap complies with regulation 35; or
 - (ii) trapping wild dogs, the trap complies with regulation 36; and
- (c) the trap is set or used in accordance with—
 - (i) if the person sets or uses the trap for the purpose of trapping foxes or wild dogs, regulations 37 and 38; or
 - (ii) if the person sets or uses the trap for the purpose of trapping declared feral cats, regulation 37 and an approval granted under regulation 40.

35 Prescribed features of a large leghold trap to be set or used for foxes or declared feral cats

A large leghold trap that is to be set or used for the purposes of trapping foxes or declared feral cats 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 10·1 centimetres and 14 centimetres;
- (e) a spring 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 has 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) an adjustable pan tension so that the pan can be set at a tension required for a fox or declared feral cat to trigger the trap.

36 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 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 has 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) an adjustable pan tension so that the pan can be set at a tension required for a wild dog to trigger the trap.

37 Places where large leghold traps must not be set or used

- (1) A large leghold trap must not be set or used for trapping foxes or wild dogs—
 - (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) of the Act, a large leghold trap must not be set or used to trap foxes or wild dogs in any portion of the area that is an urban area, except with the approval of the Minister under regulation 39.

- (3) A large leghold trap must not be set or used for trapping declared feral cats in any area that is not specified in the approval granted under regulation 40.

38 Conditions of setting or use of small and large leghold traps

- (1) A trapped animal must not be left alive in the trap for more than 24 hours.
- (2) Until 1 December 2024, the Minister may issue an authority giving approval to allowing an animal to be left alive in a large leghold trap for up to 72 hours where the large leghold trap is set or used for wild dogs by a person employed or authorised for the purposes of the Victorian government program for managing wild dogs.
- (3) The Minister may, as a condition of granting the authority under subregulation (2), require a report providing the details required by the Minister about the operation of the authority in the form required by the Minister and at the intervals specified by the Minister.
- (4) A trapped animal that is a declared pest animal must be humanely destroyed as soon as is reasonably possible unless—
- (a) the person who owns it is authorised to own it under the **Catchment and Land Protection Act 1994**; and
 - (b) the animal can be returned to the owner.
- (5) If an animal that is not required to be humanely destroyed under subregulation (4) 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 provided with veterinary treatment as soon as is reasonably possible or, if severely injured, may be humanely destroyed.
- (6) An animal that is released from a trap under subregulation (5)(a), that is not injured, must be—
 - (a) if a dog or a cat captured in a local government area, taken to the local council as soon as is reasonably possible; or
 - (b) if a species normally kept in captivity, that is not wildlife or a dog or a cat, taken to an animal shelter or other appropriate animal care facility as soon as is reasonably possible; or
 - (c) if a dog or cat or species normally kept in captivity captured in an unincorporated area, managed—
 - (i) under an agreement with a local Council or Animal shelter to accept and care for captured domestic animals and, for dogs and cats, to be managed by the council or animal shelter in accordance with the **Domestic Animals Act 1994**; or
 - (ii) in accordance with a process approved by the Minister under Division 11 of this Part; or
 - (d) if wildlife, released at the point of capture in accordance with the **Wildlife Act 1975**; or
 - (e) if a wild animal of a species not normally kept domestically but which is not wildlife, released at point of capture or humanely destroyed.

- (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.

39 Minister may approve setting or use of leghold traps in urban areas

- (1) On receipt of an application under subregulation (2), the Minister may grant an approval to set or use—
 - (a) a small leghold trap for rabbits in an urban area; or
 - (b) a large leghold trap for wild dogs or foxes in an urban area within an area declared to be approved under section 15AB(3) of the Act.
- (2) The application must—
 - (a) be in the form approved by the Minister; and
 - (b) specify—
 - (i) the kind of trap; and
 - (ii) the location in which the trap is to be used; and
 - (iii) the species for which the trap is to be used; and
 - (c) be accompanied by any information relevant to the procedures to be utilised in the trapping programs; and
 - (d) be accompanied by any reports or documents that the Minister requires; and
 - (e) be accompanied by a fee of 23 fee units.
- (3) An approval under subregulation (1)(a) or (b) must specify the location and species to which it applies.

- (4) The Minister may impose conditions on the approvals relating to—
- (a) the areas in which the trap may be used; and
 - (b) the minimum qualifications or training the person using the trap must have; and
 - (c) requirements relating to training the person using the trap must have; and
 - (d) requirements relating to notification about the trapping programs; and
 - (e) the period for which the approval applies; and
 - (f) the keeping of records and provision of reports to the Minister at the intervals at which the reports must be submitted; and
 - (g) any actions the applicant must take to minimise impacts on non-target species; and
 - (h) any actions required to protect the welfare of trapped animals.
- (5) An approval under this regulation is valid for the period specified in the approval which must not exceed 3 years from the date of approval.

40 Minister may approve setting or use of large leghold traps for declared feral cats

- (1) On receipt of an application under subregulation (2), the Minister may grant an approval to set or use a large leghold trap for the purpose of trapping declared feral cats on declared Crown Land.
- (2) The application must—
- (a) be in the form approved by the Minister; and
 - (b) specify the reason why use of a large leghold trap is necessary; and

- (c) specify the location in which the large leghold trap is to be set or used; and
 - (d) specify when the large leghold trap is to be set or used; and
 - (e) be accompanied by any information relevant to the procedures to be utilised in the trapping programs; and
 - (f) be accompanied by any documents or reports that the Minister requires.
- (3) An approval under subregulation (1) must specify—
- (a) the declared Crown land to which the approval applies; and
 - (b) the maximum period (not exceeding 24 hours) for which a trapped animal may be left alive in the trap.
- (4) The Minister may impose conditions on an approval relating to—
- (a) the area of declared Crown land in which the trap may be used and when it may be used; and
 - (b) the minimum qualifications or training the person using the traps must have; and
 - (c) the manner in which the trap may be used, including when it must be checked; and
 - (d) specifications for the trapping program; and
 - (e) the keeping of records and provision of reports and evaluations to the Minister and the intervals at which the reports or evaluations must be submitted; and
 - (f) any action required to be taken to protect the welfare of trapped animals.

(5) An approval under this regulation is valid for the period specified in the approval which must not exceed 12 months from the date of the approval.

(6) In this regulation—

declared Crown land means Crown land specified in a feral cat declaration.

Division 3—Confinement traps

41 Requirements for setting or using confinement traps

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

- (a) the trap complies with regulation 42; and
- (b) the person sets or uses the trap in accordance with regulations 43 and 44.

42 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 a trapped animal;
- (b) the trap must not grip or strike any part of the body of a trapped animal;
- (c) the trap must not contain hooks, protruding parts, or other design features that may injure the trapped animal.

43 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.

44 Conditions of set or use of confinement traps

- (1) 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.
- (2) If the confinement trap is in the form of a fenced enclosure or yard in a non-urban area and sufficient and appropriate food, water and shelter is available to the trapped animal, the animal must not be left trapped for more than 48 hours.
- (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 or noxious aquatic species 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 provided with veterinary treatment as soon as is reasonably possible or, if severely injured, may be humanely destroyed.

- (6) An animal that is released from a trap under subregulation (5)(a), that is not injured, must be—
- (a) if a dog or a cat captured in a local government area, taken to the local council as soon as is reasonably possible; or
 - (b) if a species normally kept in captivity, that is not wildlife or a dog or a cat, taken to an animal shelter or other appropriate animal care facility as soon as is reasonably possible; or
 - (c) if a dog or cat or species normally kept in captivity captured in an unincorporated area, managed—
 - (i) under an agreement with a local Council or Animal shelter to accept and care for captured domestic animals and, for dogs and cats, to be managed by the council or animal shelter in accordance with the **Domestic Animals Act 1994**; or
 - (ii) in accordance with a process approved by the Minister under Division 11 of this Part; or
 - (d) if wildlife, it must be released at the point of capture; or
 - (e) if a wild animal of a species not normally kept domestically but which is not wildlife, released at point of capture or humanely destroyed.
- (7) This regulation does 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 4—Net traps

45 Requirements for setting or using net traps

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

- (a) the trap complies with regulation 46; and
- (b) the person sets or uses the trap in accordance with regulations 47 and 48.

46 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.

47 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.

48 Conditions of setting or use of net traps

- (1) A net trap that is designed to be triggered by an animal must be checked at least every 4 hours.
- (2) 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.
- (3) 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.
- (4) 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.

- (5) A trapped animal that is a declared pest animal or noxious aquatic species 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.
- (6) If an animal that is not required to be humanely destroyed under subregulation (5), 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 provided with veterinary treatment as soon as is reasonably possible or, if severely injured, may be humanely destroyed.
- (7) An animal that is removed from a trap under this regulation must be—
- (a) if a dog or cat captured in a local government area, taken to the local council as soon as is reasonably possible; or
 - (b) if a species normally kept in captivity that is not wildlife, a dog or a cat, taken to an animal shelter or other appropriate animal care facility as soon as is reasonably possible; or
 - (c) if a dog or cat or species normally kept in captivity captured in an unincorporated area, managed—
 - (i) under an agreement with a local council or Animal shelter to accept and care for captured domestic animals and, for dogs and cats, to be managed by the council or animal shelter in accordance with the **Domestic Animals Act 1994**;
 - or

- (ii) in accordance with the process approved by the Minister under Division 11 of this Part; or
 - (d) if wildlife, released at the point of capture in accordance with the **Wildlife Act 1975**; or
 - (e) if a wild animal of a species not normally kept domestically but which is not wildlife, released at point of capture or humanely destroyed.
- (8) 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.
- (9) This regulation does 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—Non-kill snares

49 Requirements for setting or using non-kill snare

- (1) A person must not set or use a non-kill snare unless—
- (a) the person sets or uses the non-kill snare under an approval granted under regulation 53; and
 - (b) the non-kill snare complies with regulation 50; and
 - (c) the person sets or uses the non-kill snare in accordance with regulations 51 and 52, and the approval granted under regulation 53.
- (2) Subregulation (1) does not apply where the setting or use of the non-kill snare is approved by an Animal Ethics Committee for research approved under licence in accordance with Part 3 of the Act.

50 Prescribed features of non-kill snares

A non-kill snare must have the following features—

- (a) the non-kill snare must not strangle or cut the animal;
- (b) the non-kill snare must include a locking device which prevents the non-kill snare from inhibiting blood flow through the limbs, neck or body of the animal;
- (c) the non-kill snare 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 non-kill snare must have a minimum of 2 swivels, with one located at each end of the anchor chain, so that the non-kill snare can twist if the animal struggles to escape;
- (e) if designed to be triggered by an animal stepping on a pan, the non-kill snare must have adjustable pan tension so that the pan can be set at a tension required for the target species to trigger the non-kill snare.

51 Places where non-kill snares may be set or used

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

- (a) in an urban area except if the setting or use of the non-kill snare is approved under regulation 53; 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.

52 Conditions of set or use of non-kill snare

- (1) A trapped animal must not be left alive in the non-kill snare for more than 8 hours.
- (2) 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.
- (3) If an animal that is not required to be humanely destroyed under subregulation (3) or that is not an animal for which the non-kill snare has been set or used, is captured in the non-kill snare and is alive at the time the non-kill snare is checked—
 - (a) the animal must be released from the non-kill snare as soon as is reasonably possible; and
 - (b) if the animal is injured, it must be provided with veterinary treatment as soon as is reasonably possible or, if severely injured, the animal may be humanely destroyed.
- (4) An animal that is released from a non-kill snare under subregulation (3)(a), that is not injured, must be—
 - (a) if a dog or a cat captured in a local government area, taken to the local council as soon as is reasonably possible; or
 - (b) if a species normally kept in captivity that is not wildlife or a dog or a cat, taken to an animal shelter or other appropriate animal care facility as soon as is reasonably possible; or
 - (c) if a dog or cat or species normally kept in captivity captured in an unincorporated area, managed—

- (i) under an agreement with a local Council or Animal shelter to accept and care for captured domestic animals and, for dogs and cats, to be managed by the council or animal shelter in accordance with the **Domestic Animals Act 1994**; or
 - (ii) in accordance with the process approved by the Minister under Division 11 of this Part; or
 - (d) if wildlife, it must be released at the point of capture in accordance with the **Wildlife Act 1975**; or
 - (e) if a wild animal of a species not normally kept domestically but which is not wildlife, released at point of capture or humanely destroyed.
- (5) The non-kill snare 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.
- (6) This regulation does 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.

53 Minister may approve setting or use of non-kill snares

- (1) On receipt of an application under subregulation (2), the Minister may grant an approval to set or use a non-kill snare for the purpose of trapping—
- (a) an animal that is an established pest animal; or

- (b) an animal of another species determined by the Minister.
- (2) The application must—
- (a) be in the form approved by the Minister; and
 - (b) specify the kind of non-kill snare and—
 - (i) the location in which the non-kill snare is to be used; and
 - (ii) the species for which the non-kill snare is to be used; and
 - (c) be accompanied by any information relevant to the procedures to be utilised in the trapping programs; and
 - (d) be accompanied by any reports or documents that the Minister requires; and
 - (e) be accompanied by a fee of 23 fee units.
- (3) An approval under subregulation (1) must specify the location and species to which it applies.
- (4) The Minister may impose conditions on the approvals relating to—
- (a) the species of animal that may be trapped; and
 - (b) details of the types of non-kill snares to which the approval applies and any mandatory features of those non-kill snares; and
 - (c) the area in which the non-kill snares may be used; and
 - (d) the minimum qualifications or training the person using the non-kill snares must have; and
 - (e) requirements relating to notification about the trapping programs; and

- (f) the period for which the approval applies; and
 - (g) the keeping of records and provision of reports to the Minister at the intervals at which the reports must be submitted; and
 - (h) any actions the applicant must take to minimise impacts on non-target species; and
 - (i) any actions required to protect the welfare of trapped animals.
- (5) An approval under this regulation is valid for the period specified in the approval which must not exceed 3 years from the date of approval.

Division 6—Rodent kill traps

54 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 55; and
- (c) the person sets or uses the trap in accordance with regulations 56 and 57.

55 Prescribed features of rodent kill traps

A rodent kill trap must have the following features—

- (a) if jawed, the jaws must not be toothed, serrated or sharp-pointed in a way that can pierce or tear the skin of the animal;
- (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;

- (d) the trap must not be designed to drown an animal.

56 Places where rodent kill traps must not 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.

57 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 7—Kill traps

58 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 under an approval granted under regulation 61; and
 - (b) the trap complies with regulation 59; and
 - (c) the person sets or uses the trap in accordance with regulation 60 and the approval granted under regulation 61.
- (2) Subregulation (1) does not apply—
- (a) if 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) to a rodent kill trap used in accordance with Division 6.

59 Prescribed features of kill traps

A kill trap must have the following features—

- (a) the trap must humanely destroy the animal;

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

60 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.

61 Minister may approve use of kill traps

- (1) On receipt of an application under subregulation (2), the Minister may grant an approval to set or use a kill trap for the purpose of trapping—
 - (a) an animal that is an established pest animal; or
 - (b) an animal of another species determined by the Minister.
- (2) The application must—
 - (a) be in the form approved by the Minister; and
 - (b) specify the species for which the kill trap is to be used; and
 - (c) be accompanied by any information relevant to the procedures to be utilised in the trapping programs; and
 - (d) be accompanied by any reports or documents that the Minister requires; and
 - (e) be accompanied by a fee of 23 fee units.
- (3) An approval under subregulation (1) must specify the species to which it applies.

- (4) The Minister may impose conditions on the approval relating to—
- (a) the species of animals that may be trapped; and
 - (b) details of the types of kill traps to which the approval applies and any mandatory features of those kill traps; and
 - (c) the area in which the trap may be used; and
 - (d) the minimum qualifications or training the person using the traps must have; and
 - (e) requirements relating to notification about the trapping program; and
 - (f) the period to which the approval applies; and
 - (g) the keeping of records and the provision of reports to the Minister and the intervals at which reports must be submitted; and
 - (h) any actions the applicant must take to minimise impacts on non-target species; and
 - (i) actions to protect the welfare of trapped animals.
- (5) An approval under this regulation is valid for the period specified in the approval which must not exceed 3 years from the date of approval.

Division 8—Glue traps

62 Sale, setting or use of glue traps

- (1) A person must not sell a glue trap capable of trapping an animal.
- (2) A person must not set or use a glue trap for the purposes of trapping an animal or that is capable of trapping an animal.

- (3) A person may sell, set or use a glue trap for the purposes of capturing insects if the trap—
 - (a) has a cage or other protection which prevents any animal from contact with the adhesive surface; or
 - (b) is designed to prevent the capture of an animal.

Division 9—Lethal trap devices

63 Lethal trap devices

A person must not set or use a lethal trap device with a trap to which Division 2, 3, 4 or 5 applies unless—

- (a) the person sets or uses the lethal trap device under an approval granted under regulation 64; and
- (b) the person sets or used the lethal trap device in accordance with that approval.

64 Minister may approve lethal trap devices

- (1) On receipt of an application under subregulation (2), the Minister may grant an approval to set or use a lethal trap device on a trap to which Division 2, 3, 4 or 5 applies.
- (2) The application must—
 - (a) be in the form approved by the Minister; and
 - (b) specify—
 - (i) the lethal agent to be used in the lethal trap device; and
 - (ii) the type of trap on which it is to be used; and
 - (c) be accompanied by any information relevant to the procedures to be utilised in the trapping programs; and

- (d) be accompanied by any reports or documents that the Minister requires; and
 - (e) be accompanied by an application fee of 23 fee units.
- (3) An approval under subregulation (1) must specify the lethal agent and type of trap to which it applies.
- (4) The Minister may impose conditions on the approval relating to—
- (a) the types of traps on which the lethal trap device may be used; and
 - (b) the species of animals that may be trapped in a trap using a lethal trap device; and
 - (c) the minimum qualifications or training the person using the trap on which the lethal trap device is attached must have (if any); and
 - (d) requirements relating to notifications about trapping programs; and
 - (e) the period during which the approval applies; and
 - (f) the keeping of records and provision of reports to the Minister and the intervals at which the reports must be submitted; and
 - (g) any actions the applicant must take to minimise impacts on non-target species; and
 - (h) any actions to protect the welfare of trapped animals.
- (5) An approval under this regulation is valid for the period specified in the approval which must not exceed 3 years from the date of approval.

Division 10—Use of traps in emergencies

65 Emergency use of traps

- (1) The Minister, by order in the Government Gazette, may approve the setting or use of a prescribed trap, other than in accordance with the relevant Division of this Part, to control an incursion of—
 - (a) a noxious aquatic species that has not previously been found in Victoria; or
 - (b) a declared pest animal that has not previously been found in Victoria.
- (2) The Minister may impose conditions on the approval relating to—
 - (a) the type of trap that may be set or used; and
 - (b) specifications of the trap; and
 - (c) the areas in which the trap may be used; and
 - (d) who may set or use the prescribed trap under the approval; and
 - (e) the species of animal or fish for which the trap may be used; and
 - (f) the use or setting of the trap; and
 - (g) the fate or disposal of any off-target animals or fish that may be trapped; and
 - (h) the frequency of checking the trap; and
 - (i) the duration of the approval; and
 - (j) the keeping of records and provision of reports to the Minister at the intervals required by the Minister; and
 - (k) the protection of welfare of animals or fish which may be trapped (target or off-target); and

- (l) a requirement to notify members of the public or agencies about the conduct of a trapping program.

Division 11—Minister's approval for land manager of unincorporated area approvals for managing domestic dogs and cats

66 Definition

In this Division—

land manager, in relation to an unincorporated area, means—

- (a) in relation to an alpine resort within the meaning of the **Alpine Resorts (Management) Act 1997**, the relevant Alpine Resort Management Board established under that Act;
- (b) in relation to any other unincorporated area, the relevant organisation responsible for administering the land.

67 Application for approval of process for managing domestic dogs, cats and other species in unincorporated areas

- (1) The land manager of an unincorporated area may apply to the Minister in accordance with this regulation for approval of a process to manage a domestic dog, cat or other species normally kept in captivity that has been caught in a trap prescribed under regulation 32, 35, 36, 42, 46 or 50.
- (2) An application under this regulation must be in the approved form and must include—
- (a) details of the proposed process for managing domestic dogs, cats and other species that are caught in a trap; and

(b) details of—

- (i) the actions to be taken by the land manager to identify the animal, and return the animal to, the owner of the animal; and
- (ii) the housing, care and management of the animal while it is under the care of the land manager; and
- (iii) procedures for the disposal of the animal if its owner cannot be located; and

- (c) any other information requested by the Minister relating to the welfare, care and management of the animal by the applicant.

68 Granting of approval of process for managing domestic dogs, cats and other species in unincorporated area

- (1) On receipt of an application under regulation 67, the Minister may grant an approval to a land manager of an unincorporated area of a process to manage domestic dogs, cats or other species caught in a trap in the specified unincorporated area.
- (2) An approval under this regulation is subject to any conditions imposed by the Minister on the approval relating to—
 - (a) the period that the animals must be held by the land manager before they can be disposed of; and
 - (b) the care, housing, keeping, management and identification of dogs and cats and other species during that period; and
 - (c) the procedure for disposal of the animals after that period; and

- (d) the keeping of records and the provision of reports to the Minister at intervals specified by the Minister; and
 - (e) the welfare of the animals held by the land manager.
- (3) An approval under this regulation is valid for the period specified in the approval which must not exceed 3 years from the date of approval.

Division 12—Revocation of approval granted under this Part

69 Revocation of approval

- (1) The Minister may, by notice in writing to the holder of an approval under regulation 39, 40, 53, 61, 64 or 65, revoke the approval if the Minister is satisfied that any of the grounds set out in subregulation (2) exist.
- (2) The grounds for revocation of an approval are—
- (a) failure by the holder of the approval to comply with any condition of the approval; or
 - (b) a contravention by the holder of an approval of these Regulations, the Act, the **Wildlife Act 1975**, the **Catchment and Land Protection Act 1994** or the **Fisheries Act 1995**.
- (3) Before revoking the approval, the Minister must—
- (a) give a written notice of the proposed revocation to the holder of the approval specifying—
 - (i) the reasons for the proposed revocation; and

- (ii) that the person may make written or oral submissions about the proposal within 28 days after the date of giving the notice; and
- (b) consider any submissions made under paragraph (a).

Part 4—Rodeos and rodeo schools

70 Definitions

In this Part—

appointed veterinary practitioner means a veterinary practitioner appointed by the nominated veterinary practitioner under regulation 79 and notified to the Department Head under regulation 80;

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 74(3);

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 72(i) or 76(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.

71 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; and
- (b) if the applicant is a body corporate, the name, registered address and an ABN; and
- (c) the street and postal address of the applicant; and
- (d) a contact telephone number and email address (if any) for the applicant; and
- (e) unless the applicant is an approved rodeo organisation, the name of the approved rodeo organisation that the applicant is accredited with; and
- (f) an animal welfare plan that includes—
 - (i) a description of the role or roles that any person employed to assist the applicant will undertake to monitor or discharge requirements under this Part or Division 2 of Part 2 of the Act; and
 - (ii) a description of the reporting and communication processes that will be implemented by the applicant, and any

person employed to assist the applicant, and the nominated veterinary practitioner to support compliance with this Part or Division 2 of Part 2 of the Act; and

- (g) the date that the form was signed by the applicant.

72 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; and
- (b) if the applicant is a body corporate, the name, registered address and registration number of the applicant; and
- (c) the street and postal address of the applicant; and
- (d) the contact telephone number and email address (if any) of the applicant; and
- (e) the location of the rodeo or rodeo school; and
- (f) a list of all rodeo or rodeo school events; and
- (g) the start and finish date for the rodeo or rodeo school; and
- (h) the estimated start and finish time for each day the rodeo or rodeo school is to be operated; and
- (i) the full name of the veterinary practitioner nominated by the applicant to attend the rodeo or rodeo school conducted under the permit; and

- (j) the street and postal address of the nominated veterinary practitioner; and
- (k) the telephone number of the nominated veterinary practitioner; and
- (l) the name of the approved rodeo organisation that has accredited the applicant unless—
 - (i) the applicant is an approved rodeo organisation; or
 - (ii) the applicant is a member of the organising committee of the event known as the Man from Snowy River Bush Festival and the application is for a permit to operate a brumby catch event at that festival; and
- (m) an animal welfare plan that includes—
 - (i) a description of the role or roles that any person employed to assist the applicant will undertake to monitor or discharge requirements under this Part or Division 2 of Part 2 of the Act; and
 - (ii) a description of the reporting and communication processes that will be implemented by the applicant, and any person employed to assist the applicant, and the nominated veterinary practitioner to support compliance with this Part or Division 2 of Part 2 of the Act; and
- (n) in the case of a rodeo school permit—
 - (i) the name of the instructor or instructors nominated for each class of instruction; and
 - (ii) the name of the nominated instructor-in-charge; and

- (iii) the name of the approved rodeo organisation that has accredited each instructor; and
- (o) the date that the form was signed by the applicant.

73 Conditions for rodeo licences, rodeo permits and rodeo school permits

- (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) ensure that proper and sufficient food, water and shelter is provided for all animals involved in a rodeo or rodeo school; and
 - (ii) ensure that all animals involved in a rodeo or rodeo school are treated in accordance with these Regulations; and
 - (iii) ensure that equipment used for the rodeo or rodeo school complies with these Regulations; and
 - (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; and
 - (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; and
 - (ii) is clearly visible to the animals; and

- (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; and
- (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 otherwise appears to be in danger of injury or harming itself; and
- (e) the licence or permit holder must be accredited by an approved rodeo organisation unless—
 - (i) the licence or permit holder is an Approved Rodeo Organisation; or
 - (ii) the permit was granted to operate a brumby catch as part of the event known as the Man from Snowy River Bush Festival.
- (2) The holder of a rodeo licence, rodeo permit or rodeo school permit must comply with the conditions set out in subregulation (1).

Penalty: 20 penalty units.

74 Approval of rodeo organisations.

- (1) An organisation may apply to the Minister to be an approved rodeo organisation.
- (2) An application under subregulation (1) must—
 - (a) include a copy of the organisation's annual report for the preceding year; and
 - (b) include a copy of the organisation's code of ethics or rules for animal welfare and details of how the code or rules are enforced; and

- (c) be accompanied by the application fee of 63 fee units; and
 - (d) include any other information required by the Minister.
- (3) 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 or rules covering the protection of the welfare of animals used in rodeos and the code of ethics or rules are enforced.
- (4) The Minister may impose conditions on the approval of a rodeo organisation.
- (5) An approval under subregulation (3) of an approved rodeo organisation remains in force for the period specified in the notice.
- (6) The Minister may, by notice in the Government Gazette, revoke or vary 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 (3).

75 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 the POCTA inspector is authorised to see the permit or licence; and
 - (b) show the POCTA inspector's identification card to the holder of the permit or licence.

76 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 estimated 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
- (f) unless the licence holder is an approved rodeo organisation, the name of the approved organisation that the licence holder is accredited with.

Penalty: 10 penalty units.

77 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.

78 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.

79 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: 10 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 and the licence or permit holder that the practitioner is unable to attend and the name and address of the appointed veterinary practitioner as soon as possible.

Penalty: 10 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.

- (5) A veterinary practitioner must not accept nomination to attend a rodeo or rodeo school unless the veterinary practitioner can demonstrate experience in attending cattle and horses, by having a minimum caseload of 20% for those species over the previous calendar year.

80 Department to be advised of nominated or appointed veterinary practitioner

Upon being notified by a nominated veterinary practitioner under regulation 79(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: 10 penalty units.

81 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: 20 penalty units.

82 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: 15 penalty units.

83 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: 15 penalty units.

84 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 used for bucking, or cattle used for timed events, in a rodeo or rodeo school event operated under the licence or permit on more than 3 occasions on any one day.

Penalty: 15 penalty units.

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

Penalty: 15 penalty units.

85 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 before 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 fit, healthy, without any defects or injuries and suitable for the intended use.

Penalty: 10 penalty units.

86 Condition of animals used at rodeos or rodeo schools

- (1) At all times during a rodeo or rodeo school, the holder of a rodeo licence, rodeo permit or rodeo school permit must ensure that all animals used in the rodeo or rodeo school operated under the licence or permit are fit, healthy, without any defects or injuries and suitable for the intended use.

Penalty: 15 penalty units.

- (2) If during a rodeo, the holder of a rodeo licence, rodeo permit or rodeo school permit has any doubt about whether an animal is fit, healthy, without any defects or injuries and suitable for the intended use, the holder must consult with the nominated veterinary practitioner or appointed veterinary practitioner regarding the health of the animal.

Penalty: 10 penalty units.

87 Separation of injured animals

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: 15 penalty units.

88 Transport of injured animals

- (1) 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: 10 penalty units.

- (2) The holder of a rodeo licence, rodeo permit or rodeo school permit must ensure that a veterinary practitioner supervises the loading of any injured animals for transportation.

Penalty: 15 penalty units.

89 Humane destruction of seriously injured animals

- (1) 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, the means to humanely destroy a severely injured animal is available on site.

Penalty: 20 penalty units.

- (2) 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 person licensed and qualified to humanely destroy an animal is available at all times.

Penalty: 20 penalty units.

90 Penning of cattle and horses

- (1) 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, cattle and horses are not penned together in the yards.

Penalty: 10 penalty units.

- (2) 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, aggressive animals are isolated from other animals.

Penalty: 10 penalty units.

91 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: 10 penalty units.

92 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: 10 penalty units.

93 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: 15 penalty units.

94 Fitting saddles

The holder of a rodeo licence, rodeo permit or rodeo school permit must ensure that the saddle on a horse used for bucking in a rodeo or rodeo

school operated under the licence or permit is correctly fitted.

Penalty: 10 penalty units.

95 Fitting cinches or girths

- (1) 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 the rear cinch is not over-tightened.

Penalty: 10 penalty units.

- (2) 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 the front cinch or girth is a minimum of 12 centimetres in width.

Penalty: 10 penalty units.

96 Fitting pads

- (1) 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 for bucking pads are placed under the rigging to protect the animals from abrasion or injury.

Penalty: 10 penalty units.

- (2) 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 for bucking pads extend to a minimum of 5 centimetres past the back of the rigging.

Penalty: 10 penalty units.

97 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: 15 penalty units.

- (2) The holder of a rodeo licence, rodeo permit or rodeo school permit must only use flank straps and ropes at a rodeo or rodeo school operated under the licence or permit that incorporate a quick-release device.

Penalty: 15 penalty units.

- (3) The holder of a rodeo licence, rodeo permit or rodeo school permit must only use flank straps and ropes at a rodeo or rodeo school operated under the licence or permit that are lined to prevent injury or undue discomfort to the animal.

Penalty: 15 penalty units.

- (4) 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: 15 penalty units.

98 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: 15 penalty units.

99 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: 15 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: 15 penalty units.

- (3) A person at a rodeo or rodeo school must not wear or use spur rowels that are not dulled and a minimum of 3 millimetres in width at the narrowest part.

Penalty: 15 penalty units.

- (4) A person at a rodeo or rodeo school must not wear or use spur rowels that are not a minimum of 2 centimetres to the point of the rowel.

Penalty: 15 penalty units.

100 Sharp or cutting objects

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

Penalty: 15 penalty units.

101 Roped animals at rodeos

- (1) During a rodeo or rodeo school, a person must not pull a roped animal backward off its feet.

Penalty: 20 penalty units.

- (2) During a rodeo or rodeo school, a person must not allow a roped animal to be dragged.

Penalty: 20 penalty units.

102 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: 10 penalty units.

103 Motor vehicles in arena

- (1) The holder of a rodeo licence, rodeo permit or rodeo school permit must ensure that no motor vehicle is present in the arena while the rodeo or rodeo school is being held, unless the vehicle is required in an emergency.

Penalty: 10 penalty units.

- (2) Without limiting subregulation (1), emergency includes a situation in which an animal is injured and cannot be transported without motor vehicle assistance.

104 Fireworks prohibited

- (1) A person must not use fireworks or flares while any animals are in the arena or chutes as part of a rodeo.

Penalty: 15 penalty units.

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

Penalty: 15 penalty units.

105 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: 20 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: 20 penalty units.

Part 5—Scientific procedures

Division 1—Scientific procedure premises licence

106 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 ACN or, if no ACN 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), and employment position of the person nominated for the purposes of section 26(2) of the Act; 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 to be nominated for a licence, specification of each committee's proposed functions and responsibilities under the licence; and
- (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.

107 Conditions on scientific procedures premises licences

For the purposes of section 32 of the Act, the conditions set out in regulations 108 to 117 are prescribed for scientific procedures premises licences.

108 Compliance with codes of practice

All scientific procedures carried out under the scientific procedures premises licence must be carried out in accordance with the Australian Code and the Laboratory Animals Code of Practice.

109 Nomination and membership of Animal Ethics Committees

- (1) The holder of a scientific procedures premises licence must use only the Animal Ethics Committee or Committees nominated under the licence for the purposes of the licence.
- (2) 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, the licence holder must nominate another Animal Ethics Committee to take the place of the earlier nominated committee.
- (3) Before making a nomination under subregulation (2), the licence holder must notify the Department Head of the proposal to make the nomination.
- (4) If the holder of a scientific procedure premises licence appoints a new member to an Animal Ethics Committee nominated by the licence holder, the licence holder must notify the Department Head of the name, qualifications and relevant experience of the new member before the appointment takes effect.

- (5) If a member of an Animal Ethics Committee nominated by the holder of a scientific procedures premises licence resigns, the licence holder must notify the Department Head within 7 business days.

110 Mandatory Training for Animal Ethics Committees

- (1) If the holder of a scientific procedures premises licence is responsible for the operation of an Animal Ethics Committee nominated for the licence, the licence holder must ensure that all members of that Animal Ethics Committee appointed on or after 14 December 2019 comply with regulation 144.
- (2) If the holder of a scientific procedures premises licence nominates for the licence an Animal Ethics Committee operated by another entity, the licence holder must take reasonable action to ensure that the entity responsible for the operation of the Animal Ethics Committee ensures that all members of that Animal Ethics Committee appointed on or after 14 December 2019 comply with regulation 144.

111 Functions of Animal Ethics Committee

- (1) Any scientific procedure or program of scientific procedures carried out under the scientific procedures premises licence must not commence until the Animal Ethics Committee nominated for the licence, 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 is to be carried out; and
 - (c) the person or persons who are to carry out the procedure or program of procedures.

- (2) The holder of a scientific procedures premises licence must ensure that all Animal Ethics Committees nominated for the licence act in accordance with the Australian Code, 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.

112 Premises specified in the licence

All scientific procedures carried out under a scientific procedures premises licence must be carried out on premises specified in the licence.

113 Obligations as to persons acting under the licence

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

114 Sources of animals used under the licence

- (1) Any specified animal that is used in any scientific procedure or program of scientific procedures carried out under a scientific procedures premises 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.
- (2) Despite subregulation (1), 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 a scientific procedures premises licence or for breeding for the purposes of such a procedure or program.
- (3) Subregulation (1) does not apply to a licence issued for the purposes of scientific procedures undertaken by or at—
- (a) a TAFE institute, RTO or registered school within the meaning of the **Education and Training Reform Act 2006**; or
 - (b) a licensed children's service within the meaning of the **Children's Services Act 1996**; or
 - (c) an approved education and care service within the meaning of the Education and Care Services National Law (Victoria).

- (4) An animal must not be procured or obtained from an animal pound or shelter for use in a scientific procedure or program under a scientific procedures premises licence, unless—
- (a) the objective of the procedure or program of procedures is to promote the welfare of animals that are housed in pounds or shelters; or
 - (b) the objective of the procedure or program of procedures is to train students in a nationally endorsed competency unit of an accredited education course or training package, and—
 - (i) the procedure or procedures would normally occur as part of routine management or veterinary clinical management of the animal; and
 - (ii) the animal is not subjected to anything additional to routine management or veterinary clinical management of the animal; and
 - (iii) the person conducting training is competent to carry out the procedure or procedures.

115 Animal care and welfare

- (1) The holder of a scientific procedures premises licence 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 and the Laboratory Animals Code of Practice.
- (2) All animal housing, facilities and equipment used for the purposes of a scientific procedures premises licence must comply with the Australian Code and the Laboratory Animals Code of Practice.
- (3) A person must not carry out a scientific procedure under a scientific procedures premises 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.
- (4) A person must not carry out a scientific procedure or program of scientific procedures under a scientific procedures premises 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 program of procedures cannot be achieved by any other scientific means; and
 - (b) the procedure or program of procedures is approved by the Minister and are carried out in accordance with any conditions determined by the Minister; and
 - (c) the procedure or program of procedures is 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.

116 Prohibition on the use of non-human hominids

A person must not carry out a scientific procedure under a scientific procedures premises licence on a non-human hominid unless—

- (a) the Minister determines—
 - (i) it is in the best interests of that non-human hominid; or
 - (ii) it is in the best interests of the genus to which the non-human hominid belongs, and that the benefits to be derived from the use of the non-human hominid are not outweighed by the likely harm to the non-human hominid; or
 - (iii) it is necessary to protect human health and the objective of the procedure cannot be achieved by any other scientific means; and
- (b) the procedure is approved by the Minister and conducted in accordance with any conditions determined by the Minister.

117 Change of nominated person

- (1) If the holder of a scientific procedures premises licence wants to change the person nominated for the purposes of section 26(2) of the Act, the licence holder must do so by notice in writing to the Department Head.

- (2) A notice under subregulation (1)—
- (a) must be given to the Department Head no later than 14 working 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 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;
 - (ii) the contact details for the person including telephone number, email and address of the person;
 - (iii) the effective date of the change to the nominated person;
 - (iv) a declaration from the person nominated that the person consents to that nomination.

118 Minimum standards for scientific premises

- (1) The holder of a scientific procedures premises licence must ensure that—
- (a) the facilities used for housing or handling animals for the purposes of the licence are clean, safe for animals and in good repair; and
 - (b) the equipment used with animals held for the purposes of the licence are clean and in good repair.

Penalty: 20 penalty units.

- (2) The nominee for a scientific procedures premises licence must ensure that—
- (a) the facilities used for housing or handling animals for the purposes of the licence are clean, safe for animals and in good repair; and
 - (b) the equipment used with animals held for the purposes of the licence are clean and in good repair.

Penalty: 20 penalty units.

Division 2—Scientific procedures field work licence

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

For the purposes of sections 32B(2) 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 ACN or, if no ACN 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 employment position of the person nominated for the purposes of section 27(1A) of the Act; 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 to be nominated for a licence, specification of each committee's proposed functions and responsibilities under the licence; and
- (f) a declaration by the person nominated for the purposes of section 27(1A) of the Act that the person consents to that nomination.

120 Conditions on scientific procedures field work licences

For the purposes of section 32D of the Act, the conditions set out in regulations 121 to 130 are prescribed for scientific procedures field work licences.

121 Compliance with codes of practice

All scientific procedures carried out under the scientific procedures field work licence must be carried out in accordance with the Australian Code and the Laboratory Animals Code of Practice.

122 Nomination and membership of Animal Ethics Committees

- (1) The holder of a scientific procedures field work licence must use only the Animal Ethics Committee or Committees nominated under the licence for the purposes of the licence.
- (2) 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, the licence holder must nominate another Animal Ethics Committee to take the place of the earlier nominated committee.
- (3) Before making a nomination under subregulation (2), the licence holder must notify the Department Head of the proposal to make the nomination.

- (4) If the holder of a scientific procedures field work licence appoints a new member to an Animal Ethics Committee nominated by the licence holder, the licence holder must notify the Department Head of the name, qualifications and relevant experience of the new member before the appointment takes effect.
- (5) If a member of an Animal Ethics Committee nominated by the licence holder resigns, the licence holder must notify the Department Head within 7 business days.

123 Mandatory training for Animal Ethics Committees

- (1) If the holder of a scientific procedures field work licence is responsible for the operation of an Animal Ethics Committee nominated for the licence, the licence holder must ensure that all members of that Animal Ethics Committee appointed on or after 14 December 2019 comply with regulation 144.
- (2) If the holder of a scientific procedures field work licence nominates for the licence an Animal Ethics Committee operated by another entity, the licence holder must take reasonable action to ensure that the entity responsible for the operation of the Animal Ethics Committee ensures that all members of that Animal Ethics Committee appointed on or after 14 December 2019 comply with regulation 144.

124 Functions of Animal Ethics Committees

- (1) Any scientific procedure or program of scientific procedures carried out under the scientific procedures field work licence must not commence until the Animal Ethics Committee nominated for the licence, 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 is to be carried out; and
 - (c) the person or persons who are to carry out the procedure or program of procedures.
- (2) The holder of a scientific procedures field work licence must ensure that all Animal Ethics Committees nominated for the licence act in accordance with the Australian Code, 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.

125 Obligations as to persons acting under the licence

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

126 Sources of animals used under the licence

- (1) Any specified animal that is used in any scientific procedure or program of scientific procedures carried out under a scientific procedures field work 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.
- (2) Despite subregulation (1), 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.
- (3) Subregulation (1) does not apply to a licence issued for the purposes of scientific procedures undertaken by or at—
- (a) a TAFE institute, RTO or registered school within the meaning of the **Education and Training Reform Act 2006**; or
 - (b) a licensed children's service within the meaning of the **Children's Services Act 1996**; or
 - (c) an approved education and care service within the meaning of the Education and Care Services National Law (Victoria).

- (4) An animal must not be procured or obtained from an animal pound or shelter for use in a scientific procedure or program of scientific procedures under a scientific procedures field work licence, unless—
- (a) the objective of the procedure or program of procedures is to promote the welfare of animals that are housed in pounds or shelters; or
 - (b) the objective of the procedure or program of procedures is to train students in a nationally endorsed competency unit of an accredited education course or training package, and—
 - (i) the procedure or procedures would normally occur as part of routine management or veterinary clinical management of the animal; and
 - (ii) the animal is not subjected to anything additional to routine management or veterinary clinical management of the animal; and
 - (iii) the person conducting training is competent to carry out the procedure or procedures.

127 Animal care and welfare

- (1) The holder of a scientific procedures field work licence 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 and the Laboratory Animals Code of Practice.

- (2) All animal housing, facilities and equipment used for the purposes of a scientific procedures field work licence must comply with the Australian Code and the Laboratory Animals Code of Practice.
- (3) A person must not carry out a scientific procedure under a scientific procedures field work 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.
- (4) A person must not carry out a scientific procedure or program of scientific procedures under a scientific procedures field work 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 program of procedures cannot be achieved by any other scientific means; and
 - (b) the procedure or program of procedures is approved by the Minister and is carried out in accordance with any conditions determined by the Minister; and
 - (c) the procedure or program of procedures is 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.

128 Prohibition on the use of non-human hominids

A person must not carry out a scientific procedure under a scientific procedures field work licence on a non-human hominid unless—

- (a) the Minister determines—
 - (i) it is in the best interests of that non-human hominid; or
 - (ii) it is in the best interests of the genus to which the non-human hominid belongs, and that the benefits to be derived from the use of the non-human hominid are not outweighed by the likely harm to the non-human hominid; or
 - (iii) it is necessary to protect human health and the objective of the procedure cannot be achieved by any other scientific means; and
- (b) the procedure is approved by the Minister and conducted in accordance with any conditions determined by the Minister.

129 Notification of procedures to Department Head for interstate Animal Ethics Committees

If an Animal Ethics Committee that is located in another State or Territory has been nominated for a scientific procedures field work licence, 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—

before a scientific procedure or a program of scientific procedures to be conducted under the licence may commence in Victoria.

130 Change of nominated person

- (1) If the holder of a scientific procedures field work licence wants to change the person nominated for the purposes of section 27(1A) of the Act the licence holder must do so by notice in writing to the Department Head.
- (2) A notice under subregulation (1)—
 - (a) must be given to the Department Head no later than 14 working 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 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;
 - (ii) the contact details for the person including the telephone number, email and address of the person;
 - (iii) the date of the change of person;

- (iv) a declaration from the person nominated that the person consents to that nomination.

131 Minimum standards for field work

- (1) The holder of a scientific procedures field work licence must ensure that—
 - (a) the facilities used for housing or handling animals for the purposes of the licence are clean, safe for animals and in good repair; and
 - (b) the equipment used with animals held for the purposes of the licence are clean and in good repair.

Penalty: 20 penalty units.

- (2) A nominee for a scientific procedures field work licence must ensure that—
 - (a) the facilities used for housing or handling animals for the purposes of the licence are clean, safe for animals and in good repair; and
 - (b) the equipment used with animals held for the purposes of the licence are clean and in good repair.

Penalty: 20 penalty units.

Division 3—Specified animals breeding licence

132 Application for the issue or renewal of a specified animals breeding licence

For the purposes of sections 32F(2) 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 ACN or, if no ACN 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 employment position of the person nominated for the purposes of section 28(1A) of the Act; 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; and
- (e) if more than one Animal Ethics Committee is to be nominated for the 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 for the purposes of section 28(1A) of the Act that the person consents to that nomination.

133 Conditions on specified animals breeding licences

For the purposes of section 32H of the Act, the conditions set out in regulations 134 to 142 are prescribed for specified animals breeding licences.

134 Compliance with codes of practice

All breeding of specified animals and related practices under the specified animals breeding licence 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 and the Laboratory Animals Code of Practice.

135 Nomination and membership of Animal Ethics Committees

- (1) The holder of a specified animals breeding licence must use only the Animal Ethics Committee or Committees nominated under the licence for the purposes of the licence.
- (2) 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, the licence holder must nominate another Animal Ethics Committee to take the place of the earlier nominated committee.
- (3) Before making a nomination under subregulation (2), the licence holder must notify the Department Head of the proposal to make the nomination.
- (4) If the licence holder appoints a new member to an Animal Ethics Committee nominated by the licence holder, the licence holder must notify the Department Head of the name, qualifications and relevant experience of the new member before the appointment takes effect.
- (5) If a member of an Animal Ethics Committee nominated by the licence holder resigns, the licence holder must notify the Department Head within 7 business days.

136 Mandatory training for Animal Ethics Committees

- (1) If the holder of a specified animals breeding licence is responsible for the operation of an Animal Ethics Committee nominated for the licence, the licence holder must ensure that all members of that Animal Ethics Committee appointed on or after 14 December 2019 comply with regulation 144.
- (2) If the holder of a specified animals breeding licence nominates an Animal Ethics Committee operated by another entity, the licence holder must take reasonable action to ensure that the entity responsible for the operation of the Animal Ethics Committee ensure that all members of that Animal Ethics Committee appointed on or after 14 December 2019 comply with regulation 144.

137 Functions of Animal Ethics Committees

- (1) Any use of animals in breeding or practices necessary for the breeding, sale and delivery of specified animals carried out under the specified animals breeding licence must not commence until the Animal Ethics Committee nominated for the licence 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 those breeding and practices are to be carried out; and
 - (c) the person or persons who are to carry out those breeding and practices.
- (2) The holder of a specified animals breeding licence must ensure that all Animal Ethics Committees nominated for the licence act in accordance with the Australian Code, 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; and
- (b) the supervision of the carrying out of the breeding and practices under that licence; and
- (c) performing any other function in relation to the breeding and practices under that licence.

138 Premises specified in the licence

All breeding and practices which are necessary for the breeding, sale or delivery of specified animals carried out under a specified animals breeding licence must be carried out on premises specified in the licence.

139 Obligations as to persons acting under the licence

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

140 Sources of animals used under the licence

- (1) Any specified animal that is used for breeding under a specified animals breeding 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 in 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.
- (2) Despite subregulation (1), a specified animal that has been bred in its native habitat must not be used for breeding under the licence.

141 Animal care and welfare

- (1) The holder of a specified animals breeding licence 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 and the Laboratory Animals Code of Practice.
- (2) All animal housing, facilities and equipment used for the purposes of a specified animals breeding licence must comply with the Australian Code and the Laboratory Animals Code of Practice.

142 Change of nominated person

- (1) If the holder of a specified animals breeding licence wants to change the person nominated for the purposes of section 28(1A) of the Act, the licence holder must do so by notice in writing to the Department Head.

- (2) A notice under subregulation (1)—
- (a) must be given to the Department Head no later than 14 working 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 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;
 - (ii) the contact details for the person including telephone number, email, address of the person;
 - (iii) the date of the change to the nominated person;
 - (iv) a declaration from the person nominated that the person consents to that nomination.

143 Minimum standards for premises specified in a specified animals breeding licence

- (1) The holder of a specified animals breeding licence must ensure that—
- (a) the facilities used for housing or handling animals for the purposes of the licence are clean, safe for animals and in good 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 in good repair.

Penalty: 20 penalty units.

- (2) The nominee for a specified animals breeding licence must ensure that—
- (a) the facilities used for housing or handling animals for the purposes of the licence are clean, safe for animals and in good 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 in good repair.

Penalty: 20 penalty units.

Division 4—Records, returns and other requirements

144 Obligations as to Animal Ethics Committee members

- (1) The Minister may approve, by notice in the Government Gazette, training for members of Animal Ethics Committees.
- (2) The training must address obligations and responsibilities of members of Animal Ethics Committees under the Australian Code.
- (3) 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.

Penalty: 5 penalty units.

145 Completion of annual returns

- (1) The 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 and (if applicable) 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: 10 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 Ethics Committee, a return for a scientific procedures premises licence or a scientific procedures field work licence must specify the following matters in the form determined by the Minister—
 - (a) the name of the licence holder;
 - (b) the type, name and number of the licence;
 - (c) the project number given to the project by the relevant Animal Ethics Committee;
 - (d) the date the project was approved by the relevant Animals Ethics Committee;
 - (e) the type of animal or animals;
 - (f) the source of the animal or animals;
 - (g) the procedure or breeding option for the animal or animals;
 - (h) the overall purpose of the project;
 - (i) the impact of the project on the animals used;
 - (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 a scientific procedures premises licence, a scientific procedures field work licence or a specified animals breeding licence for those animals must specify the following matters in the form determined by the Minister—
- (a) the name of the licence holder;
 - (b) the type, name and number of the licence;
 - (c) the identification number given to the breeding approval by the relevant Animal Ethics Committee;
 - (d) the date the breeding was approved by the relevant Animals Ethics Committee;
 - (e) the type of animal;
 - (f) the source of the animal or animals;
 - (g) the procedure or breeding option used;
 - (h) the overall purpose of the breeding;
 - (i) the impact of the project on the animal or animals;
 - (j) the benefit of the breeding to humans or animals;
 - (k) the number of animals used as breeders;
 - (l) the number of stock animals produced;

- (m) 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 or misleading information to the Department Head under subregulation (1).
Penalty: 20 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: 10 penalty units.

146 Return of records

- (1) 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 in accordance with the Australian Code for 4 years.
Penalty: 10 penalty units.
- (2) If the holder of a scientific procedures premises licence, a scientific procedures field work licence or a specified animals breeding licence ceases to hold the licence, the licence holder must give to the Department Head any records that would otherwise be required to be kept under subregulation (1).

Penalty: 10 penalty units.

147 Application to vary a licence or licence condition

For the purposes of section 32M(2)(a) of the Act, the prescribed particulars are—

- (a) the type, name and number of the licence;
and
- (b) the name of the licence holder; and
- (c) a description of the proposed variation; and
- (d) if the proposed variation is to include additional premises for the carrying out of a scientific procedure or a program of scientific procedures under the licence, the following—
 - (i) a description of the premises;
 - (ii) a description of the procedure or program of procedures to be carried out at the premises;
 - (iii) a description of the animals proposed to be used in the procedure or program of procedures.

Part 6—Miscellaneous

Division 1—Identification certificates

148 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 of Schedule 2;
 - (b) to a specialist inspector must be in the form of 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 of Schedule 4.

Division 2—Fees

149 Definition

In this Division—

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.

150 Fees for rodeo licences, rodeo and rodeo school permits

- (1) For the purposes of section 17C(2)(b) of the Act, the fee for the issue of a rodeo licence is 48 fee units.
- (2) For the purposes of section 17C(2)(b) of the Act, the fee for the issue of a rodeo permit is 41 fee units.
- (3) For the purposes of section 17C(2)(b) of the Act, the fee for the issue of a rodeo school permit is 34 fee units.

151 Fees for a scientific procedures premises licence

- (1) For the purposes of section 30(2)(b) of the Act, the fee for an application for a scientific procedures premises licence is—
 - (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** or an approved education and care service within the meaning of the Education and Care Services National Law (Victoria)—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 for any other purpose—
 - (i) for a period of one year—38·4 fee units;
 - (ii) for a period of 2 years—60·9 fee units;
 - (iii) for a period of 3 years—83·4 fee units;
 - (iv) for a period of 4 years—105·9 fee units.
- (2) For the purposes of section 32J(2)(b) of the Act, the fee for an application for the renewal of a scientific procedures premises licence is—
 - (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** or an approved education and care service within the meaning of the Education and Care Services National Law (Victoria)—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 for any other purpose—
 - (i) for a period of one year—32·4 fee units;
 - (ii) for a period of 2 years—54·5 fee units;
 - (iii) for a period of 3 years—76·5 fee units;
 - (iv) for a period of 4 years—98·6 fee units.

152 Fees for a scientific procedures field work licence

- (1) For the purposes of section 32B(2)(b) of the Act, the fee for an application for a scientific procedures field work licence is—
- (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** or an approved education and care service within the meaning of the Education and Care Services National Law (Victoria)—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 for any other purpose and for which an Animal Ethics Committee located in Victoria has been nominated and an Animal Ethics Committee located in another State or Territory has not also been nominated—
 - (i) for a period of one year—32.2 fee units;
 - (ii) for a period of 2 years—51 fee units;
 - (iii) for a period of 3 years—69.9 fee units;
 - (iv) for a period of 4 years—88.8 fee units;
 - (e) for a licence granted for any other purpose and for which an Animal Ethics Committee that is located in another State or a Territory has been nominated, regardless of whether or

- not an Animal Ethics Committee located in Victoria has also been nominated—
- (i) for a period of one year—37.3 fee units;
 - (ii) for a period of 2 years—53.1 fee units;
 - (iii) for a period of 3 years—68.8 fee units;
 - (iv) for a period of 4 years—84.6 fee units.
- (2) For the purposes of section 32J(2)(b) of the Act, the fee for an application for the renewal of a scientific procedures field work licence is—
- (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** or an approved education and care service within the meaning of the Education and Care Services National Law (Victoria)—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 for any other purpose and for which an Animal Ethics Committee located in Victoria has been nominated and an Animal Ethics Committee located in another State or a Territory has not also been nominated—
 - (i) for a period of one year—27.5 fee units;
 - (ii) for a period of 2 years—45.9 fee units;

- (iii) for a period of 3 years—64·2 fee units;
- (iv) for a period of 4 years—82·6 fee units;
- (e) for a licence granted for any other purpose and for which an Animal Ethics Committee that is located in another State or a Territory has been nominated, regardless of whether or not an Animal Ethics Committee located in Victoria has also been nominated—
 - (i) for a period of one year—26·4 fee units;
 - (ii) for a period of 2 years—41·8 fee units;
 - (iii) for a period of 3 years—57·1 fee units;
 - (iv) for a period of 4 years—72·4 fee units.

153 Fees for a specified animals breeding licence

- (1) For the purposes of section 32F(2)(b) of the Act, the fee for an application for a specified animals breeding licence is—
 - (a) for a period of one year—35·1 fee units;
 - (b) for a period of 2 years—54·6 fee units;
 - (c) for a period of 3 years—74 fee units;
 - (d) for a period of 4 years—93·4 fee units.
- (2) For the purposes of section 32J(2)(b) of the Act, the fee for an application for the renewal of a specified animals breeding licence is—
 - (a) for a period of one year—29·5 fee units;
 - (b) for a period of 2 years—48·4 fee units;
 - (c) for a period of 3 years—67·4 fee units;
 - (d) for a period of 4 years—86·4 fee units.

154 Prescribed manner for determining fees for entry and search and compliance reports

For the purposes of section 36U(2) of the Act, a fee imposed on a licence holder under section 36U(1) of the Act is to be determined in accordance with the following formula—

$$(H_1 \times R_1) + (H_2 \times R_2)$$

where—

H₁ is the number of hours, rounded to the nearest quarter of an hour, spent by or on behalf of the Department in carrying out one or more administrative activities in Part 1 of Schedule 6 to prepare a compliance report;

R₁ is 5·6 fee units;

H₂ is the number of hours, rounded to the nearest quarter of an hour, spent by or on behalf of the Department in carrying out one or more compliance monitoring activities in Part 2 of Schedule 6 for the purpose of preparing the compliance report;

R₂ is 10 fee units.

Division 3—Infringements

155 Infringement offences

- (1) For the purposes of section 37A(1)(b) of the Act, an offence set out in column 1 of Schedule 5 is a prescribed offence.
- (2) For the purposes of section 37A(3) of the Act—
 - (a) the prescribed infringement penalty in respect of an offence against section 15A(2) of the Act is 2 penalty units; and

- (b) the prescribed infringement penalty for an offence set out in column 1 of Schedule 5 is the amount set out opposite that offence in column 3 of Schedule 5; and
 - (c) the description of an offence set out in column 1 of Schedule 5 that may be used in an infringement notice is set out in column 2 of Schedule 5 opposite the corresponding offence.
- (3) A summary of an infringement offence in column 2 of Schedule 5 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.

Part 7—Transitional provisions

156 Definition

In this Part—

2008 regulations means the Prevention of Cruelty to Animals Regulations 2008, as in force immediately before their revocation.

157 Transitional provision—trap-check intervals for large leghold traps

- (1) Despite the revocation of the 2008 regulations, a Ministerial approval under regulation 32(2) of the 2008 regulations for the leaving of a trapped animal alive in a large leghold trap for up to 72 hours continues to apply until 31 March 2020, unless it is earlier revoked.
- (2) Regulation 38(1) does not apply in circumstances where the approval referred to in subregulation (1) permits the animal to be left alive in a large leghold trap for up to 72 hours.

158 Transitional provision—use of leghold traps in urban areas

- (1) An approval granted under regulation 27(1)(b) of the 2008 regulations to set or use small leghold traps in an urban area is taken to be an approval granted under regulation 39 until the later of—
 - (a) 31 March 2020; or
 - (b) the expiry date on the approval—unless it is earlier revoked.
- (2) An approval granted under regulation 31(2) of the 2008 regulations to set or use large leghold traps in an urban area is taken to be an approval granted under regulation 39 until the later of—
 - (a) 31 March 2020; or

(b) the expiry date on the approval—
unless it is earlier revoked.

159 Transitional provision—approved rodeo organisations

A rodeo organisation that, immediately before 14 December 2019, was an approved rodeo organisation under the 2008 regulations is taken to be an approved rodeo organisation for the purposes of these Regulations until the later of—

- (a) 31 May 2020; or
- (b) the expiry date on the approval—
unless it is earlier revoked.

Prevention of Cruelty to Animals Regulations 2019
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Schedule 1—Regulations revoked

Schedule 1—Regulations revoked

Regulation 4

<i>S.R. No.</i>	<i>Title</i>
162/2008	Prevention of Cruelty to Animals Regulations 2008
157/2011	Prevention of Cruelty to Animals Amendment Regulations 2011
37/2013	Prevention of Cruelty to Animals Amendment Regulations 2013
135/2014	Prevention of Cruelty to Animals Amendment Regulations 2014
184/2014	Prevention of Cruelty to Animals Further Amendment Regulations 2014
127/2016	Prevention of Cruelty to Animals Amendment (Fees) Regulations 2016
144/2018	Prevention of Cruelty to Animals Amendment (Electronic Collars) Regulations 2018

Schedule 2—Certificate of identification as a general inspector

Regulation 148(1)(a)

CERTIFICATE OF IDENTIFICATION AS A GENERAL INSPECTOR

The bearer [*insert name*], who is an employee of the [*insert organisation if applicable*], 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

Schedule 3—Certificate of identification as a specialist inspector

Regulation 148(1)(b)

CERTIFICATE OF IDENTIFICATION AS A SPECIALIST INSPECTOR

The bearer [*insert name*], who is an employee of the [*insert organisation if applicable*], 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

Schedule 4—Certificate of identification as an authorised officer

Regulation 148(2)

CERTIFICATE OF IDENTIFICATION AS AN AUTHORISED OFFICER

The bearer [*insert name*], who is an employee of the [*insert organisation if applicable*], 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, Part 3AA and Part 3A of that Act generally or for the following specific purposes:

[*insert details*]

and is authorised to exercise the powers under Part 3AA and Part 3A of that Act.

Expiry date 30/6/

No.

Minister

Schedule 5—Infringement offences and penalties

Regulation 155

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Offence</i>	<i>Brief description of offence</i>	<i>Prescribed infringement 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(1)	Transport of an animal in a boot of a motor vehicle	2 penalty units
Regulation 6(2)	Leaving an animal unattended in a motor vehicle on a hot day	2.5 penalty units
Regulation 6(4)	Leaving a dog on an unprotected metal tray of motor vehicle on a hot day	2.5 penalty units
Regulation 6(5)	Exceeding time-off-water standards when transporting farm animal or livestock	4 penalty units
Regulation 6(6)	Transportation of farm animal or livestock not able to walk on its own by bearing weight on all legs	3 penalty units
Regulation 6(7)	Transportation of farm animal or livestock in passenger vehicle	2 penalty units
Regulation 7	Tethering of an animal	2 penalty units
Regulation 8(1)	Excessive wool hair of sheep	2.5 penalty units
Regulation 8(2)	Mulesing a sheep without pain relief	3 penalty units
Regulation 9(1)	Possess any dog fighting or cock fighting implement	4 penalty units
Regulation 10	Use any mouthpiece on a horse that is twisted	3 penalty units

Prevention of Cruelty to Animals Regulations 2019
S.R. No. 133/2019

Schedule 5—Infringement offences and penalties

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Offence</i>	<i>Brief description of offence</i>	<i>Prescribed infringement penalty</i>
Regulation 11	Use a pronged collar on any animal	3 penalty units
Regulation 13(1)	Using fruit netting that does not meet prescribed specifications	2 penalty units
Regulation 13(2)	Sale of fruit netting that does not meet prescribed specifications	4 penalty units
Regulation 14	Placement or use of certain electronic devices on an animal except as prescribed	3 penalty units
Regulation 29(1)	Sale, hire or supply of an electronic collar other than one manufactured for use on cats, dogs or livestock	4 penalty units
Regulation 29(4)	Sale, hire or supply of an electronic collar for use on a cat or dog without recording the required information and providing advice on conditions of use	2 penalty units
Regulation 29(7)	Sale, hire or supply of an electronic collar for use on livestock without recording the required information and obtaining and recording the required evidence	2 penalty units
Regulation 33(2)	Possess a small leghold trap on Crown Land	2 penalty units
Regulation 75(1)	Failure to produce licence or permit on demand	2 penalty units
Regulation 76	Failure to notify Department Head of the details of the rodeo	2 penalty units
Regulation 77(1)	Failure of licence or permit holder to be present at rodeo or rodeo school	2 penalty units

Authorised by the Chief Parliamentary Counsel

Prevention of Cruelty to Animals Regulations 2019
S.R. No. 133/2019

Schedule 5—Infringement offences and penalties

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Offence</i>	<i>Brief description of offence</i>	<i>Prescribed infringement penalty</i>
Regulation 77(2)	Failure of licence or permit holder to ensure that veterinary practitioner is present at rodeo or rodeo school	2 penalty units
Regulation 78	Failure to implement the instructions of nominated veterinary practitioner	2 penalty units
Regulation 79(1)	Failure of nominated veterinary practitioner to carry out duties if unable to attend	2 penalty units
Regulation 79(2)	Failure of nominated veterinary practitioner to carry out duties if unable to attend for reason of an emergency	2 penalty units
Regulation 79(3)	Failure of nominated veterinary practitioner to submit report to Department Head detailing condition of animals	2 penalty units
Regulation 80	Failure to notify Department Head of appointed veterinary practitioner	2 penalty units
Regulation 81	Use of animals—other than cattle and horses—in a rodeo or rodeo school	2 penalty units
Regulation 82	Use of an animal weighing less than 200 kg in a rodeo or rodeo school	2 penalty units
Regulation 83	Use of a horse less than 3 years of age in bucking events	2 penalty units
Regulation 84(1)	Use of an animal in rodeo or rodeo school more than 3 times on one day	2 penalty units

Authorised by the Chief Parliamentary Counsel

Prevention of Cruelty to Animals Regulations 2019
S.R. No. 133/2019

Schedule 5—Infringement offences and penalties

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Offence</i>	<i>Brief description of offence</i>	<i>Prescribed infringement penalty</i>
Regulation 84(2)	Use of the same cattle for steer wrestling and roping events	2 penalty units
Regulation 85	Failure to have animals inspected prior to use in rodeo or rodeo school	2 penalty units
Regulation 86(1)	Allowing lame, sick, injured or defective animals to be used in a rodeo or rodeo school	4 penalty units
Regulation 88(1)	Failure to have suitable method of transport available for injured animals	2 penalty units
Regulation 89(1)	Failure to have means to humanely destroy a severely injured animal available on site	4 penalty units
Regulation 89(2)	Failure to have a licensed and qualified person available to humanely destroy an animal at all times during a rodeo or rodeo school	4 penalty units
Regulation 90(1)	Failure to keep cattle and horses penned separately	1 penalty unit
Regulation 90(2)	Failure to keep aggressive animals isolated from other animals	2 penalty units
Regulation 91	Failure to ensure areas free of rocks, holes and other obstacles	2 penalty units
Regulation 92	Failure to remove animal after completion of event	1 penalty unit
Regulation 93	Use or yarding of mares with foals at foot or cows with calves at foot	2 penalty units
Regulation 94	Failure to have saddles correctly fitted	1 penalty unit

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Prevention of Cruelty to Animals Regulations 2019
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Schedule 5—Infringement offences and penalties

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Offence</i>	<i>Brief description of offence</i>	<i>Prescribed infringement penalty</i>
Regulation 95(1)	Failure to ensure that a rear cinch is not over-tightened	1 penalty unit
Regulation 95(2)	Failure to ensure that the front cinch or girth is a minimum of 12 centimetres in width	1 penalty unit
Regulation 96(1)	Failure to ensure that pads are placed under rigging to protect the animals from abrasion or injury	2 penalty units
Regulation 96(2)	Failure to ensure that pads extend a minimum of 5 centimetres beyond the rigging	1 penalty unit
Regulation 97(1)	Over-tightening flank straps and ropes in chute	2 penalty units
Regulation 97(2)	Failure to use flank straps that have a quick-release device	2 penalty units
Regulation 97(3)	Failure to use flank straps that are lined to effectively prevent injury or undue discomfort to the animal	2 penalty units
Regulation 97(4)	Failure to use protective horn wraps in roping events	2 penalty units
Regulation 99(1)	Use of paddle or spur rowels that are not free-running when riding a horse	1 penalty unit
Regulation 99(2)	Wear or use of spur rowels that are incapable of at least half a turn when riding a bull	1 penalty unit
Regulation 99(3)	Wear or use of spur rowels that are not dulled and a minimum of 3 millimetres in width at the narrowest part	1 penalty unit
Regulation 99(4)	Wear or use of spur rowels that are not a minimum of 2 centimetres to the point of the rowel	1 penalty unit

Authorised by the Chief Parliamentary Counsel

Prevention of Cruelty to Animals Regulations 2019
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Schedule 5—Infringement offences and penalties

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Offence</i>	<i>Brief description of offence</i>	<i>Prescribed infringement penalty</i>
Regulation 100	Use of sharp objects in equipment	3 penalty units
Regulation 101(1)	Pull a roped animal backward off its feet	3 penalty units
Regulation 101(2)	Allowing a roped animal to be dragged	3 penalty units
Regulation 102	Use of animals other than cattle and horses at a rodeo or rodeo school	2 penalty units
Regulation 103(1)	No vehicles are allowed in the arena while a rodeo or rodeo school is being held, except as required in an emergency	2 penalty units
Regulation 104(1)	Use of fireworks during a rodeo	3 penalty units
Regulation 104(2)	Use of fireworks at the premises of a rodeo school while the school is being held	3 penalty units
Regulation 144	Failure to complete mandatory Animal Ethics Committee training within required timeframe from appointment	1.5 penalty units
Regulation 145(1)	Failure of a licence holder to forward to the Department Head an annual return on animal use	2 penalty units
Regulation 145(4)	Providing false or misleading information for annual returns under regulation 145(1)	4 penalty units
Regulation 145(5)	Failure of a licence holder to forward to the Department Head a declaration verifying the facts contained in a return	2 penalty units
Regulation 146(1)	Failure of a licence holder to keep all records required under the licence for 4 years	2 penalty units

Authorised by the Chief Parliamentary Counsel

Schedule 6

Regulation 154

Part 1—Activities for preparation of a compliance report

<i>Column 1</i>	
<i>Item No.</i>	<i>Activity</i>
1	Communicating with the holder of a licence under Part 3 of the Act or representatives of the licence holder to carry out compliance monitoring activities
2	Allocating and administering an authorised officer for the carrying out of compliance monitoring activities and preparation of a compliance report
3	Preparing a brief for the carrying out of compliance monitoring activities
4	Distributing a compliance report to an advisory panel or the licence holder
5	Issuing an invoice to the licence holder for the carrying out of compliance monitoring activities and preparation of a compliance report

Part 2—Compliance monitoring activities for the purpose of preparing a compliance report

<i>Column 1</i>	
<i>Item No.</i>	<i>Compliance monitoring activity</i>
1	Conducting a risk assessment to determine the activities required to assess compliance
2	Carrying out an entry and search of premises under section 36A of the Act
3	Travel from and to the office of the Department to carry out an entry and search
4	Examining and testing any samples taken in the course of an entry and search

Prevention of Cruelty to Animals Regulations 2019

S.R. No. 133/2019

Schedule 6

<i>Item No.</i>	<i>Column 1</i> <i>Compliance monitoring activity</i>
5	Conducting an interview with any person who engages in licensed activities under Part 3 of the Act or who maintains premises to which a licence applies
6	Reviewing documentation of a licence holder
7	Attending a meeting of an Animal Ethics Committee
8	Writing a compliance report
9	Review of a draft compliance report by an advisory panel or the Department Head

Endnotes

Fee Units

These Regulations provide for fees by reference to fee units within the meaning of the **Monetary Units Act 2004**.

The amount of the fee is to be calculated, in accordance with section 7 of that Act, by multiplying the number of fee units applicable by the value of a fee unit.

The value of a fee unit for the financial year commencing 1 July 2019 is \$14.81. The amount of the calculated fee may be rounded to the nearest 10 cents.

The value of a fee unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a fee unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.

Penalty Units

These Regulations provide for penalties by reference to penalty units within the meaning of section 110 of the **Sentencing Act 1991**. The amount of the penalty is to be calculated, in accordance with section 7 of the **Monetary Units Act 2004**, by multiplying the number of penalty units applicable by the value of a penalty unit.

The value of a penalty unit for the financial year commencing 1 July 2019 is \$165.22.

The amount of the calculated penalty may be rounded to the nearest dollar.

The value of a penalty unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a penalty unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.

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Endnotes

Table of Applied, Adopted or Incorporated Matter

The following table of applied, adopted or incorporated matter is included in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2014.

Statutory rule provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
<p>Regulation 5, definition of <i>Australian Code</i></p> <p>Regulations 108, 109(2), 111(2), 115(1), 115(2), 121, 122(2), 124(2), 127(1), 127(2), 132(d), 134(b), 135(2), 137(2), 141(1), 141(2), 144(2), 146(1).</p>	<p>National Health and Medical Research Council (2013) Australian code for the care and use of animals for scientific purposes, 8th edition published 26 June 2013 by the National Health and Medical Research Council, Canberra</p>	The whole
<p>Regulation 5, definition of <i>Laboratory Animals Code of Practice</i></p> <p>Regulations 108, 115, 121, 127, 134 and 141</p>	<p>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</p>	The whole

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Statutory rule provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Regulation 5, definitions of <i>Land Transport Standard</i> , <i>livestock</i> Regulation 6(5)	Australian Animal Welfare Standards and Guidelines— Land Transport of Livestock, 1st edition published by Animal Health Australia 2012, Canberra	The whole
Regulation 5, definition of <i>mules</i>	Australian Animal Welfare Standards and Guidelines for Sheep 1st edition published by Animal Health Australia, 2014, Canberra	The whole
Regulation 5, definition of <i>Victorian Code of Practice for Training Dogs and Cats to wear Electronic Collars</i> Regulations 24(1)(e), 27(3)	Victorian Code of Practice for Training Dogs and Cats to Wear Electronic Collars, published in the Government Gazette G48 on 1 December 2011 at pages 2853 to 2860	The whole