

Queensland



Subordinate Legislation 2003 No. 21

Animal Care and Protection Act 2001

ANIMAL CARE AND PROTECTION AMENDMENT REGULATION (No. 1) 2003

TABLE OF PROVISIONS

Section	Page
1 Short title	3
2 Commencement	3
3 Regulation amended	3
4 Insertion of new pt 1, hdg	3
PART 1—PRELIMINARY	
5 Renumbering of ss 4–9	3
6 Replacement of ss 2 and 3	3
PART 2—CODES OF PRACTICE	
<i>Division 1—General codes of practice</i>	
2 Documents made as codes of practice	4
<i>Division 2—Code of practice about domestic fowl</i>	
<i>Subdivision 1—Preliminary</i>	
3 Code of practice in div 2	4
4 Definitions for div 2	5
<i>Subdivision 2—Requirements for cages used to keep domestic fowl</i>	
5 General requirements for all cages used to keep laying fowl	6
6 Additional general requirements for cages installed on or after 1 January 1995	6
7 Requirement to replace or modify particular cages installed before 1 January 1995	7

Animal Care and Protection Amendment Regulation No. 21, 2003
(No. 1) 2003

8	Floor area requirements for cages used to keep laying fowl— 1 laying fowl	7
9	Floor area requirements for cages used to keep laying fowl— 2 laying fowl	8
10	Floor area requirements for cages used to keep laying fowl— 3 or more laying fowl	8
11	Floor area requirements for cages used to keep layer pullets	9
<i>Subdivision 3—Requirements for sheds used to keep domestic fowl</i>		
12	Application of subdiv 3	10
13	General requirements for sheds	10
14	Floor area requirements for sheds—particular domestic fowl.	10
15	Floor area requirements for sheds—meat chickens	11
16	Requirements for shed with more than 1 level	12
<i>Subdivision 4—Requirements for outdoor area of free range system used to keep domestic fowl</i>		
17	Requirements for outdoor area of free range system.	13
<i>Subdivision 5—Food and water requirements for domestic fowl</i>		
18	Access to food	13
19	Access to water	13
<i>Subdivision 6—Inspection requirements for domestic fowl</i>		
20	Definitions for subdiv 6	14
21	Inspections to be carried out	15
22	Inspection to include particular matters.	15
23	Actions after inspection—person not in charge of domestic fowl. . .	15
24	Actions after inspection of fowl or cage—person in charge of domestic fowl	16
25	Actions after inspection of water trough—person in charge of domestic fowl	16
26	Actions after inspection of drinker or system—person in charge of domestic fowl	17
27	Actions after inspection of feeder—person in charge of domestic fowl	17
PART 3—MISCELLANEOUS PROVISIONS’.		
7	Amendment of sch 1 (Codes of practice)	18
8	Amendment of sch 2 (Fees).	19

1 Short title

This regulation may be cited as the *Animal Care and Protection Amendment Regulation (No. 1) 2003*.

2 Commencement

This regulation commences on 1 March 2003.

3 Regulation amended

This regulation amends the *Animal Care and Protection Regulation 2002*.

4 Insertion of new pt 1, hdg

Before section 1—

insert—

‘PART 1—PRELIMINARY’.

5 Renumbering of ss 4–9

Sections 4 to 9—

renumber as sections 28 to 33.

6 Replacement of ss 2 and 3

Sections 2 and 3—

omit, insert—

‘PART 2—CODES OF PRACTICE

‘Division 1—General codes of practice

‘2 Documents made as codes of practice

‘(1) The documents stated in schedule 1 are made as codes of practice.¹

‘(2) A person must comply with a code of practice mentioned in schedule 1, part 1.²

‘(3) A person may comply with a code of practice mentioned in schedule 1, part 2.

‘Division 2—Code of practice about domestic fowl

‘Subdivision 1—Preliminary

‘3 Code of practice in div 2

‘(1) This division is made as a code of practice.

‘(2) A person must comply with the code of practice.

1 The codes, other than the code mentioned in the schedule, item 17, may be inspected, during office hours on business days, at—

- (a) the head office of the department at 80 Ann Street, Brisbane; and
- (b) the Animal Research Institute at 665 Fairfield Road, Yeerongpilly; and
- (c) the following regional offices of the department—
 - (i) Longreach, on Longreach Highway, Longreach;
 - (ii) Rockhampton, on the Cnr Bruce Highway and Yeppoon Road, Rockhampton;
 - (iii) Toowoomba, at 203 Tor Street, Toowoomba;
 - (iv) Townsville, at Abbott Street, Townsville.

The code mentioned in the schedule, item 17, may be inspected, during office hours on business days, at the head office of the department at 80 Ann Street, Brisbane.

2 The requirement to comply with a code of practice is a compulsory code requirement for the Act. See section 15 (Regulation may require compliance with code of practice) of the Act.

‘4 Definitions for div 2

‘In this division—

“cup drinker” means a cup that—

- (a) is attached to a water line; and
- (b) has a lever or other device in it; and
- (c) is filled with water if pressure is applied to the lever or device.

“domestic fowl” means a member of the species *Gallus gallus domesticus*.

“drinker” means a cup drinker or a nipple drinker.

“feeder” means anything used to provide food to a domestic fowl, and includes a food trough.

“floor area”, of a cage or shed, means the area of the horizontal plane measured between the vertical sections of the back and front walls and the vertical sections of the side walls of the cage or shed, including—

- (a) for a cage—an area under an egg and waste baffle, a nipple drinker or a water trough; or
- (b) for a shed—an area—
 - (i) on a different level; or
 - (ii) made of, or covered by, mesh or slats; or
 - (iii) covered by a drinker, feeder or nesting area.

“free range system” means a system consisting of—

- (a) a shed in which domestic fowl are kept other than in a cage; and
- (b) an outdoor area that is accessible to the fowl.

“install”, for a cage, means put the cage in position for keeping domestic fowl.

“layer pullet” means a female domestic fowl less than 16 weeks of age.

“laying fowl” means a female domestic fowl reasonably expected to be capable of laying eggs, but does not include a layer pullet.

“meat chicken” means a domestic fowl produced only for human consumption, but does not include a fowl used to breed meat chickens.

“nipple drinker” means a nipple that is attached to a water line.

“shed” means a structure of any kind that has a roof and walls and is used to keep domestic fowl.

‘Subdivision 2—Requirements for cages used to keep domestic fowl

‘5 General requirements for all cages used to keep laying fowl

‘(1) A person must not keep a laying fowl in a cage unless the person ensures—

- (a) the floor of the cage provides support for each forward pointing toe of each fowl kept in the cage; and
- (b) the fowl can reasonably access—
 - (i) a food trough the size of which allows a space of 10 cm or more for each fowl; and
 - (ii) a water trough the size of which allows a space of 10 cm or more for each fowl, or 2 or more drinkers.

‘(2) Also, if 2 or more cages are arranged (the **“arrangement”**) in vertical tiers, a person must not keep a laying fowl in a cage in the arrangement unless—

- (a) the fowl is fully visible and can easily be removed from the cage; and
- (b) if another fowl is kept in a cage on a higher tier of the arrangement—the fowl is protected from excreta from the fowl in the cage on the higher tier.

‘6 Additional general requirements for cages installed on or after 1 January 1995

‘A person must not keep a laying fowl in a cage installed on or after 1 January 1995 unless—

- (a) the height of the cage is—
 - (i) more than the height of the fowl; and
 - (ii) 40 cm or more for 65% or more of the floor area of the cage; and
 - (iii) no less than 35 cm at any point; and

- (b) the height of the door of the cage is the same as the height of the front of the cage; and
- (c) the width of the door of the cage is—
 - (i) the same as the width of the cage; or
 - (ii) if the width of the cage is more than 50 cm—no less than 50 cm.

‘7 Requirement to replace or modify particular cages installed before 1 January 1995

‘(1) This section applies if—

- (a) a person keeps a laying fowl in a cage; and
- (b) the cage was installed before 1 January 1995; and
- (c) the cage does not comply with the requirements stated in section 6.

‘(2) The person must replace or modify the cage on or before 1 January 2008 and the replacement or modified cage must comply with the requirements stated in section 6.

‘8 Floor area requirements for cages used to keep laying fowl—1 laying fowl

‘(1) This section applies if—

- (a) only 1 domestic fowl is kept in a cage; and
- (b) the fowl is a laying fowl.

‘(2) A person must not keep the fowl in a cage that has a floor area less than—

- (a) if the fowl weighs 4.5 kg or less—1000 cm²; or
- (b) if the fowl weighs more than 4.5 kg—an area worked out by allowing—
 - (i) 1 m² for each 26 kg of weight of the fowl; or
 - (ii) for a weight less than 26 kg—a proportionate amount of the area mentioned in subparagraph (i).

**‘9 Floor area requirements for cages used to keep laying fowl—
2 laying fowl**

‘(1) This section applies if—

- (a) only 2 domestic fowl are kept in a cage; and
- (b) both fowl are laying fowls.

‘(2) A person must not keep the fowl in a cage that has a floor area less than an area worked out by allowing—

- (a) for each fowl weighing 4.5 kg or less—675 cm²; and
- (b) for each fowl weighing more than 4.5 kg—
 - (i) 1 m² for each 40 kg of weight of the fowl; or
 - (ii) for a weight less than 40 kg—a proportionate amount of the area mentioned in subparagraph (i).

‘(3) For subsection (2), if both fowl weigh more than 4.5 kg, the area may be worked out using the combined weight of the fowl.

**‘10 Floor area requirements for cages used to keep laying fowl—
3 or more laying fowl**

‘(1) This section applies if—

- (a) 3 or more domestic fowl are kept in a cage; and
- (b) all the fowl are laying fowls.

‘(2) A person must not keep the fowl in a cage that has a floor area less than an area worked out by allowing—

- (a) for each fowl weighing less than 2.4 kg—
 - (i) for a pre-2001 cage before the prescribed day for the cage—450 cm²; or
 - (ii) for another cage—550 cm²; and
- (b) for each fowl weighing 2.4 kg or more but no more than 4.5 kg—600 cm²; and
- (c) for each fowl weighing more than 4.5 kg—
 - (i) 1 m² for each 46 kg of weight of the fowl; or

- (ii) for a weight less than 46 kg—a proportionate amount of the area mentioned in subparagraph (i).

‘(3) For subsection (2)(c), if 2 or more fowl weigh more than 4.5 kg, the area may be worked out using the combined weight of all fowl weighing more than 4.5 kg.

‘(4) In this section—

“prescribed day”, for a pre-2001 cage, means—

- (a) for a pre-2001 cage that complies with the requirements stated in section 6—the later of the following days—
 - (i) 1 January 2008;
 - (ii) 20 years after the day the cage was manufactured; or
- (b) for another pre-2001 cage—1 January 2008.

“pre-2001 cage” means a cage—

- (a) purchased or leased before 1 January 2001; and
- (b) installed before 1 January 2003.

‘11 Floor area requirements for cages used to keep layer pullets

‘(1) This section applies if—

- (a) only 1 domestic fowl is kept in a cage and the fowl is a layer pullet; or
- (b) 2 or more domestic fowl are kept in a cage and all the fowl kept in the cage are layer pullets.

‘(2) A person must not keep a pullet in a cage that has a floor area less than an area worked out by allowing—

- (a) 1 m² for each 40 kg of weight of each pullet kept in the cage; or
- (b) for a weight less than 40 kg—a proportionate amount of the area mentioned in paragraph (a).

‘(3) For subsection (2), if 2 or more pullets are kept in the cage, the area may be worked out using the combined weight of all the pullets kept in the cage.

‘Subdivision 3—Requirements for sheds used to keep domestic fowl

‘12 Application of subdiv 3

‘This subdivision applies if a domestic fowl is—

- (a) kept in a shed, including a shed that is part of a free range system; and
- (b) not kept in a cage.

‘13 General requirements for sheds

‘A person must not keep a domestic fowl in a shed unless—

- (a) if the fowl is the only fowl kept in the shed—the shed contains a drinker and feeder that are reasonably accessible to the fowl; or
- (b) if the fowl is kept in the shed with 1 or more other fowl—
 - (i) the shed contains 1 or more feeders and 2 or more drinkers; and
 - (ii) the feeders and drinkers are reasonably and equally accessible to all the fowl kept in the shed.

‘14 Floor area requirements for sheds—particular domestic fowl

‘(1) A person must not keep a domestic fowl, other than a layer pullet or meat chicken, in a shed that has a floor area less than an area worked out by allowing—

- (a) 1 m² for each 30 kg of weight of the fowl; or
- (b) for a weight less than 30 kg—a proportionate amount of the area mentioned in paragraph (a).

‘(2) However, if the shed does not have a temperature control system, the person must not keep the fowl in the shed unless the floor area of the shed allows more than—

- (a) 1 m² for each 30 kg of weight of the fowl; or
- (b) for a weight less than 30 kg—a proportionate amount of the area mentioned in paragraph (a).

‘(3) For subsections (1) and (2), if 2 or more fowl are kept in the shed, the area may be worked out using the combined weight of all the fowl kept in the shed.

‘(4) In this section—

“temperature control system”, for a shed, means a system, consisting of a cooling system and ventilation fans, that controls temperature to avoid extreme temperature variations in the shed.

‘15 Floor area requirements for sheds—meat chickens

‘(1) This section applies if—

- (a) only 1 domestic fowl is kept in a shed and the fowl is a meat chicken; or
- (b) 2 or more domestic fowl are kept in a shed and all the fowl are meat chickens.

‘(2) A person must not keep a meat chicken in a shed that has a floor area less than an area worked out by allowing—

- (a) for a tunnel ventilated shed that has a evaporative cooling system providing at least 1 air exchange every minute—
 - (i) 1 m² for each 40 kg of weight of the chicken; or
 - (ii) for a weight less than 40 kg—a proportionate amount of the area mentioned in subparagraph (i); or
- (b) for a tunnel ventilated shed other than a shed mentioned in paragraph (a), or a prescribed ventilated shed—
 - (i) for the period between 1 April and 30 September—
 - (A) 1 m² for each 40 kg of weight of the chicken; or
 - (B) for a weight less than 40 kg—a proportionate amount of the area mentioned in subsubparagraph (A); and
 - (ii) for the period between 1 October and 31 March—
 - (A) 1 m² for each 36 kg of weight of the chicken;
 - (B) for a weight less than 36 kg—a proportionate amount of the area mentioned in subsubparagraph (A); or

- (c) for another shed—

- (i) 1 m² for each 28 kg of weight of the chicken; or
- (ii) for a weight less than 28 kg—a proportionate amount of the area mentioned in subparagraph (i).

‘(3) For subsection (2), if 2 or more meat chickens are kept in a shed, the area may be worked out using the combined weight of all the chickens kept in the shed.

‘(4) In this section—

“prescribed ventilated shed” means a shed that—

- (a) is fitted with a mechanical ventilation system; and
- (b) is not a tunnel ventilated shed; and
- (c) has a water based cooling system or stirring fans.

“tunnel ventilated shed” means a shed that is tunnel ventilated or fitted with an extractive system.

‘16 Requirements for shed with more than 1 level

‘(1) This section applies if a domestic fowl is kept in a shed and there is more than 1 level inside the shed.

‘(2) A person must ensure each of the following—

- (a) each level inside the shed—
 - (i) is accessible to the fowl; and
 - (ii) has a height no less than 45 cm;
- (b) the fowl is fully visible on each level and can easily be removed at all times;
- (c) a fowl on a lower level inside the shed is protected from excreta from a fowl on a higher level inside the shed.

***‘Subdivision 4—Requirements for outdoor area of free range system
used to keep domestic fowl***

‘17 Requirements for outdoor area of free range system

‘A person must not keep more than 1 500 laying fowl in a hectare in the outdoor area of a free range system.

‘Subdivision 5—Food and water requirements for domestic fowl

‘18 Access to food

‘(1) The person in charge of a domestic fowl must ensure the fowl has access to food—

- (a) within 60 hours after the fowl is hatched; and
- (b) at least once in each 24 hour period after the period mentioned in paragraph (a).

‘(2) Also, the person must ensure—

- (a) the food contains enough nutrients to ensure the fowl’s good health and vitality; and
- (b) the quantity of the food meets the fowl’s physiological needs; and
- (c) the food is not harmful to the fowl’s health.

‘(3) For subsection (2), in deciding the amount of nutrients and quantity of food that must be provided to the fowl in the shed of a free range system, regard must be had to the amount of nutrients and quantity of food available to the fowl in the outdoor area of the system.

‘19 Access to water

‘(1) The person in charge of a domestic fowl must ensure the fowl has access to water—

- (a) within 60 hours after the fowl is hatched; and
- (b) at least once in each 24 hour period after the period mentioned in paragraph (a).

‘(2) Also, the person must ensure—

- (a) the water is of a temperature and quality the fowl will drink; and
- (b) the quantity of the water meets the fowl’s physiological needs;
and
- (c) the water is not harmful to the fowl’s health.

‘Subdivision 6—Inspection requirements for domestic fowl

‘20 Definitions for subdiv 6

‘In this subdivision—

“relevant finding”, for an inspection under section 21, means—

- (a) for an inspection of a domestic fowl or a cage in which a domestic fowl is kept—a finding that the fowl—
 - (i) is injured or sick; or
 - (ii) is trapped in, or has escaped from, a cage; or
 - (iii) is dead; or
- (b) for an inspection of a water trough—a finding that there is no or very little water in the water trough; or
- (c) for an inspection of a drinker or electronic or mechanical system—a finding that the drinker or system is not operating correctly; or
- (d) for an inspection of a feeder—a finding that—
 - (i) there is no or very little food in or on the feeder; or
 - (ii) the food in or on the feeder is contaminated; or
 - (iii) if the feeder is electronically or mechanically operated—the feeder is not operating correctly.

“trapped”, for a domestic fowl in a cage, means the fowl is unable to move freely within the cage.

‘21 Inspections to be carried out

‘The person in charge of a domestic fowl must ensure each of the following are inspected at least once in each 24 hour period—

- (a) the fowl;
- (b) if the fowl is kept in a cage—the cage;
- (c) a water trough, drinker or feeder provided for the fowl;
- (d) if the fowl is kept in a shed—an electronic or mechanical system controlling light, humidity, temperature or ventilation, in the shed.

‘22 Inspection to include particular matters

‘An inspection under section 21 must include—

- (a) for an inspection of a fowl—assessing the fowl’s health and checking for any injury or behaviour indicating a risk to the fowl’s welfare; or
- (b) for an inspection of a cage—checking for—
 - (i) fowl trapped in the cage; and
 - (ii) escaped fowl outside the cage, including, in particular, fowl in the manure area under the cage; or
- (c) for an inspection of a water trough—checking whether there is water in the trough; or
- (d) for an inspection of a drinker or an electronic or mechanical system—checking the operation of the drinker or system; or
- (e) for an inspection of a feeder—checking—
 - (i) whether there is food in or on the feeder; and
 - (ii) if there is food in or on the feeder—whether the food is contaminated; or
 - (iii) if the feeder is electronically or mechanically operated—the operation of the feeder.

‘23 Actions after inspection—person not in charge of domestic fowl

‘(1) This section applies if—

- (a) a person has carried out an inspection under section 21; and
- (b) the person is not the person in charge of the fowl; and
- (c) the person has made a relevant finding for the inspection.

‘(2) The person must immediately notify the person in charge of the domestic fowl of the relevant finding.

‘24 Actions after inspection of fowl or cage—person in charge of domestic fowl

‘(1) This section applies if the person in charge of a domestic fowl—

- (a) has carried out an inspection, under section 21, of the fowl or the cage in which the fowl is kept and has made a relevant finding for the inspection; or
- (b) has been notified, under section 23, of a relevant finding for an inspection of the fowl or cage.

‘(2) The person must ensure—

- (a) if the fowl is injured or sick—the fowl is immediately treated or destroyed; or
- (b) if the fowl is trapped in the cage—the fowl is immediately released and, if the fowl is injured, treated or destroyed; or
- (c) if the fowl has escaped from the cage—the fowl is recaptured as soon as practicable and—
 - (i) placed in a cage; or
 - (ii) if the fowl is to be treated for an injury or other condition—placed in a place where the injury or condition can be treated; or
 - (iii) destroyed; or
- (d) if the fowl is dead—the fowl is immediately removed, from the cage or shed in which it is kept, and disposed of.

‘25 Actions after inspection of water trough—person in charge of domestic fowl

‘(1) This section applies if the person in charge of a domestic fowl—

- (a) has carried out an inspection, under section 21, of a water trough provided for the fowl and has made a relevant finding for the inspection; or
- (b) has been notified, under section 23, of a relevant finding for an inspection of the water trough.

‘(2) The person must ensure the fowl has or has had access to water as required under section 19.

‘26 Actions after inspection of drinker or system—person in charge of domestic fowl

‘(1) This section applies if the person in charge of a domestic fowl—

- (a) has carried out an inspection, under section 21, of a drinker provided for the fowl, or an electronic or mechanical system for the shed in which the fowl is kept, and has made a relevant finding for the inspection; or
- (b) has been notified, under section 23, of a relevant finding for an inspection of the drinker or system.

‘(2) The person must ensure the following—

- (a) reasonable steps are taken to rectify the problem in the operation of the drinker or system;
- (b) if there is a problem in the operation of a drinker—the fowl has or has had access to water as required under section 19.

‘27 Actions after inspection of feeder—person in charge of domestic fowl

‘(1) This section applies if the person in charge of a domestic fowl—

- (a) has carried out an inspection, under section 21, of a feeder provided for the fowl and has made a relevant finding for the inspection; or
- (b) has been notified, under section 23, of a relevant finding for an inspection of the feeder.

‘(2) The person must ensure—

- (a) if there is no or very little food in or on the feeder—the fowl has or has had access to food as required under section 18; or

- (b) if food in or on the feeder is contaminated—
 - (i) the contaminated food is replaced with food that is not contaminated; and
 - (ii) reasonable steps are taken to prevent future contamination of food provided by the feeder; or
- (c) if there is a problem in the operation of an electronically or mechanically operated feeder—reasonable steps are taken to rectify the problem.

‘PART 3—MISCELLANEOUS PROVISIONS’.

7 Amendment of sch 1 (Codes of practice)

- (1) Schedule 1, heading, ‘section 3’—

omit, insert—

‘section 2’.

- (2) Schedule 1, before item 1—

insert—

‘PART 1—COMPULSORY CODES OF PRACTICE

- ‘1A. ‘Queensland code of practice for the welfare of animals in circuses’, published by the department, 2003.

‘PART 2—VOLUNTARY CODES OF PRACTICE’.

- (3) Schedule 1, item 5—

omit.

(4) Schedule 1—

insert—

‘5. ‘Model code of practice for the welfare of animals—Domestic poultry’, 4th edition, prepared for the Primary Industries Standing Committee, published by CSIRO, 2002, SCARM Report No. 83.

16A. ‘Model code of practice for the welfare of animals—The farming of ostriches’, prepared for the Primary Industries Standing Committee, unpublished.’.

(5) Schedule 1, items 1A to 18—

renumber as items 1 to 20.

8 Amendment of sch 2 (Fees)

Schedule 2, ‘section 8’—

omit, insert—

‘section 32’.

ENDNOTES

1. Made by the Governor in Council on 20 February 2003.
2. Notified in the gazette on 21 February 2003.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Primary Industries.