

TASMANIA

**ANIMAL WELFARE (DOMESTIC POULTRY)
REGULATIONS (No. 2) 2023
STATUTORY RULES 2023, No. 53**

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**ANIMAL WELFARE (DOMESTIC POULTRY)
REGULATIONS (No. 2) 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 11 July 2023.

B. BAKER
Governor

By Her Excellency's Command,

JO PALMER
Minister for Primary Industries and Water

1. Short title

These regulations may be cited as the *Animal Welfare (Domestic Poultry) Regulations (No. 2) 2023*.

2. Commencement

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

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3. Interpretation

In these regulations –

accredited egg producer has the same meaning as in the *Primary Produce Safety (Egg) Regulations 2014*;

Act means the *Animal Welfare Act 1993*;

baffle means a metal shield attached to, and protruding into, the inside lower front of a cage used to keep laying fowl;

cage egg producer means –

- (a) an existing cage egg producer; or
- (b) a new cage egg producer;

drinker means –

- (a) a cup that –
 - (i) is attached to a water line; and
 - (ii) has a lever or other device in it; and
 - (iii) is filled with water if pressure is applied to the lever or device; or
- (b) a nipple that is attached to a water line;

egg business has the same meaning as in the *Primary Produce Safety (Egg) Regulations 2014*;

enclosure means any enclosed structure, whether or not that structure has a roof, in which a hen is kept;

existing cage egg producer means a person who, immediately before the commencement of these regulations, was –

- (a) an accredited egg producer; and
- (b) the proprietor of an egg business that involves the keeping of laying fowls –
 - (i) in cages for a commercial purpose; and
 - (ii) in a quantity that was equal to, or less than, the maximum hen capacity for that cage egg producer;

hen means a domestic fowl of the species *Gallus gallus*;

laying fowl means a female hen of at least 18 weeks of age;

maximum hen capacity, in relation to a cage egg producer, means the maximum number of laying fowls determined under

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regulation 4 in respect of the cage egg producer;

new cage egg producer means a person who is –

- (a) an accredited egg producer; and
- (b) the proprietor of an egg business that –
 - (i) was purchased by the producer from an existing cage egg producer; and
 - (ii) involves the keeping of laying fowls –
 - (A) in cages for a commercial purpose; and
 - (B) in a quantity that is equal to, or less than, the maximum hen capacity applying to the egg business at the time when it was purchased from the existing cage egg producer.

4. Determination of maximum hen capacity

- (1) The Minister may determine the maximum number of laying fowls that a cage egg producer may house in cages.
- (2) In making a determination under subregulation (1) in respect of a cage egg producer, the Minister is to take into account –
 - (a) the maximum number of laying fowls that may be housed, in accordance with regulation 6, in cages owned or operated by that cage egg producer at the time when the determination is made; and
 - (b) submissions made by the cage egg producer in respect of the determination; and
 - (c) matters or information that the Minister thinks relevant.
- (3) A determination under subregulation (1) takes effect on –
 - (a) the day on which a written copy of the determination is given to the cage egg producer to which the determination relates; or
 - (b) such later day as is specified in the determination.
- (4) A cage egg producer aggrieved by a determination under this regulation may appeal to the Magistrates Court (Administrative

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Appeals Division) for a review of the determination.

5. Floor area requirements generally

(1) In this regulation –

useable area means the area within an enclosure used to keep laying fowls that is easily accessible to each laying fowl, such as areas of the enclosure that are arranged in levels and any area occupied by feeding and watering equipment or nest boxes.

(2) This regulation does not apply to laying fowls kept in cages by a cage egg producer if the cage egg producer keeps laying fowls in cages in a quantity that is equal to, or less than, the maximum hen capacity for that cage egg producer.

(3) A person must not keep laying fowls in an enclosure unless –

(a) the enclosure is large enough to allow a person to –

(i) enter the enclosure; and

(ii) move around inside the enclosure, while standing completely upright, to inspect all laying fowls kept within the enclosure; and

- (b) each laying fowl can move freely within the enclosure; and
- (c) the stocking density of laying fowls within the enclosure does not exceed 30 kilograms per square metre of the useable area of the enclosure; and
- (d) the enclosure is designed to ensure that each laying fowl within the enclosure –
 - (i) is visible to an extent that allows the person inspecting the laying fowl to make a general assessment of its health and wellbeing; and
 - (ii) has headroom of no less than 45 centimetres while within the enclosure; and
 - (iii) may be easily removed from all areas of the enclosure; and
 - (iv) is protected from excreta from laying fowls, if any, kept on a higher tier of the enclosure; and
 - (v) has reasonable access to feeding and watering equipment.

Penalty: Fine not exceeding 20 penalty units.

- (4) For the purposes of subregulation (3)(d)(v), a laying fowl has reasonable access to feeding and watering equipment if the enclosure in which the laying fowl is kept –

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- (a) has at least –
 - (i) one pan feeder for every 100 birds; or
 - (ii) 2 centimetres per bird along one edge of a flat chain feeder; and
- (b) has at least –
 - (i) one bell drinker for every 120 birds; or
 - (ii) one nipple drinker for every 20 birds.

6. Floor area requirements for certain commercial producers

- (1) This regulation applies to laying fowls kept in cages by a cage egg producer if the cage egg producer keeps laying fowls in cages in a quantity that is equal to, or less than, the maximum hen capacity for that cage egg producer.
- (2) A person must not keep laying fowls in a cage unless the floor area of the cage, including the floor area under the baffle, is at least –
 - (a) 1 000 square centimetres, if one laying fowl is in the cage; or
 - (b) 675 square centimetres for each laying fowl, if 2 laying fowls are in the cage; or

- (c) 550 square centimetres for each laying fowl, if –
 - (i) 3 or more laying fowls are in the cage; and
 - (ii) the average weight of the laying fowls is less than 2.4 kilograms; or
- (d) 600 square centimetres for each laying fowl, if –
 - (i) 3 or more laying fowls are in the cage; and
 - (ii) the average weight of the laying fowls is 2.4 kilograms or more.

Penalty: Fine not exceeding 20 penalty units.

- (3) A person must not keep laying fowls in a cage unless the floor of the cage provides support for each forward-pointing toe of each of those laying fowls.

Penalty: Fine not exceeding 20 penalty units.

- (4) If 2 or more cages are arranged in vertical tiers, a person must not keep laying fowls in any of those cages unless each of those laying fowls –
 - (a) is visible to an extent that allows a person inspecting the laying fowl to make a general assessment about the laying fowl's health and wellbeing; and
 - (b) can easily be removed from the cage; and

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- (c) is protected from excreta from laying fowls, if any, kept in a cage on a higher tier of the arrangement.

Penalty: Fine not exceeding 20 penalty units.

- (5) A person must not keep laying fowls in a cage unless –

- (a) each of those laying fowls can reasonably access –

- (i) a food trough; and

- (ii) either a water trough or 2 or more drinkers; and

- (b) the length of the food trough allows a space of at least 10 centimetres of access for each of those laying fowls; and

- (c) if a water trough is used, the length of the water trough allows a space of at least 10 centimetres of access for each of those laying fowls.

Penalty: Fine not exceeding 20 penalty units.

- (6) A person must not keep laying fowls in a cage unless –

- (a) the height of the cage is –

- (i) more than the height of each of those laying fowls; and

- (ii) at least 40 centimetres for not less than 65% of the floor area of the cage; and
 - (iii) not less than 35 centimetres at any point; and
- (b) the width of the door of the cage is –
- (i) if the width of the cage is 50 centimetres or less, the same width as the cage; or
 - (ii) if the width of the cage is more than 50 centimetres, not less than 50 centimetres; and
- (c) the height of the door of the cage is not less than the height of the cage less –
- (i) the height of the food trough; and
 - (ii) the height of the baffle; and
 - (iii) the height of any fixed horizontal framework from which the cage door is hinged.

Penalty: Fine not exceeding 20 penalty units.

7. 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 –

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- (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.

8. Legislation rescinded

The legislation specified in Schedule 2 is rescinded.

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SCHEDULE 1 – INFRINGEMENT NOTICES

	Offence	Penalty – Individual (Penalty units)	Regulation 7 Penalty – Body corporate (Penalty units)
1.	Regulation 5(3)	2	10
2.	Regulation 6(2)	2	10
3.	Regulation 6(3)	2	10
4.	Regulation 6(4)	2	10
5.	Regulation 6(5)	2	10
6.	Regulation 6(6)	2	10

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sch. 2

SCHEDULE 2 – LEGISLATION RESCINDED

Regulation 8

Animal Welfare (Domestic Poultry) Regulations 2023 (No. 42
of 2023)

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

Notified in the *Gazette* on 12 July 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 –

- (a) prescribe, for the purposes of the *Animal Welfare Act 1993* –
 - (i) requirements for ensuring the health and welfare of domestic poultry in certain circumstances; and
 - (ii) infringement notice penalties; and
- (b) rescind the *Animal Welfare (Domestic Poultry) Regulations 2023* which were rendered void, under section 47(3A) of the *Acts Interpretation Act 1931*, due to an inadvertently invalid commencement provision.