



Queensland

Animal Care and Protection Act 2001

Animal Care and Protection Regulation 2002

Reprinted as in force on 20 July 2012

Reprint No. 3H

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Animal Care and Protection Regulation 2002

[as amended by all amendments that commenced on or before 20 July 2012]

Chapter 1 Preliminary

1 Short title

This regulation may be cited as the *Animal Care and Protection Regulation 2002*.

Chapter 2 General provisions

Part 1 Provisions about codes of practice

1A Codes of practice in ch 3

- (1) Each of the following provisions of chapter 3 is made as a code of practice—
 - (a) part 1;
 - (b) part 2, divisions 1 and 2.
- (2) A person must comply with a code of practice in chapter 3.

Note—

Under section 15(3) of the Act, it is an offence for a person not to comply with an applicable compulsory code requirement.

[s 2]

2 Documents made as codes of practice

- (1) The documents stated in schedule 1 are made as codes of practice.
- (2) A person must comply with a code of practice mentioned in schedule 1, part 1.
- (3) A person may comply with a code of practice mentioned in schedule 1, part 2.
- (4) Subsection (5) applies if there is an inconsistency between—
 - (a) a provision in a code of practice in chapter 3 (the *relevant compulsory code*); and
 - (b) a provision in a code of practice mentioned in schedule 1, part 2 that is similar to the relevant compulsory code.
- (5) The provision in the relevant compulsory code prevails to the extent of the inconsistency.

Part 2 Miscellaneous provisions

3 Prescribed species for meaning of animal—Act, s 11

All species of the class Cephalopoda are prescribed for section 11(1)(d) of the Act.

Examples of species of the class Cephalopoda—

cuttlefish, nautilus, octopus, squid

3A Information for annual report—Act, s 87

- (1) The following information is prescribed for section 87(2)(a)(i) of the Act—
 - (a) a description of the animals, including the species and class of the animals;
 - (b) the number of animals used or allowed to be used;

- (c) details of the source, place of use, duration of use and method of disposal of the animals;
 - (d) the scientific purpose for which the animals were used;
 - (e) the justification for the use of the animals;
 - (f) the impact of the use on the animals.
- (2) The following information is prescribed for section 87(2)(a)(ii) of the Act—
- (a) details, including the source and date, of all complaints, enquiries and grievances received by the registered person about the use of animals for scientific purposes by the person;
 - (b) details of any steps taken to investigate a complaint, enquiry or grievance mentioned in paragraph (a);
 - (c) details of the results of an investigation of a complaint, enquiry or grievance mentioned in paragraph (a), including details of any steps taken to remedy a matter arising out of the investigation.
- (3) The following information is prescribed for section 87(2)(b) of the Act—
- (a) the name of the animal ethics committee that approved the use of the animals for scientific purposes;
 - (b) details of the use approved by the animal ethics committee, including any requirements the committee made under the scientific use code in relation to the use;
 - (c) details of how the approved use is identified in the animal ethics committee's records.

3B Declared class of persons for authorised officers—Act, s 99

The officers of the Royal Society for the Prevention of Cruelty to Animals Queensland Incorporated are an approved class of persons for section 99 of the Act.

[s 3C]

3C Declared class of persons for inspectors—Act, s 114

The employees of an incorporated association under the *Associations Incorporation Act 1981*, whose objects include animal welfare or the provision of facilities to care for animals, are an approved class of persons for section 114 of the Act.

3D Prescribed entities

Each of the following is prescribed for paragraph (b) of the definition of *prescribed entity* in the schedule to the Act—

- (a) a local government;
- (b) the Animal Welfare League of Queensland, Incorporated;
- (c) the department in which the *Nature Conservation Act 1992* is administered;
- (d) North Queensland Wildlife Care Incorporated;
- (e) the Australian Koala Hospital Association Inc ABN 80 853 694 538;
- (f) Australia Zoo Wildlife Warriors Worldwide Ltd ABN 13 102 721 513;
- (g) Tolga Bat Rescue and Research Inc.

3E Fees

- (1) The fees payable under the Act are stated in schedule 2.
- (2) In schedule 2—

corporation has the same meaning as in the Corporations Act, section 57A.

public authority means—

- (a) a government entity under the *Public Service Act 2008*, section 24; or

- (b) an entity established under a law of the Commonwealth or a State for a public purpose, whether or not the public purpose is stated in the law.

Chapter 3 Codes of practice

Part 1 Code of practice about domestic fowl

Division 1 Preliminary

4 Definitions for pt 1

In this part—

broiler breeder means a domestic fowl used to breed meat chickens.

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.

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floor—

- (a) of a cage or shed, means the surface of the bottom of the cage or shed between the vertical sections of the back and front walls and the vertical sections of the side walls of the cage or shed; and
- (b) for a shed, includes a part of the floor—
 - (i) on a different level than another part of the floor; or
 - (ii) made of, or covered by, mesh or slats.

floor area—

- (a) of a cage—see section 4A(1) and (2); and
- (b) of a shed—see section 4A(3).

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.

measurable part, of the floor of a cage, means that part of the floor above which the height of the cage is at least 35cm.

meat chicken means a domestic fowl produced only for human consumption, but does not include a broiler breeder.

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.

4A Meaning of *floor area*

- (1) The *floor area* of a cage is—
 - (a) for division 2, subdivision 1—the area of the measurable part of the floor of the cage; or
 - (b) for division 2, subdivision 2—the area of the floor of the cage.
- (2) For subsection (1), the floor area includes an area of the floor covered by an egg and waste baffle, nipple drinker and water trough.
- (3) The *floor area* of a shed is the area of the floor of the shed, including an area of the floor covered by a drinker, feeder or nesting area.

Division 2 Requirements for cages used to keep domestic fowl

Subdivision 1 Laying 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 the fowl can reasonably access—
 - (a) a water trough the size of which allows a space of 10cm or more for each fowl kept in the cage; or
 - (b) 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—

[s 5A]

- (i) is visible to an extent that allows a person inspecting the fowl to make a general assessment about the fowl's health and well-being; and
 - (ii) 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.

5A Additional general requirement for all cages used to keep laying fowl on or after 1 January 2008

A person must not keep a laying fowl in a cage on or after 1 January 2008 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 a food trough the size of which allows a space of 10cm or more for each fowl kept in the cage.

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

- (1) 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 above the measurable part of the floor is—
 - (i) more than the height of the fowl; and
 - (ii) at least 40cm for at least 65% of the measurable part of the floor; and
 - (b) the height of the door of the cage is—
 - (i) if a feeder or egg and waste baffle is attached to the floor at the front of the cage—the same as the distance from the top of the feeder or egg and waste baffle to the top of the cage; or

-
- (ii) otherwise—the same as the height of the front of the cage; and
 - (c) the width of the door of the cage is—
 - (i) if the width of the cage is more than 50cm—at least 50cm; or
 - (ii) otherwise—the same as the width of the front of the cage.
- (2) In this section—
- front*, of a cage, means the side of the cage to which the door is attached.

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

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- (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 4.5kg or less—675cm²; and
 - (b) for each fowl weighing more than 4.5kg—
 - (i) 1m² for each 40kg of weight of the fowl; or
 - (ii) for a weight less than 40kg—a proportionate amount of the area mentioned in subparagraph (i).
- (3) For subsection (2), if both fowl weigh more than 4.5kg, 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 2.4kg—
 - (i) for a pre-2001 cage before the prescribed day for the cage—450cm²; or
 - (ii) for another cage—550cm²; and
 - (b) for each fowl weighing 2.4kg or more but no more than 4.5kg—600cm²; and
 - (c) for each fowl weighing more than 4.5kg—
 - (i) 1m² for each 46kg of weight of the fowl; or
 - (ii) for a weight less than 46kg—a proportionate amount of the area mentioned in subparagraph (i).

-
- (3) For subsection (2)(c), if 2 or more fowl weigh more than 4.5kg, the area may be worked out using the combined weight of all fowl weighing more than 4.5kg.
- (4) In this section—
- pre-2001 cage* means a cage—
- (a) purchased or leased before 1 January 2001; and
 - (b) installed before 1 January 2003.
- 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.

Subdivision 2 Laying pullet

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

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- (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.

Division 3 Requirements for sheds used to keep domestic fowl

12 Application of div 3

This division 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) 1m² for each 30kg of weight of the fowl; or

-
- (b) for a weight less than 30kg—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) 1m² for each 30kg of weight of the fowl; or
 - (b) for a weight less than 30kg—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) 1m² for each 40kg of weight of the chicken; or
 - (ii) for a weight less than 40kg—a proportionate amount of the area mentioned in subparagraph (i); or

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- (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) 1m² for each 40kg of weight of the chicken;
or
 - (B) for a weight less than 40kg—a proportionate amount of the area mentioned in subsubparagraph (A); and
 - (ii) for the period between 1 October and 31 March—
 - (A) 1m² for each 36kg of weight of the chicken;
or
 - (B) for a weight less than 36kg—a proportionate amount of the area mentioned in subsubparagraph (A); or
- (c) for another shed—
 - (i) 1m² for each 28kg of weight of the chicken; or
 - (ii) for a weight less than 28kg—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 45cm;
 - (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.

Division 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 1500 laying fowl in a hectare in the outdoor area of a free range system.

Division 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).

[s 19]

- (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) However, subsection (1)(b) does not apply if the fowl is—
 - (a) a broiler breeder or layer pullet; and
 - (b) given access to food under a controlled feeding regime.
- (4) 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.
- (5) In this section—

controlled feeding regime means a regime involving the management of the amount of food consumed by a fowl to control the weight of the fowl while still ensuring the amount of food consumed is sufficient to meet the fowl's physiological needs.

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 quality and quantity of the water meets the fowl's physiological needs; and
- (c) the water is not harmful to the fowl's health.

Division 6 Inspection requirements for domestic fowl

20 Definitions for div 6

In this division—

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.

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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

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- (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.

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Part 2 Code of practice and additional requirement about pigs

Division 1 Preliminary

28 Definitions for pt 2

In this part—

additional litter means a litter of piglets that a sow is required to foster in the sow's reproductive cycle after the piglets that were the sow's progenies in the cycle have been weaned.

Example—

a sow being required to foster the piglets of another sow that has died

boar means an uncastrated male pig over 9 months.

direct supervision, of a husbandry procedure on a pig, see section 30.

essential equipment means mechanical equipment that is required for providing food and drinking water to pigs and ensuring their other environmental needs are met.

Examples of other environmental needs—

- a stable and comfortable temperature
- adequate lighting and ventilation

farrowing means giving birth to piglets.

farrowing crate means an enclosure—

- (a) designed and constructed for housing 1 sow during and after farrowing; and
- (b) of a size that does not allow the sow to turn around freely; and
- (c) that includes an adjacent area for keeping the sow's piglets in which the piglets are protected from crushing and overlying by the sow.

foster, in the context of a sow fostering piglets, means the sow feeding piglets that are not her progenies.

gilt means a young female pig that is intended to be used for reproduction but has not had a first litter.

husbandry procedure means a procedure relating to breeding, keeping, raising or caring for a pig.

medication instruction means—

- (a) a prescription given by a veterinary surgeon; or
- (b) a written instruction for administering a medication that is—
 - (i) prepared by the manufacturer or supplier of the medication; and
 - (ii) supplied with the medication.

pig means a pig, other than a feral pig (*Sus scrofa*).

piglet means a pig up to the time it is weaned from the sow.

sow means—

- (a) an adult female pig that has had at least 1 litter; or
- (b) a gilt that has been confirmed pregnant.

stall means an enclosure that is designed and constructed for keeping 1 boar, gilt or sow.

suitably qualified, for carrying out a husbandry procedure on a pig, see section 29.

surgical sterilisation procedure means a surgical procedure to render a pig sterile, including, for example, surgical castration.

29 Who is **suitably qualified** to carry out a husbandry procedure

- (1) A person is **suitably qualified** to carry out a husbandry procedure on a pig if—

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- (a) the person is a veterinary surgeon; or
 - (b) a registered training organisation has issued the person either of the following that is relevant to carrying out the procedure—
 - (i) a Certificate III in Agriculture (Pig Production) or an equivalent qualification;
 - (ii) a statement of attainment for achieving the units of competency required for the Rural Production Training Package for pig production or an equivalent statement of attainment.
- (2) A person is also *suitably qualified* to carry out a husbandry procedure on a pig if—
- (a) within 18 months after the commencement of this section, the person gives the chief executive a request in the approved form to be accredited as being suitably qualified to carry out the procedure; and
 - (b) the chief executive gives the person the accreditation.

Note—

See also section 53 (Particular persons suitably qualified to carry out husbandry procedures).

- (3) For subsection (2), the chief executive may accredit a person as being suitably qualified to carry out a husbandry procedure if the chief executive is satisfied the person has the necessary skills and experience to carry out the procedure competently.
- (4) In this section—

qualification see the *Vocational Education, Training and Employment Act 2000*, schedule 3.

registered training organisation see the *Vocational Education, Training and Employment Act 2000*, schedule 3.

statement of attainment see the *Vocational Education, Training and Employment Act 2000*, schedule 3.

30 Meaning of *direct supervision* of a husbandry procedure

A person (the *supervised person*) carries out a husbandry procedure on a pig under the *direct supervision* of another person (the *supervisor*) if the supervisor—

- (a) instructs the supervised person about the procedure; and
- (b) is on the premises where the procedure is being carried out, while the procedure is being carried out; and
- (c) is available to give additional instruction to the supervised person about carrying out the procedure, if required, while the procedure is being carried out; and
- (d) evaluates, including personally checking on a regular basis, the carrying out of the procedure by the supervised person.

Division 2 Compulsory code requirements

Subdivision 1 Competency requirements

31 Inspecting pigs

A person may carry out an inspection of a pig kept for a commercial purpose only if the person—

- (a) is suitably qualified to carry out the inspection; or
- (b) carries out the inspection under the direct supervision of a person who is suitably qualified to carry out the inspection.

32 Prescribed non-invasive husbandry procedures

(1) A person may carry out a prescribed non-invasive husbandry procedure on a pig only if the person—

- (a) is competent to carry out the procedure; or

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- (b) carries out the procedure under the direct supervision of a person who is competent to carry out the procedure.
- (2) In this section—
- prescribed non-invasive husbandry procedure*** means—
- (a) diagnosing whether or not a pig is pregnant by external ultrasonic examination; or
 - (b) measuring a pig's back fat in a way that does not penetrate its skin; or
 - (c) administering a medication to a pig in compliance with a medication instruction by—
 - (i) oral dosing; or
 - (ii) topical application to the skin; or
 - (iii) mixing the medication with food.

33 Administering vaccinations and other medications by injection

A person may administer a vaccination or another medication to a pig by injection only if the person—

- (a) is suitably qualified to administer the vaccination or other medication by injection; or
- (b) administers the vaccination or other medication—
 - (i) under the direct supervision of a person who is suitably qualified to administer the vaccination or other medication by injection; or
 - (ii) in compliance with a medication instruction.

Note—

The *Health (Drugs and Poisons) Regulation 1996* contains provisions regulating the administration and use of vaccines and particular medications.

34 Surgical sterilisation of male pigs over 3 weeks

A person may carry out a surgical sterilisation procedure on a male pig that is 3 weeks or older only if—

- (a) the person is a veterinary surgeon; or
- (b) the person—
 - (i) is undertaking a course of study, or a qualifying examination, in veterinary science approved by the Veterinary Surgeons Board of Queensland established under the *Veterinary Surgeons Act 1936*; and
 - (ii) carries out the procedure under the direct supervision of a veterinary surgeon.

35 Invasive husbandry procedures

- (1) A person may carry out an invasive husbandry procedure on a pig only if the person—
 - (a) is suitably qualified to carry out the procedure; or
 - (b) carries out the procedure under the direct supervision of a person who is suitably qualified to carry out the procedure.
- (2) In this section—

invasive husbandry procedure, for a pig, means a husbandry procedure, other than a procedure mentioned in section 31, 32, 33, 34 or 36.

Examples—

- castrating a male pig younger than 3 weeks
- clipping a pig's needle teeth
- docking a pig's tail
- marking a pig for identification
- ringing a pig's nose
- trimming a pig's tusks

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36 Killing pigs

- (1) A person may kill a pig only if the person—
 - (a) is suitably qualified to kill the pig; or
 - (b) is acting under the direct supervision of a person who is suitably qualified to kill the pig.
- (2) However, a person other than a person acting under subsection (1) may kill a pig if—
 - (a) it is necessary to kill the pig to prevent it from suffering; and
 - (b) it would be inhumane to delay killing the pig until a person could kill it under subsection (1); and
 - (c) the person kills the pig in a way that complies with section 51.

Subdivision 2 Food and water requirements

37 Access to food

- (1) The person in charge of a pig must ensure—
 - (a) the pig has access to food—
 - (i) if the pig is a weaner—twice daily; or
 - (ii) otherwise—daily; and
 - (b) the food is adequate for keeping the pig in good health and meeting its physiological requirements.
- (2) In this section—

weaner means a pig that has been weaned from the sow and is not yet 30kg live weight.

38 Access to water

The person in charge of a pig must ensure—

-
- (a) the pig has access to drinking water at all times; and
 - (b) the quality and quantity of the water meets the pig's physiological needs.

Subdivision 3 Accommodation requirements

39 Housing requirements for pigs

- (1) This section applies whether or not a pig is ordinarily kept in single or group housing in a shed, shelter or other building or is allowed to range outside.
- (2) The person in charge of the pig must provide housing that is designed, constructed and maintained to protect the pig from adverse weather, injury, predators and other threats to the pig's welfare.
- (3) If the housing is fitted with an automatically controlled forced-ventilation system, the person must ensure there is an effective backup system that will allow the housing to be ventilated if there is a power failure.

Examples of an automatically controlled forced-ventilation system—

fans or shutters controlled by temperature sensors

- (4) If the housing is naturally ventilated using automatically operated equipment the person must ensure—
 - (a) the equipment is inspected at least twice daily; or
 - (b) there is an effective backup system that will allow the housing to be ventilated if there is a power failure.

40 Keeping pigs in stalls

- (1) This section applies if a pig is kept in a stall.
- (2) The person in charge of the pig must ensure—

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- (a) the pig can stand, stretch and lie with its limbs extended in the stall without being obstructed by the stall, including, for example, by bars and fittings; and
- (b) the pig can stand in the stall without touching, at the same time, the opposite sides of the stall; and
- (c) when the pig lies in the stall, its snout and hindquarters do not touch, at the same time, the opposite ends of the stall; and
- (d) if the stall has bars fitted on the top, the pig's back does not touch the bars when the pig stands at rest or lowers its head; and
- (e) the pig can easily access a feeder and waterer; and
- (f) the placement of feeders or waterers does not interfere with the pig's ability to stand, stretch or lie in the stall; and
- (g) the stall is designed and constructed to minimise the risk of harm to the pig from a pig in an adjoining stall; and

Example—

ensuring the stall is fitted with a barrier

- (h) reasonable steps are taken to avoid injury to the pig because of contact with another pig in an adjoining stall; and

Example—

ensuring that 2 aggressive boars or a sow and an aggressive boar are not kept in adjoining stalls

- (i) faeces and urine do not accumulate in the stall so that the pig does not have an area clear of faeces and urine in which to lie.
- (3) In this section—

ends, of a stall, means the shorter sides of the stall that, if a pig were standing in the stall, would ordinarily be parallel to the front and back of the pig.

feeder means a trough, hopper or similar equipment from which food may be accessed by a pig.

sides, of a stall, means the longer sides of the stall that, if a pig were standing in the stall, would ordinarily be parallel to the sides of the pig.

waterer means a trough or similar equipment from which drinking water may be accessed by a pig.

41 Keeping sows in stalls or farrowing crates

- (1) If a sow is kept in a stall or farrowing crate, the person in charge of the sow must ensure—
 - (a) the stall or crate is designed and constructed to minimise the risk of the sow lying on her piglets; and
 - (b) the sow can give birth to piglets—
 - (i) without being obstructed by the stall or crate; and
 - (ii) in a way that minimises the risk of the piglets being crushed, trapped or otherwise injured; and
 - (c) the sow can suckle her piglets so that the piglets have reasonable access to both sides of her udder; and
 - (d) the sow can access food and water without being obstructed by the stall or crate.
- (2) The person in charge of a sow must ensure the sow is not kept in a farrowing crate for more than a total of—
 - (a) if the sow is required to foster an additional litter, 12 weeks in the sow's reproductive cycle; or
 - (b) otherwise, 6 weeks in the sow's reproductive cycle.

Note—

See also section 52 (Requirement to keep particular records for sows).

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42 Releasing boars for mating or exercise

If a boar is kept in a stall, the person in charge of the boar must ensure it is released from the stall at least twice a week for mating or exercise.

Subdivision 4 Requirements for particular equipment and systems

43 Inspection and maintenance of essential equipment

The person in charge of pigs must ensure essential equipment used to keep the pigs is inspected daily and kept in good working order.

44 Risk management system

- (1) The person in charge of pigs must establish and maintain a risk management system that ensures the pigs are adequately fed and watered and their other environmental needs are met if there is—
 - (a) a malfunction of essential equipment; or
 - (b) a delay in supplying food or water.
- (2) In this section—

risk management system means a written procedure that—

 - (a) identifies, monitors, mitigates and effectively manages risks to the food supply, water supply and other environmental conditions for the pigs; and
 - (b) includes a system for daily inspection of mechanical equipment essential for provision of the pigs' food, water and other environmental needs.

Subdivision 5 Requirements for other husbandry procedures

45 Health inspections

The person in charge of a pig must ensure the pig is inspected, at least once a day, to assess its health and wellbeing.

46 Health management

- (1) The person in charge of pigs must establish and maintain a written herd health program for the pigs.
- (2) Subject to subsection (3), if a pig is sick, weak or injured, the person in charge of the pig must ensure the pig is—
 - (a) isolated from other pigs; and
 - (b) given appropriate veterinary treatment.
- (3) If a pig is suffering from an incurable disease or injury or a painful deformity, the person in charge of the pig must ensure the pig is—
 - (a) isolated from other pigs; and
 - (b) given appropriate veterinary treatment or killed.
- (4) In this section—

herd health program, for pigs, means a written procedure that—

 - (a) identifies potential risks to the pigs of sickness or disease; and
 - (b) provides for specific actions to prevent or minimise the risks.

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47 Farrowing and weaning

- (1) The person in charge of a piglet must ensure the piglet is checked within 24 hours of its birth to ensure it is feeding and receiving colostrum or an appropriate substitute.
- (2) If a sow dies and a piglet of the sow has not been weaned or is not receiving adequate nutrition, the person in charge of the piglet must ensure the piglet is—
 - (a) fostered by another sow; or
 - (b) weaned; or
 - (c) hand-reared; or
 - (d) killed.
- (3) If a sow is required to foster an additional litter, the person in charge of the sow must ensure the sow is given appropriate additional care to ensure its good health.

Example—

ensuring the sow is exercised regularly, receives additional nutrition and is supervised more intensively than other sows

- (4) In this section—

colostrum means milk with a high protein and antibody content that is secreted by a sow for the first few days after farrowing.

48 Sterilisation of male pigs

- (1) A person may sterilise a male pig only by carrying out on the pig—
 - (a) a surgical sterilisation procedure; or
 - (b) an immunocastration procedure.
- (2) If the person is carrying out a surgical sterilisation procedure on a male pig 3 weeks or older, the person must administer anaesthetic to the pig for carrying out the procedure.
- (3) In this section—

immunocastration procedure means administration of a vaccine that makes a pig temporarily or permanently sterile by preventing the release of, or otherwise affecting the action of, the pig's endogenous gonadotropins.

49 Restraining pigs

- (1) The person in charge of a pig must ensure the pig is not restrained by tethering.
- (2) In this section—

tethering, a pig, means restraining the pig by attaching one end of a chain or wire to a collar around the pig's neck or a girth around the pig's body and the other end of the chain or wire to a part of a stall.

50 Moving pigs

The person in charge of a pig must not allow either of the following to be used to move the pig—

- (a) an electric prodding device;
- (b) a dog, unless—
 - (i) the dog is under the control of the person who has custody of the pig; and
 - (ii) if the dog has attacked, or acted in a way that has caused fear to, a person or another animal—the dog is muzzled.

51 Killing pigs

The person in charge of a pig that is to be killed must ensure it is killed in a way that—

- (a) causes rapid unconsciousness and death immediately after unconsciousness happens; and
- (b) is otherwise humane.

Division 3 Additional requirement

52 Requirement to keep particular records for sows

The person in charge of a sow must, unless the person has a reasonable excuse, keep a written record in the approved form stating—

- (a) the date and time on each occasion the sow is placed in a farrowing crate during the sow's reproductive cycle; and
- (b) the date and time on each occasion the sow is removed from a farrowing crate during the sow's reproductive cycle.

Maximum penalty—20 penalty units.

Chapter 4 Transitional provision for Animal Care and Protection and Other Legislation Amendment Regulation (No. 1) 2010

53 Particular persons suitably qualified to carry out husbandry procedures

- (1) This section applies if, in the 5 years before the commencement—
 - (a) a person (the *relevant person*)—
 - (i) had the custody of pigs that were kept for a commercial purpose; and
 - (ii) carried out a relevant husbandry procedure associated with the custody of the pigs for a total period of at least 1 year; and

- (b) any of the following persons trained or directly supervised the relevant person in carrying out the relevant husbandry procedure—
 - (i) a veterinary surgeon;
 - (ii) a person who held a qualification mentioned in section 29(1)(b)(i) or statement of attainment mentioned in section 29(1)(b)(ii) relevant to carrying out the procedure;
 - (iii) a person who was otherwise competent to carry out the procedure.
- (2) Despite section 29, the relevant person is suitably qualified to carry out the relevant husbandry procedure.
- (3) This section stops applying on the day that is 18 months after the commencement.
- (4) In this section—

commencement means the commencement of this section.

relevant husbandry procedure means a procedure mentioned in section 31, 33, 35 or 36.

Schedule 1 Documents made as codes of practice

section 2

Part 1 Compulsory codes of practice

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

Part 2 Voluntary codes of practice

- 2 'Australian code of practice for the welfare of cattle in beef feedlots', in section 2.2, appendix 2.2A of the 'National guidelines for beef cattle feedlots in Australia', 2nd edition, prepared for the Standing Committee on Agriculture and Resource Management, published by CSIRO, 1997, SCARM Report No. 47.
- 3 'Australian model code of practice for the welfare of animals—Cattle', 2nd edition, prepared for the Primary Industries Standing Committee, published by CSIRO, 2004, PISC Report No. 85.
- 4 'Australian model code of practice for the welfare of animals—Land transport of cattle', prepared for the Standing Committee on Agriculture and Resource Management, published by CSIRO, 1999, SCARM Report No. 77.
- 5 'Model code of practice for the welfare of animals—Animals at saleyards', prepared for the Standing Committee on Agriculture, Animal Health Committee, published by CSIRO, 1991, SCA Technical Report Series No. 31.
- 6 '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.

- 7 'Model code of practice for the welfare of animals—Farmed buffalo', prepared for the Standing Committee on Agriculture and Resource Management, Animal Health Committee, published by CSIRO, 1995, SCARM Report Series No. 52.
- 8 'Model code of practice for the welfare of animals—Feral livestock animals: Destruction or capture handling and marketing', prepared for the Standing Committee on Agriculture, Animal Health Committee, published by CSIRO, 1991, SCA Technical Report Series No. 34.
- 9 'Model code of practice for the welfare of animals—Husbandry of captive-bred emus', 2nd edition, prepared for the Primary Industries Standing Committee, published by CSIRO, 2006, PISC Report No. 90.
- 10 'Model code of practice for the welfare of animals—Intensive husbandry of rabbits', prepared for the Standing Committee on Agriculture, Animal Health Committee, published by CSIRO, 1991, SCA Technical Report Series No. 33.
- 11 'Model code of practice for the welfare of animals—Land transport of horses', prepared for the Standing Committee on Agriculture and Resources Management, published by CSIRO, 1998, SCARM Report No. 62.
- 12 'Model code of practice for the welfare of animals—Land transport of pigs', prepared for the Standing Committee on Agriculture and Resource Management, published by CSIRO, 1997, SCARM Report No. 63.
- 13 'Model code of practice for the welfare of animals—Land transport of poultry', 2nd edition, prepared for the Primary Industries Standing Committee, published by CSIRO, 2006, PISC Report No. 91.
- 14 'Model code of practice for the welfare of animals—Livestock at slaughtering establishments', prepared for the Standing Committee on Agriculture and Resource Management, published by CSIRO, 2001, SCARM Report No. 79.

Schedule 1

- 15 'Model code of practice for the welfare of animals—Pigs', 3rd edition, prepared for the Primary Industries Standing Committee, published by CSIRO, 2008, PISC Report No. 92.
- 16 'Model code of practice for the welfare of animals—The camel (*Camelus dromedarius*)', 2nd edition, prepared for the Primary Industries Standing Committee, published by CSIRO, 2006, PISC Report No. 86.
- 17 'Model code of practice for the welfare of animals—The farming of deer', prepared for the Standing Committee on Agriculture, Animal Health Committee, published by CSIRO, 1991, SCA Technical Report Series No. 30.
- 18 'Model code of practice for the welfare of animals—The farming of ostriches', prepared for the Primary Industries Standing Committee, unpublished.
- 19 'Model code of practice for the welfare of animals—The goat', prepared for the Standing Committee on Agriculture, Animal Health Committee, published by CSIRO, 1991, SCA Technical Report Series No. 32.
- 20 'Model code of practice for the welfare of animals—The sheep', 2nd edition, prepared for the Primary Industries Standing Committee, published by CSIRO, 2006, PISC Report No. 89.
- 21 'Queensland code of practice for the welfare of animals in film production under the *Animal Care and Protection Act 2001*', published by the department, 2006.

Schedule 2 Fees

section 3E

	\$
1 Application for registration (Act, s 52(2)(d))—	
(a) for an individual	660.30
(b) for the State, to the extent the application relates to all State Schools	322.05
(c) for a corporation or corporation sole that carries on, or is the governing body of, a primary or secondary school	322.05
(d) for another corporation or a public authority, if the corporation or authority has—	
(i) fewer than 10 employees	660.30
(ii) 10 to 50 employees	991.15
(iii) more than 50 employees	1 320.80
2 Copy of register (Act, s 62(c))	39.50
3 Application for replacement registration certificate (Act, s 88(2))	65.90
4 Application for approval to use animal for unlawful scientific purpose (Act, s 93(2))	660.30

Endnotes

1 Index to endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 20 July 2012. Future amendments of the Animal Care and Protection Regulation 2002 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Reprint date
1	none	1 March 2002	27 March 2002

Reprint No.	Amendments included	Effective	Notes
1A	2002 SL No. 277	18 October 2002	
1B	2003 SL No. 21	1 March 2003	
1C	—	2 March 2003	provs exp 1 March 2003
1D	2004 SL No. 188	17 September 2004	
1E	2004 SL No. 231	29 November 2004	
1F	2005 SL No. 268	11 December 2005	
1G	2006 SL No. 187	21 July 2006	
1H	2006 SL No. 246	30 October 2006	
2	2006 SL No. 267	4 December 2006	
2A	2007 SL No. 77	4 May 2007	
2B	2007 SL No. 232	29 October 2007	
2C	2008 SL No. 314	19 September 2008	
2D	2008 SL No. 327	3 October 2008	R2D withdrawn, see R3
3	—	3 October 2008	
3A	2009 SL No. 176	28 August 2009	
3B	2009 SL No. 205	2 October 2009	
3C	2010 SL No. 146	1 July 2010	
3D	2010 SL No. 355	10 December 2010	
3E	2011 SL No. 110	1 July 2011	
3F	2011 SL No. 279	9 December 2011	
3G rv	2012 SL No. 92	1 July 2012	
3H	2012 SL No. 103	20 July 2012	

5 List of legislation

Regulatory impact statements

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

Explanatory notes

All subordinate legislation made on or after 1 January 2011 has an explanatory note. For subordinate legislation made before 1 January 2011 that has an explanatory note, specific reference to the note is included in this list.

Animal Care and Protection Regulation 2002 SL No. 34

made by the Governor in Council on 28 February 2002

notfd gaz 1 March 2002 pp 850–2

ss 1–2 commenced on date of notification

remaining provisions commenced 1 March 2002 (see s 2)

exp 1 September 2012 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

Animal Care and Protection Amendment Regulation (No. 1) 2002 SL No. 277

notfd gaz 18 October 2002 pp 618–19

commenced on date of notification

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

notfd gaz 21 February 2003 pp 622–3

ss 1–2 commenced on date of assent

remaining provisions commenced 1 March 2003 (see s 2)

Animal Care and Protection Amendment Regulation (No. 1) 2004 SL No. 188

notfd gaz 17 September 2004 pp 249–50

commenced on date of notification

Primary Industries Legislation Amendment Regulation (No. 1) 2004 SL No. 231 pts 1, 3

notfd gaz 29 October 2004 pp 734–7

ss 1–2 commenced on date of notification

remaining provisions commenced 29 November 2004 (see s 2)

Primary Industries Legislation Amendment Regulation (No. 1) 2005 SL No. 268 pts 1, 3

notfd gaz 11 November 2005 pp 955–7

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remaining provisions commenced 11 December 2005 (see s 2)

Animal Care and Protection Amendment Regulation (No. 1) 2006 SL No. 187

notfd gaz 21 July 2006 pp 1382–3

commenced on date of notification

Education (General Provisions) Regulation 2006 SL No. 246 ss 1, 2(3), 90(1) sch 1

notfd gaz 6 October 2006 pp 577–80

ss 1–2 commenced on date of notification

remaining provisions commenced 30 October 2006 (see s 2(3))

Primary Industries Legislation Amendment Regulation (No. 1) 2006 SL No. 267, pts 1, 3

notfd gaz 3 November 2006 pp 1103–4

ss 1–2 commenced on date of notification

remaining provisions commenced 4 December 2006 (see s 2)

Primary Industries Legislation Amendment Regulation (No. 1) 2007 SL No. 77 pts 1, 3

notfd gaz 4 May 2007 pp 116–17
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notfd gaz 21 September 2007 pp 447–9
ss 1–2 commenced on date of notification
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Primary Industries and Fisheries Legislation Amendment Regulation (No. 1) 2008 SL No. 314 s 1, pt 3

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