

TASMANIA

ANIMAL WELFARE (SHEEP) REGULATIONS 2023
STATUTORY RULES 2023, No. 54

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SCHEDULE 1 – INFRINGEMENT NOTICES

ANIMAL WELFARE (SHEEP) 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 11 July 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 (Sheep) Regulations 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 –

Act means the *Animal Welfare Act 1993*;

direct supervision – see regulation 4;

humane destruction – see regulation 5;

sheep means an animal of the genus *Ovis* including, but not limited to, the species *Ovis aries*.

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

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any time during which the supervised activity is being undertaken.

5. Meaning of *humane destruction*

In these regulations, a sheep is humanely destroyed if –

- (a) the means of death used is appropriate for the age and weight of the sheep being destroyed; and
- (b) the sheep is rendered suddenly unconscious; and
- (c) the death of the animal occurs while the sheep is unconscious.

6. Application of regulations

These regulations apply to all sheep within the State, whether the sheep are kept for commercial or non-commercial purposes.

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Part 2 – General Sheep Requirements

PART 2 – GENERAL SHEEP REQUIREMENTS

7. Handling of sheep

(1) In this regulation –

emergency means a circumstance where animal welfare, or human safety, may be compromised;

lift, a sheep, means to handle the sheep so that the majority of the weight of the sheep is not resting on the ground.

(2) A person must handle a sheep in a manner that, as far as possible, minimises the risk of injury or death to the sheep.

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 handling a sheep must not take one or more of the following actions in respect of the sheep:

(a) lift the sheep off the ground only by the head, ears, horns, neck, tail, wool or one leg;

(b) drag sheep that are not standing, unless –

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-
- (i) it is an emergency; and
 - (ii) the dragging is to give the minimum distance possible to allow for the safe handling, lifting, treatment or humane destruction of the sheep.
- (4) Subregulation (3)(a) does not apply to the lifting of a sheep in an emergency.

8. Food and water

- (1) A person who has the care or charge of a sheep must ensure that the sheep has access to adequate and appropriate feed and water at all times.

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) Subregulation (1) does not apply to –
- (a) sheep that are being transported in accordance with the Act; or
 - (b) sheep that are being shorn, slaughtered or drenched, and restricting access to food or water is in line with reasonable management practices for that activity.

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Part 2 – General Sheep Requirements

9. Inspection of sheep

A person who has the care or charge of a sheep must ensure that the sheep is inspected at intervals, and at a level appropriate, for –

- (a) if the sheep is kept for commercial purposes, the production system used in respect of the sheep; and
- (b) the type of sheep being kept including, but not limited to, the age, pregnancy status and health status of the sheep; and
- (c) the risks to the sheep, whether those risks are temporary or continuous.

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. Shearing

A person who has the care or charge of a sheep must ensure that the wool of the sheep does not exceed twice the average annual growth for the breed of that sheep.

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.

11. Use of prodders

- (1) In this regulation –

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

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

- (a) on the genital, anal or udder area of a sheep; or
- (b) on the facial area of a sheep; or
- (c) on a sheep that is less than 3 months old; or
- (d) on a sheep that is unable to move away from the electric prodder at the time of its use; or
- (e) in a manner that is –
 - (i) designed to distress, injure or kill a sheep; or
 - (ii) otherwise unreasonable in the circumstances.

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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) Subregulation (2)(b) and (c) do not apply to the use of an electric prod on a sheep if –
- (a) the welfare of the sheep is at risk; and
 - (b) the use of the electric prod is the most reasonable method to ensure the safety and welfare of the sheep.

12. Use of dogs

- (1) In this regulation –

effective control, of a dog, 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 handling a sheep must not use a dog to assist in the handling of the sheep if the dog is not under the effective control of the person.

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 3 – PROCEDURES AND TREATMENT
PERFORMED ON SHEEP**

13. Interpretation of Part

In this Part –

castration, of a sheep, includes any procedure performed on the sheep to temporarily, or permanently, sterilise the sheep;

mulesing, in relation to a sheep, means the removal of skin from the breech, or tail, of the sheep using mulesing shears;

mulesing shears means a set of shears with sharp blades, that have rounded points, that are specifically designed for mulesing a sheep;

skin, of a sheep, includes the wool follicles of the sheep but does not include sub-dermal tissue;

tail docking, in respect of a sheep, means the removal of any part of the tail of the sheep other than wool.

14. General requirements for procedures and treatment

A person performing one or more of the following procedures on a sheep must ensure that the sheep does not feel unreasonable pain, distress, suffering or injury during, or after, the procedure:

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- (a) artificial breeding;
- (b) castration;
- (c) mulesing;
- (d) laparoscopic insemination;
- (e) surgical embryo transfer;
- (f) tail docking.

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. Medical treatment

A person who has the care or charge of a sheep must ensure that, as soon as is reasonably practicable after the person becomes aware that the sheep is sick, injured, diseased or suffering from severe distress, the sheep is –

- (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 –

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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.

16. Dental work

- (1) A person who has the care or charge of a sheep must ensure that the teeth of the sheep are not trimmed or ground.

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) A person must not trim or grind the teeth of a sheep.

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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17. Pizzle dropping

A person must not alter the anatomy of the prepuce of a sheep by incising the prepuce or the skin surrounding the prepuce of the sheep.

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. Tail docking and castration

(1) A person who is performing a tail docking on a sheep must –

- (a) if the sheep is more than 6 months old –
 - (i) give the sheep appropriate pain relief for the procedure; and
 - (ii) take all reasonable steps to prevent haemorrhaging; and
- (b) leave at least one joint in the tail, after the procedure is performed, that is –
 - (i) protruding from the profile of the rump; and
 - (ii) able to be manipulated by the sheep.

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.
- (2) Subregulation (1)(b) does not apply to a person performing a tail docking of a sheep if a veterinary surgeon is satisfied that the removal of all of the joints in the tail of the sheep is in the best interests of the sheep.
- (3) A person who is performing a castration on a sheep, that is more than 6 months old, must –
- (a) give the sheep appropriate pain relief for the procedure; and
 - (b) take all reasonable steps to prevent haemorrhaging.

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.

19. Mulesing

- (1) A person performing mulesing of a sheep must –
- (a) have the relevant knowledge, experience and skills to safely perform mulesing of

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the sheep, 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 mulesing of the sheep.

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) A person who is mulesing a sheep must –

- (a) not perform the procedure on a sheep that is less than 14 days old or more than 6 months old; and
- (b) give the sheep appropriate pain relief for the procedure; and
- (c) only remove wool-bearing skin when mulesing the sheep.

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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- (3) A person must not mules a sheep that shows signs of a debilitating disease, weakness or ill-thrift.

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) The owner of a sheep must ensure that the sheep is not mulesed while the sheep shows signs of a debilitating disease, weakness or ill-thrift.

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.

20. Artificial breeding

- (1) Subject to subregulation (2), a person who has the care or charge of a sheep must ensure that a procedure relating to artificially breeding the sheep is performed by –

- (a) a person with the relevant knowledge, experience and skills to safely perform the procedure; or

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- (b) a person acting under the direct supervision of a person with the relevant knowledge, experience and skills to safely perform 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) A person who has the care or charge of a sheep must ensure that a surgical embryo transfer, or laparoscopic insemination, performed on the sheep is performed by –
- (a) a veterinary surgeon; or
 - (b) a person acting under the direct supervision 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.

PART 4 – ACCOMMODATION

21. Construction of facilities for sheep

(1) In this regulation –

construction, of a thing, includes, but is not limited to, the design, layout, installation, assembly and materials of the thing;

facilities includes, but is not limited to, fences, yards, sheds, raceways, troughs, ramps, cradles and races, whether temporary or permanent.

(2) A person who has the care or charge of a sheep must ensure that the facilities used in respect of the sheep are constructed, and operated, in a manner that minimises, as far as possible, the risk of injury to, illness of or death of, the sheep.

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.

22. Adverse weather conditions

(1) In this regulation –

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Part 4 – Accommodation

adverse conditions includes, but is not limited to, extremes of weather, drought, fires, floods, disease and predation;

extremes of weather includes, but is not limited to, changes in temperature and climatic conditions that, individually or in combination, are likely to predispose sheep to heat stress or cold stress.

- (2) A person who has the care or charge of a sheep must ensure that, as far as is reasonable, the sheep is housed in accommodation that is constructed and maintained so as to provide protection from adverse conditions and injuries.

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. Tethering of sheep

A person who has the care or charge of a sheep that is tethered must ensure that the sheep is provided with adequate exercise, that is appropriate for the sheep, at least once each day.

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.

PART 5 – MISCELLANEOUS

24. Intensive production systems

(1) In this regulation –

intensive production system means a production system where sheep –

- (a) are confined for a period of 4 weeks or longer for the purposes of wool, meat or milk production; and
- (b) while so confined, are dependent on the daily supply of feed or water by human or mechanical means;

lie down, in relation to sheep, means that the sheep is able to rest on its sternum without restriction or contact with another sheep or thing.

(2) A person who has the care or charge of a sheep that is part of an intensive production system must ensure that feed and water is available daily to the sheep in a quantity that is sufficient for the sheep.

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) A person who has the care or charge of a sheep that is part of an intensive production system must –
- (a) ensure that the sheep is inspected at least once each day while it is part of the system; and
 - (b) take such actions, that are reasonable in the circumstances, in respect of a sheep if an inspection of the sheep shows that the sheep is in distress or is not adapting to the system as intended.

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 a sheep that is part of an intensive production system must ensure that –
- (a) urine and faeces do not accumulate in a manner that affects the health or welfare of the sheep that are part of the intensive production system; and
 - (b) there is effective and suitable ventilation in any indoor space used to house sheep

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as part of the intensive production system; and

- (c) at all times, there is sufficient space in each space, used as part of the intensive production system, to allow all sheep in that space to lie down at the same time.

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.

25. Use of single pens for sheep

- (1) A person who has the care or charge of a sheep must not permanently house the sheep in a pen that does not contain other sheep.

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) Subregulation (1) does not apply to a sheep that is permanently housed in a pen without other sheep in accordance with a specific direction, by a veterinary surgeon, in respect of the sheep.

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-
- (3) A person must not house a sheep in a pen, or other confined place, that does not contain other sheep for longer than is reasonable –
- (a) to comply with a specific direction, by a veterinary surgeon, in respect of the sheep; or
 - (b) to perform the action which has required the sheep to be housed in the pen or confined place.

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.

26. Humane destruction of sheep

- (1) A person who has the care or charge of a sheep must not cause, or allow, the sheep to be destroyed unless the destruction is carried out humanely by –
- (a) a veterinary surgeon; or
 - (b) a person with practical training and experience in sheep husbandry and the humane destruction of sheep; or
 - (c) a person who is acting under the direct supervision of a person referred to in paragraph (a) or (b).

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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.
- (2) It is a defence in proceedings for an offence under subregulation (1) in respect of a sheep if the defendant establishes that –
- (a) the sheep was humanely destroyed; and
 - (b) it was not possible to find a person referred to in either subregulation (1)(a) or (b) within a reasonable period; and
 - (c) the delay in waiting for a person referred to in subregulation (1)(a) or (b) would have caused undue suffering to the sheep.
- (3) A person who has taken an action to destroy a sheep must take all reasonable steps to confirm that the sheep is dead.

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 must not kill a sheep by a blow to the forehead if –

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- (a) the sheep weighs 10 kilograms or more;
or
- (b) there is a firearm, captive bolt or lethal injection available to humanely destroy the sheep.

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 must not kill a sheep by cutting one or more of the major blood vessels in the sheep if there is a firearm, captive bolt or lethal injection available to humanely destroy the sheep.

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.

27. 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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Part 5 – Miscellaneous

- (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 27

Item	Offence	Penalty – Individual (Penalty unit)	Penalty – Body corporate (Penalty unit)
1.	Regulation 7(2)	2	10
2.	Regulation 8(1)	2	10
3.	Regulation 9	2	10
4.	Regulation 10	2	10
5.	Regulation 11(2)	2	10
6.	Regulation 12(2)	2	10
7.	Regulation 14	2	10
8.	Regulation 15	2	10
9.	Regulation 16(1)	2	10
10.	Regulation 16(2)	2	10
11.	Regulation 17	2	10
12.	Regulation 18(1)	2	10
13.	Regulation 18(3)	2	10
14.	Regulation 19(1)	2	10
15.	Regulation 19(2)	2	10
16.	Regulation 19(3)	2	10
17.	Regulation 19(4)	2	10

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

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