

TASMANIA

**ANIMAL WELFARE (CATTLE) REGULATIONS
2023**

STATUTORY RULES 2023, No. 6

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SCHEDULE 1 – INFRINGEMENT NOTICES

ANIMAL WELFARE (CATTLE) REGULATIONS 2023

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Animal Welfare Act 1993*.

Dated 27 February 2023.

B. BAKER
Governor

By Her Excellency's Command,

JO PALMER
Minister for Primary Industries and Water

PART 1 – PRELIMINARY

1. Short title

These regulations may be cited as the *Animal Welfare (Cattle) Regulations 2023*.

2. Commencement

These regulations take effect on the day on which their making is notified in the *Gazette*.

3. Interpretation

In these regulations –

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Part 1 – Preliminary

calf means an animal of the genus *Bos* less than 6 months of age;

cattle means animals of the genus *Bos*;

cow means a female animal of the genus *Bos*;

humane killing – see regulation 24;

yarding means the process of putting cattle into an enclosure.

4. Meaning of direct supervision

For these regulations, a person (the *supervised person*) is acting under the direct supervision of another person, if that other person –

- (a) is on the same premises as the supervised person while the supervised activity is being undertaken; and
- (b) provides instructions and guidance to the supervised person in relation to the supervised activity; and
- (c) oversees and evaluates the performance of the supervised activity by the supervised person including conducting regular personal progress checks on the performance of the activity; and
- (d) is able to render assistance immediately to the supervised person, if required, at any time during which the supervised activity is being undertaken.

PART 2 – CATTLE GENERALLY

5. Access to feed and water

A person who has the care or charge of any cattle must ensure that the cattle have reasonable access to adequate and appropriate feed and water.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 100 penalty units; and
- (b) an individual, a fine not exceeding 50 penalty units.

6. Minimising harm

A person who has the care or charge of any cattle must take reasonable steps to minimise the risk of harm to the cattle from threats including, but not limited to, extreme weather conditions, disease and injury.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 100 penalty units; and
- (b) an individual, a fine not exceeding 50 penalty units.

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Part 3 – Handling and Management

PART 3 – HANDLING AND MANAGEMENT

7. Handling of cattle

A person handling cattle must not –

- (a) strike, punch or kick cattle; or
- (b) lift cattle off the ground only by the head, ears, horns, neck or tail, except in an emergency; or
- (c) drag cattle that are not standing, unless –
 - (i) it is an emergency; and
 - (ii) the dragging is for the minimum distance possible to allow safe handling, lifting, treatment or humane killing; or
- (d) deliberately dislocate or break the tail of cattle; or
- (e) use metal pellets to wound cattle as an aid to mustering.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 100 penalty units; and
- (b) an individual, a fine not exceeding 50 penalty units.

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8. Driving of cattle

A person driving cattle must ensure that the cattle are given sufficient rest to ensure that the cattle do not collapse.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 100 penalty units; and
- (b) an individual, a fine not exceeding 50 penalty units.

9. Use of dogs

(1) In this regulation –

bobby calf means a calf of the genus *Bos* that –

- (a) is less than 30 days of age; and
- (b) is not accompanied by its mother;

effective control, of a dog by a person, means that the person is able to demonstrate that the dog is immediately responsive to the person's commands at all times.

(2) A person must not use a dog to assist in the control, handling or movement of a bobby calf.

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- (a) a body corporate, a fine not exceeding 100 penalty units;
and
 - (b) an individual, a fine not exceeding 50 penalty units.
- (3) A person may only use a dog to assist in the control, handling or movement of cattle that are not bobby calves, if the dog is under effective control.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 100 penalty units;
and
- (b) an individual, a fine not exceeding 50 penalty units.

10. Use of devices

- (1) In this regulation –

electric prodder means a handheld device
used to deliver an electric shock.

- (2) A person must not use an electric prodder –

- (a) on the genital, anal or udder areas of
cattle; or
- (b) on cattle that are unable to move away;
or
- (c) in an unreasonable manner; or

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- (d) unless there is a risk of harm to a person or animal, on –
- (i) the facial areas of cattle; or
 - (ii) calves less than 3 months of age.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 100 penalty units; and
- (b) an individual, a fine not exceeding 50 penalty units.

11. Tethered cattle

A person who has the care or charge of any cattle that are tethered must ensure that the cattle are given adequate and appropriate exercise every day.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 100 penalty units; and
- (b) an individual, a fine not exceeding 50 penalty units.

**PART 4 – INSPECTION AND ACCOMMODATION OF
CATTLE**

12. Inspection of cattle

A person who has the care or charge of any cattle must ensure that the cattle are inspected to assess the health and well-being of the cattle, at such intervals and in such manner as is reasonable in the circumstances, having regard to the following:

- (a) the stocking density of the cattle;
- (b) the availability of suitable feed;
- (c) the reliability of water supply;
- (d) the age of the cattle;
- (e) the pregnancy status of the cattle;
- (f) the climatic conditions;
- (g) any other factors that are relevant in the circumstances.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 100 penalty units;
and
- (b) an individual, a fine not exceeding 50 penalty units.

13. Dairy cattle

(1) In these regulations –

feed pad means an enclosed area used for the supplementary feeding of cattle.

(2) A person who has the care or charge of a lactating dairy cow must ensure that –

(a) the cow is inspected at least once a day to assess its health and wellbeing; and

(b) appropriate measures are taken to minimise the risk of harm to the cow from heat stress.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 100 penalty units; and

(b) an individual, a fine not exceeding 50 penalty units.

(3) A person who has the care or charge of dairy cattle that are kept on feed pads for extended periods must ensure that the cattle have access to a well-drained area for resting.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 100 penalty units; and

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- (b) an individual, a fine not exceeding 50 penalty units.

14. Facilities and equipment

A person who has the care or charge of any cattle must ensure that any buildings, yards, enclosures, paddocks, ramps and other facilities and equipment used in the handling and keeping of the cattle are –

- (a) suitable for the purpose; and
- (b) appropriately maintained; and
- (c) operated or used in such a manner as to minimise the risk of injury to the cattle.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 100 penalty units; and
- (b) an individual, a fine not exceeding 50 penalty units.

15. Calf-rearing systems

- (1) In this regulation –

calf-rearing system means an enclosed facility used for the rearing of one or more calves.

- (2) A person who has the care or charge of a calf in a calf-rearing system must ensure –

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-
- (a) that the calf is provided with adequate food containing sufficient nutrients to prevent anaemia in the calf and to otherwise ensure the calf's good health and vitality; and
 - (b) that the calf is given sufficient access to water each day to ensure the calf's good health and vitality; and
 - (c) that the calf is inspected at least once a day to assess the calf's health and wellbeing; and
 - (d) in the case of a calf housed in a pen, that the calf has sufficient room to be able to stand, and to lie down, with fully extended legs, and to turn around; and
 - (e) in the case of a calf housed in an indoor calf-rearing system, that the housing is maintained in a condition that does not compromise the health and welfare of the calf.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 100 penalty units; and
- (b) an individual, a fine not exceeding 50 penalty units.

16. Cattle feedlots

- (1) In this regulation –

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cattle feedlot means a confined yard area with watering and feeding facilities where cattle are completely hand fed or mechanically fed.

cattle health management plan, in relation to a cattle feedlot, means a plan, in writing, that –

- (a) contains an annual assessment of the potential risk of heat stress to the cattle kept in the feedlot; and
- (b) identifies potential health and biosecurity risks to the cattle; and
- (c) specifies action to prevent or minimise the risks assessed and identified under paragraphs (a) and (b); and
- (d) specifies measures and action to be taken in the event of –
 - (i) a heat stress emergency;
or
 - (ii) a biosecurity emergency;
or
 - (iii) a failure or malfunction of the usual feeding and watering system; and
- (e) contains any other requirements specified by the Minister;

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standard cattle unit means a unit equivalent to an animal with a live body weight of 600 kilograms.

- (2) A person who has the care or charge of cattle kept in a cattle feedlot must ensure that –
- (a) there is a minimum area of 9 square metres per standard cattle unit for each animal held in the feedlot; and
 - (b) each day, the cattle are –
 - (i) inspected to assess the health and wellbeing of the cattle; and
 - (ii) given sufficient access to water and provided with adequate feed containing sufficient nutrients to ensure the good health and vitality of the cattle; and
 - (c) the feedlot has ready access to backup equipment or a system that may be relied on to provide feed and water to the cattle in the event of a failure or malfunction of the usual feeding and watering system; and
 - (d) the diet composition and quantities fed are recorded, and that those records are maintained for the duration of the period that each group of cattle occupies the feedlot; and
 - (e) there is a cattle health management plan for the feedlot in respect of the cattle and

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the plan is implemented, when necessary in the circumstances, to ensure the health and vitality of the cattle; and

- (f) the feedlot is cleaned and maintained to ensure that the yards, pens or other enclosures making up the feedlot can drain freely.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 100 penalty units; and
 - (b) an individual, a fine not exceeding 50 penalty units.
- (3) A person who has the care or charge of cattle kept in a cattle feedlot must ensure that, while calving, a cow and any calf produced are housed separately from other cattle in the feedlot.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 100 penalty units; and
- (b) an individual, a fine not exceeding 50 penalty units.

**PART 5 – HEALTH, BREEDING AND HUMANE
KILLING**

17. Treatment of cattle

A person who has the care or charge of any cattle must ensure that any of those cattle identified as being sick, diseased, injured or suffering from severe distress are, as soon as is reasonably practicable –

- (a) provided with such medical treatment or other assistance as is reasonable and necessary in the circumstances; or
- (b) humanely killed.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 100 penalty units; and
- (b) an individual, a fine not exceeding 50 penalty units.

18. Branding of cattle

A person must not place a permanent brand on the head or neck of any cattle.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 100 penalty units; and

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- (b) an individual, a fine not exceeding 50 penalty units.

19. Castration of cattle

(1) A person castrating cattle must –

- (a) have the relevant knowledge, experience and skills to undertake the procedure, or be under the direct supervision of a person who has such knowledge, experience and skills; and
- (b) use appropriate tools and methods to undertake the procedure.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 100 penalty units; and
- (b) an individual, a fine not exceeding 50 penalty units.

(2) Subject to subregulation (3), a person who has the care or charge of any cattle must ensure that castration is not carried out on an animal that is 6 months of age or older unless the animal is given a suitable analgesic or is anaesthetised.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 100 penalty units; and

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- (b) an individual, a fine not exceeding 50 penalty units.
- (3) If the first yarding of an animal does not occur before the animal is 6 months of age, castration may be carried out on that animal without it being given a suitable analgesic or anaesthetic despite the fact that it is 6 months of age or older provided that –
- (a) castration is carried out at the first yarding of the animal; and
 - (b) the animal is less than 12 months of age.

20. Dehorning and disbudding of cattle

- (1) In this regulation –

dehorning means the removal of the horns of cattle;

disbudding means the removal of an area of skin including the horn bud in a calf prior to the solid attachment of the horn bud to the skull.

- (2) A person dehorning or disbudding cattle must –

- (a) have the relevant knowledge, experience and skills to undertake the procedure, or be under the direct supervision of a person who has such knowledge, experience and skills; and
- (b) use appropriate tools and methods to undertake the procedure.

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Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 100 penalty units; and
 - (b) an individual, a fine not exceeding 50 penalty units.
- (3) Subject to subregulation (4), a person who has the care or charge of cattle must ensure that dehorning is not carried out on an animal 6 months of age or older unless the animal is given a suitable analgesic or is anaesthetised.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 100 penalty units; and
 - (b) an individual, a fine not exceeding 50 penalty units.
- (4) If the first yarding of an animal does not occur before the animal is 6 months of age, dehorning may be carried out on that animal without it being given a suitable analgesic or anaesthetic despite the fact that it is 6 months of age or older provided that –
- (a) dehorning is carried out at the first yarding of the animal; and
 - (b) the animal is less than 12 months of age.

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- (5) A person who has the care or charge of cattle must ensure that disbudding is not carried out on cattle by the use of caustic chemicals unless –
- (a) the animal is a calf that is less than 14 days of age; and
 - (b) the skin on the head of the calf is dry immediately before the commencement of the procedure and the skin is kept dry for at least 12 hours immediately after the procedure; and
 - (c) the calf is segregated from its mother for at least 4 hours immediately after the procedure.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 100 penalty units; and
- (b) an individual, a fine not exceeding 50 penalty units.

21. Spaying of cattle

A person who has the care or charge of any cattle must not allow a cow to be spayed unless that spaying is carried out by a veterinary surgeon.

Penalty: In the case of –

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- (a) a body corporate, a fine not exceeding 100 penalty units; and
- (b) an individual, a fine not exceeding 50 penalty units.

22. Tail docking of cattle

A person who has the care or charge of any cattle must not allow the tail of an animal to be docked unless the person has received veterinary advice that tailing docking in relation the animal is necessary to treat injury or disease.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 100 penalty units; and
- (b) an individual, a fine not exceeding 50 penalty units.

23. Breeding management

(1) In this regulation –

artificial breeding procedure includes the following procedures:

- (a) artificial insemination;
- (b) oocyte collection;
- (c) embryo transfer;

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(d) semen collection, including by artificial vagina or electro-ejaculation;

(e) pregnancy diagnosis;

calving induction means the initiation of calving by hormonal treatment in a cow 3 weeks or more before the expected full-term calving date.

- (2) A person performing an artificial breeding procedure on any cattle must –
- (a) have the relevant knowledge, experience and skills to undertake the procedure, or be under the direct supervision of a person who has such knowledge, experience and skills; and
 - (b) take reasonable steps to minimise pain, distress and injury to the cattle; and
 - (c) use appropriate tools and methods to undertake the procedure.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 100 penalty units; and
 - (b) an individual, a fine not exceeding 50 penalty units.
- (3) A person who has the care or charge of any cattle that are calving must ensure that the cattle are inspected to assess the health and wellbeing

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of the cattle, at such intervals and in such manner as is reasonable in the circumstances.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 100 penalty units;
and

(b) an individual, a fine not exceeding 50 penalty units.

- (4) A person who has the care or charge of any cattle must not allow calving induction to be carried out unless under the direction of a veterinary surgeon.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 100 penalty units;
and

(b) an individual, a fine not exceeding 50 penalty units.

- (5) A person who has the care or charge of cattle must ensure that a calf born as a result of a calving induction, before the calf is 12 hours old, is either –

(a) given adequate colostrum; or

(b) is humanely killed at the first reasonable opportunity.

Penalty: In the case of –

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- (a) a body corporate, a fine not exceeding 100 penalty units; and
- (b) an individual, a fine not exceeding 50 penalty units.

24. Humane killing

- (1) A person who has the care or charge of cattle must not allow cattle to be killed unless the killing is carried out humanely by –
 - (a) a veterinary surgeon; or
 - (b) a person who is suitably trained and experienced in the humane killing of cattle; or
 - (c) a person who is acting under the direct supervision of a person referred to in paragraph (a) or (b).

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 100 penalty units; and
 - (b) an individual, a fine not exceeding 50 penalty units.
- (2) It is a defence in proceedings for an offence under subregulation (1) if the defendant establishes that –
 - (a) the animal was humanely killed; and

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- (b) it was not possible to find a veterinary surgeon or suitably trained person within a reasonable time; and
 - (c) the delay in waiting for a veterinary surgeon or suitably trained person would have caused unreasonable suffering to the animal.
- (3) A person who has the care or charge of cattle must not allow a calf to be killed by a blow to the forehead unless –
- (a) the calf is less than 24 hours of age; and
 - (b) no other suitable humane killing method is available.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 100 penalty units; and
 - (b) an individual, a fine not exceeding 50 penalty units.
- (4) For this regulation, humane killing occurs if –
- (a) the animal is rendered suddenly unconscious; and
 - (b) the death of the animal occurs while it is unconscious; and
 - (c) the person carrying out the humane killing takes reasonable action to confirm the death of the animal.

PART 6 – MISCELLANEOUS

25. Infringement notices

For the purposes of the Act, the applicable penalty for an infringement notice issued in respect of an offence specified in column 1 of the table in Schedule 1 is –

- (a) in the case of an infringement notice issued to an individual, the penalty specified in column 2 of that table for the offence; and
- (b) in the case of an infringement notice issued to a body corporate, the penalty specified in column 3 of that table for the offence.

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SCHEDULE 1 – INFRINGEMENT NOTICES

Regulation 25

	Offence	Penalty (Individual) Penalty units	Penalty (Body corporate) Penalty units
1.	Regulation 5	2	10
2.	Regulation 6	2	10
3.	Regulation 7	2	10
4.	Regulation 8	2	10
5.	Regulation 9(2)	2	10
6.	Regulation 9(3)	2	10
7.	Regulation 10(2)	2	10
8.	Regulation 11	2	10
9.	Regulation 12	2	10
10.	Regulation 13(2)	2	10
11.	Regulation 13(3)	2	10
12.	Regulation 14	2	10
13.	Regulation 15(2)	2	10
14.	Regulation 16(2)	2	10
15.	Regulation 16(3)	2	10
16.	Regulation 17	2	10

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	Offence	Penalty (Individual) Penalty units	Penalty (Body corporate) Penalty units
17.	Regulation 18	2	10
18.	Regulation 19(1)	2	10
19.	Regulation 19(2)	2	10
20.	Regulation 20(2)	2	10
21.	Regulation 20(3)	2	10
22.	Regulation 20(5)	2	10
23.	Regulation 21	2	10
24.	Regulation 22	2	10
25.	Regulation 23(2)	2	10
26.	Regulation 23(3)	2	10
27.	Regulation 23(4)	2	10
28.	Regulation 23(5)	2	10
29.	Regulation 24(1)	2	10
30.	Regulation 24(3)	2	10

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Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 8 March 2023.

These regulations are administered in the Department of Natural Resources and Environment Tasmania.

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations prescribe, for the purposes of the *Animal Welfare Act 1993*, requirements for ensuring the health and welfare of cattle in certain circumstances.