

TASMANIA

**ANIMAL WELFARE (TRANSPORT OF
LIVESTOCK) REGULATIONS (No. 2) 2023**
STATUTORY RULES 2023, No. 50

CONTENTS

PART 1 – PRELIMINARY

1. Short title
2. Commencement
3. Interpretation
4. Application of regulations
5. Calculation of length of spell and time off water
6. Competent person
7. Infringement notices

PART 2 – GENERAL REQUIREMENTS

8. Livestock must be fit for transport
9. Preparation for transportation
10. Driver's duties generally
11. Transporter's duties – livestock not transported in containers
12. Consignor's duties – livestock transported in containers
13. Impact of extreme weather conditions
14. Livestock-handling facilities
15. Transport vehicles

16. Handling of livestock for transport generally
17. Handling of poultry, emus or ostriches for transport
18. Use of dogs
19. Use of electric prodders
20. Loading density of certain livestock during transport
21. Loading density of livestock transported in containers
22. Transporting sick livestock
23. Humane destruction of livestock
24. Records

PART 3 – SPECIFIC REQUIREMENTS FOR TRANSPORTING CERTAIN LIVESTOCK

25. Livestock to be spelled
26. Livestock to be provided with water
27. Requirements for alpacas
28. Requirements for buffalo
29. Requirements for camels
30. Requirements for cattle
31. Requirements for deer
32. Requirements for emus and ostriches
33. Requirements for goats
34. Requirements for horses
35. Requirements for pigs
36. Requirements for poultry
37. Requirements for sheep

PART 4 – EXEMPTIONS

38. Exemption from certain provisions of Act and regulations in certain circumstances

PART 5 – MISCELLANEOUS

39. Expiry of regulations
40. Legislation rescinded

SCHEDULE 1 – INFRINGEMENT NOTICE OFFENCES

SCHEDULE 2 – LEGISLATION RESCINDED

**ANIMAL WELFARE (TRANSPORT OF
LIVESTOCK) REGULATIONS (No. 2) 2023**

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

Dated 11 July 2023.

B. BAKER
Governor

By Her Excellency's Command,

JO PALMER
Minister for Primary Industries and Water

PART 1 – PRELIMINARY

1. Short title

These regulations may be cited as the *Animal Welfare (Transport of Livestock) Regulations (No. 2) 2023*.

2. Commencement

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

Animal Welfare (Transport of Livestock) Regulations (No. 2)
2023
Statutory Rules 2023, No. 50

r. 3

Part 1 – Preliminary

3. Interpretation

(1) In these regulations –

Act means the *Animal Welfare Act 1993*;

alpaca means an animal of the species
vicugna pacos;

bobby calf means a calf that –

(a) is not more than 30 days old; and

(b) is not accompanied by its mother;

buffalo means an animal of the species
bubalus bubalis;

camel means an animal of the species *camelus*
dromedarius;

cattle means animals of the genus *Bos*, other
than bobby calves;

class of livestock means a group of livestock
of the same species that share a common
characteristic, such as age, size or sex or
some other physiological characteristic,
such as pregnancy;

cold stress means a reaction, or response, by
an animal to cold conditions that causes
the animal physiological or psychological
distress or injury;

competent person – see regulation 6;

Animal Welfare (Transport of Livestock) Regulations (No. 2) 2023
Statutory Rules 2023, No. 50

Part 1 – Preliminary

r. 3

container includes a crate, box and cage;

deer includes an animal of the species *cervus timorensis*, *dama dama*, *cervus elapus* and *cervus candensis*, and any cross between those species;

direct supervision – see subregulation (5);

emu means an animal of the species *dromaius novaehollandiae*;

foal means an unweaned horse that has not attained the age of 6 months;

goat means an animal of the genus *Capra*, including the species *capra aegagrus hircus*;

heat stress means a reaction, or response, by an animal to hot conditions that causes the animal physiological or psychological distress or injury;

horse means an animal of the species *equus ferus caballus* or *equus africanus asinus*, or a hybrid of either of those species;

humane destruction –see regulation 23(5);

journey includes the loading and unloading of livestock onto or from a vehicle for the purposes of transportation;

journey time – see subregulation (2);

Animal Welfare (Transport of Livestock) Regulations (No. 2)
2023

Statutory Rules 2023, No. 50

r. 3

Part 1 – Preliminary

livestock means alpacas, buffalo, camels, cattle, deer, emus, goats, horses, ostriches, pigs, poultry and sheep;

livestock-handling facility means a yard, enclosure, ramp, paddock or other facility used to hold livestock before or after transportation;

loading density, in relation to the transportation of livestock, means the amount of space per animal in –

- (a) a container, pen or other enclosure holding the animal; or
- (b) the area of the vehicle, in which the animal is being transported, holding the animal;

maximum time off water means the total number of continuous hours in respect of which each species of livestock, and each class of animal within that species, may be without reasonable access to water, as specified in Part 3;

minimum spell duration means the minimum period of time for which a spell is required to be given for each species of livestock and each class of animal within that species, as specified in Part 3;

ostrich means an animal of the species *struthio camelus*;

Animal Welfare (Transport of Livestock) Regulations (No. 2) 2023
Statutory Rules 2023, No. 50

Part 1 – Preliminary

r. 3

pig means an animal of the genus *Sus*, including the species *sus scrofa domestica*;

poultry means any of the following types of animals that are reared or kept in captivity for breeding, or for the production of meat or eggs for consumption, or for restocking supplies of game park enterprises:

- (a) domestic fowls;
- (b) turkeys;
- (c) geese;
- (d) ducks;
- (e) guineafowls;
- (f) quails;
- (g) pigeons;
- (h) pheasants;
- (i) partridges;

reasonable access to water – see subregulation (3);

sheep means an animal of the genus *Ovis*, including the species *ovis aries*;

spell means a period of time in which livestock are –

*Animal Welfare (Transport of Livestock) Regulations (No. 2)
2023*

Statutory Rules 2023, No. 50

r. 3

Part 1 – Preliminary

- (a) removed from the vehicle in which they are being transported; and
- (b) if the livestock are being transported in containers, removed from the container in which they are being transported; and
- (c) provided with reasonable access to feed and water; and
- (d) provided with space to lie down; and
- (e) subjected to minimal or no handling;

time off water means a period of time in which livestock are not provided with reasonable access to water;

transporting, in relation to livestock – see subregulation (4);

vehicle includes the following forms of road transportation:

- (a) a rigid body truck;
- (b) a prime mover;
- (c) a trailer;
- (d) an ancillary trailer;

Animal Welfare (Transport of Livestock) Regulations (No. 2) 2023
Statutory Rules 2023, No. 50

Part 1 – Preliminary

r. 3

- (e) a locomotive;
 - (f) a wagon;
 - (g) any other form of road transport.
- (2) For the purposes of these regulations, the journey time in respect of transporting livestock –
- (a) in the case of any livestock being transported in containers and loaded into vehicles, means the time commencing when the loading of the livestock into the containers for transport commences and ending when all of the livestock are unloaded from the containers at whichever of the following opportunities occurs first:
 - (i) a spell for a period that is not less than the minimum spell duration specified for livestock of that particular class in Part 3;
 - (ii) arrival at their final destination;
and
 - (b) in any other case, means the time commencing when the loading of the livestock onto the vehicle for transport commences and ending when all of the livestock are unloaded from the vehicle at whichever of the following opportunities occurs first:

*Animal Welfare (Transport of Livestock) Regulations (No. 2)
2023*

Statutory Rules 2023, No. 50

r. 3

Part 1 – Preliminary

- (i) a spell for a period that is equal to or more than the minimum spell duration specified for livestock of that particular class in Part 3;
 - (ii) arrival at their final destination.
- (3) For the purposes of these regulations, livestock will be taken to have reasonable access to water if the livestock have reasonable opportunity to drink water of suitable quality and quantity sufficient to maintain their hydration.
- (4) For the purposes of these regulations, transporting livestock includes –
 - (a) within the 24-hour period before the livestock are transported –
 - (i) any assembling or holding of livestock immediately before loading; and
 - (ii) any determination as to whether livestock are fit for transportation; and
 - (b) loading livestock into containers prior to being loaded onto a vehicle; and
 - (c) loading livestock, or a container of livestock, onto a vehicle; and
 - (d) detaining livestock, or a container of livestock, on a vehicle while the vehicle is stationary; and

Animal Welfare (Transport of Livestock) Regulations (No. 2) 2023
Statutory Rules 2023, No. 50

Part 1 – Preliminary

r. 3

- (e) transporting livestock, or a container of livestock, on a vehicle; and
 - (f) unloading livestock, or a container of livestock, from a vehicle or container during, or on the completion of, a journey; and
 - (g) assembling or holding livestock in a livestock-handling facility in transit during a journey or on the completion of a journey.
- (5) For the purposes of these regulations, a person (the *supervised person*) is under the direct supervision of another person (the *supervisor*) if the supervisor –
- (a) is at the same location as the supervised person while the activity that is to be supervised is taking place; and
 - (b) provides instructions and guidance to the supervised person in relation to the activity being supervised, if necessary; and
 - (c) oversees and evaluates the performance of the activity by the supervised person; and
 - (d) is able to immediately render assistance to the supervised person, if required, at any time during which the activity is being undertaken.

Animal Welfare (Transport of Livestock) Regulations (No. 2)
2023
Statutory Rules 2023, No. 50

r. 4

Part 1 – Preliminary

- (6) For the purpose of these regulations, a reference to lactating livestock is taken to include a reference to the dependent young of the lactating livestock.

4. Application of regulations

These regulations apply to livestock –

- (a) transported in a vehicle by road within this State; or
- (b) transported within this State or from another State on a sea-going vessel if the livestock are –
 - (i) contained in a vehicle loaded onto the vessel; or
 - (ii) contained in a container that is unloaded from a vehicle onto the vessel and reloaded onto a vehicle on the completion of the voyage.

5. Calculation of length of spell and time off water

- (1) For the purposes of calculating the length of a spell, the spell will be –
- (a) taken to commence once all the livestock have been unloaded from the vehicle or the container in which they are being transported; and

- (b) taken to end as soon as the livestock commence being reloaded onto the vehicle or into the container.
- (2) For the purposes of calculating the maximum period of time that livestock of a particular species or class of a particular species may have off water, the period off water will be –
- (a) taken to commence from the time when the livestock last had reasonable access to water prior to commencing a journey; and
 - (b) taken to end at whichever of the following opportunities occurs first:
 - (i) when the livestock are given a spell for at least the minimum period specified in Part 3 for a spell in respect of livestock of that particular species or class of species;
 - (ii) when the livestock are given reasonable access to water at their final destination;
 - (iii) when the livestock are slaughtered.

6. Competent person

- (1) A person who transports livestock must be –
 - (a) a competent person; or

Animal Welfare (Transport of Livestock) Regulations (No. 2)
2023
Statutory Rules 2023, No. 50

r. 6

Part 1 – Preliminary

- (b) acting under the direct supervision of a competent 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.
- (2) A person is a competent person in respect of a species of livestock if he or she can provide evidence, to the satisfaction of the Minister, that he or she has the knowledge, skills, attitude and behaviour to transport animals of that species in accordance with these regulations.
- (3) In determining whether a person is a competent person in respect of a species of livestock, the Minister may take into account any practical training and experience that the person may have in the following areas in respect of that species of livestock:
- (a) livestock handling;
 - (b) inspecting livestock;
 - (c) assessing the health of livestock and their suitability for transportation;
 - (d) maintaining records;
 - (e) planning;

- (f) contingency procedures;
- (g) humane destruction of livestock.

7. Infringement notices

For the purposes of the Act, the applicable penalty for an infringement notice issued in respect of an offence specified in column 2 of the table in Schedule 1 is –

- (a) in the case of an infringement notice issued to an individual, the penalty specified in column 3 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 4 of that table for the offence.

PART 2 – GENERAL REQUIREMENTS

8. Livestock must be fit for transport

- (1) Without limiting the generality of subregulation (2), a livestock animal is unfit to undertake a journey if –
- (a) the animal –
 - (i) in the case of a horse, has obvious lameness resulting in –
 - (A) marked nodding, hitching or shortened stride; or
 - (B) minimal weight bearing in motion or at rest; or
 - (C) an inability to move; or
 - (ii) in any other case, is unable to bear weight on all legs while walking independently; or
 - (b) the animal is severely emaciated; or
 - (c) the animal shows visible signs of dehydration, severe injury or distress; or
 - (d) the animal is suffering from a condition that is likely to result in an increase in pain or distress by reason of undertaking the journey; or
 - (e) the animal is blind in both eyes; or

Animal Welfare (Transport of Livestock) Regulations (No. 2) 2023
Statutory Rules 2023, No. 50

Part 2 – General Requirements

r. 8

(f) the estimated journey time, or time off water, is likely to exceed 4 hours and the animal is known to be, or visually assessed to be, within 2 weeks of parturition.

(2) A person must not –

(a) supply, for transport, a livestock animal that is unfit to undertake the proposed journey; or

(b) load a livestock animal that is unfit to undertake a proposed journey –

(i) into a container for transport; or

(ii) onto a vehicle for transport; or

(c) transport a livestock animal that is unfit to undertake a proposed journey –

unless the animal is to be transported in accordance with the advice 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.

(3) If a livestock animal has been assessed as unfit to undertake a proposed journey, the owner of the animal must, as soon as reasonably

*Animal Welfare (Transport of Livestock) Regulations (No. 2)
2023*

Statutory Rules 2023, No. 50

r. 9

Part 2 – General Requirements

practicable, make arrangements for its care, treatment or humane destruction.

Penalty: In the case of –

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

9. Preparation for transportation

A person who has care or charge of livestock that are to be transported must ensure that the livestock –

- (a) are safely mustered and assembled in preparation for transportation in a manner that is appropriate for the livestock; and
- (b) are handled in a manner that is safe and appropriate for the livestock; and
- (c) have access to food and water, if appropriate –
 - (i) while the livestock are mustered and assembled in preparation for transportation; and
 - (ii) before the livestock are transported; and

- (d) are not held at mustering, or assembly, points for excessive periods before transportation.

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. Driver's duties generally

- (1) The driver of a vehicle transporting any livestock must –
 - (a) if the livestock are to be unloaded at a livestock-handling facility, inspect the livestock-handling facility before livestock are unloaded from the vehicle to ensure that –
 - (i) there is free access and sufficient space for the livestock to be unloaded; and
 - (ii) the facility appears to comply with regulation 14 in respect of the type of livestock being unloaded; and
 - (b) take reasonable steps to –
 - (i) notify the person taking care or charge of the livestock (at any

*Animal Welfare (Transport of Livestock) Regulations (No. 2)
2023*

Statutory Rules 2023, No. 50

r. 10

Part 2 – General Requirements

stage of the journey) of any delay
in the arrival of the livestock; and

- (ii) if records are being kept as required under regulation 24, provide to the person taking care or charge of the livestock (at any stage of the journey) a copy of those records as they are at that stage of the journey.

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) The driver of a vehicle transporting any livestock must carry out an inspection to assess the health and wellbeing of the livestock at any time when the livestock are unloaded from the vehicle, whether during or on completion of the journey.

Penalty: In the case of –

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

11. Transporter’s duties – livestock not transported in containers

- (1) Unless otherwise specified, this regulation applies to all livestock other than livestock being transported in containers.
- (2) The driver of a vehicle being used to transport livestock must ensure that –
 - (a) the livestock are safely loaded onto the vehicle each time that the livestock are to be loaded; and
 - (b) the livestock are safely unloaded from the vehicle each time that the livestock are to be unloaded.

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) The driver of a vehicle transporting livestock must undertake an inspection of the livestock, to ensure that the livestock are fit for transportation, after the livestock have been loaded onto the vehicle but before commencing transportation.

Penalty: In the case of –

*Animal Welfare (Transport of Livestock) Regulations (No. 2)
2023*

Statutory Rules 2023, No. 50

r. 11

Part 2 – General Requirements

- (a) a body corporate, a fine not exceeding 100 penalty units; and
 - (b) an individual, a fine not exceeding 50 penalty units
- (4) The driver of a vehicle transporting livestock must, following the loading of the livestock, inspect the vehicle immediately before departure (whether at the commencement of, or at any point during, a journey) to ensure that the doors enclosing the livestock are secured.

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) The driver of a vehicle transporting livestock must carry out an inspection to assess the health and wellbeing of the livestock –
- (a) immediately before commencing the journey; and
 - (b) during the journey –
 - (i) at least once within the first hour of the journey; and
 - (ii) at least once every 3 hours of the journey thereafter; and

- (c) before there is a change of driver of the vehicle.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 100 penalty units; and
 - (b) an individual, a fine not exceeding 50 penalty units.
- (6) Subregulation (5)(b) does not apply to livestock being transported on a vehicle while the vehicle is on a sea-going vessel.

12. Consignor’s duties – livestock transported in containers

- (1) This regulation applies to livestock to be transported in containers.
- (2) The person who loads livestock into a container for transport must carry out an inspection to assess the health and wellbeing of the livestock immediately before loading the livestock into the container.

Penalty: In the case of –

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

13. Impact of extreme weather conditions

A person who has care or charge of livestock being transported must take reasonable steps to minimise the risk of harm to the livestock from any predicted extreme weather conditions while the livestock are being transported.

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.

14. Livestock-handling facilities

A person who owns or operates a livestock-handling facility must ensure that the facility –

- (a) is suitable for the type of livestock to be handled at the facility; and
- (b) has effective and appropriate airflow for the type of livestock handled at the facility; and
- (c) has a surface of flooring that minimises the likelihood of injury to the livestock from slipping or falling; and
- (d) is free from any defect that may cause injury to the livestock; and

- (e) has sufficient vertical clearance immediately above the livestock to minimise the risk of injury to the livestock.

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. Transport vehicles

- (1) The driver of a vehicle being used to transport livestock must ensure that the vehicle –
 - (a) is suitable for the type of livestock being transported; and
 - (b) has effective and appropriate airflow for the type of livestock being transported; and
 - (c) has a surface of flooring that minimises the likelihood of injury to the livestock from slipping or falling; and
 - (d) is free from any defect that may cause injury to the livestock; and
 - (e) has sufficient vertical clearance immediately above the livestock to minimise the risk of injury to the livestock.

*Animal Welfare (Transport of Livestock) Regulations (No. 2)
2023*

Statutory Rules 2023, No. 50

r. 15

Part 2 – General Requirements

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) For the purposes of subregulation (1)(b) a vehicle being used to transport horses across Bass Strait is taken to have effective and appropriate airflow if –
- (a) the compartment of the vehicle in which the horses are housed for transportation has an opening, to the outside of the vehicle –
 - (i) on, as a minimum –
 - (A) both the front and the rear of the compartment; or
 - (B) both sides of the compartment; or
 - (C) the roof of the compartment; and
 - (ii) that provides, in aggregate, an opening area (for ventilation) of at least 0.5 metres squared for each adult horse contained within that compartment; or
 - (b) the vehicle –

Animal Welfare (Transport of Livestock) Regulations (No. 2) 2023
Statutory Rules 2023, No. 50

Part 2 – General Requirements

r. 15

- (i) has been commercially built for the purpose of transporting horses; and
 - (ii) contains not more than 2 horses at any one time; and
 - (iii) has an opening from the compartment of the vehicle, in which the horses are housed for transportation, to the outside of the vehicle –
 - (A) on both the front and the rear of the compartment; and
 - (B) that provides an opening area (for ventilation) of at least 0.4 metres squared per opening.
- (3) The driver of a vehicle transporting livestock must ensure that the vehicle and any ramp used to load or unload the livestock are properly aligned and sufficiently close together so as to minimise the risk of injury to the livestock.

Penalty: In the case of –

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

16. Handling of livestock for transport generally

- (1) A person handling livestock for transport must do so in a manner that is appropriate for the species and the class of livestock being handled so as to minimise the risk of harm to the livestock.

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 handling livestock for transport, other than poultry, emus or ostriches –
- (a) must not –
 - (i) lift or carry the livestock by only the head, ears, horns, neck, tail, wool or hair; or
 - (ii) unless the livestock weighs less than 15 kilograms and is a sheep, goat or pig, lift or carry the livestock by one leg; or
 - (iii) unless it is necessary in the circumstances to allow safe handling, lifting, treatment or humane destruction of livestock,

drag livestock that is unable to stand; and

- (b) must ensure that livestock being lifted by mechanical means are well supported and secured.

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.

17. Handling of poultry, emus or ostriches for transport

- (1) Subject to subregulation (2), a person handling poultry for transport may only lift or carry the poultry by the head, neck, wing, wing feathers or tail feathers if the poultry is also supported under its breast.

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) Despite subregulation (1), a person may, when handling poultry for transportation –

*Animal Welfare (Transport of Livestock) Regulations (No. 2)
2023*

Statutory Rules 2023, No. 50

r. 17

Part 2 – General Requirements

- (a) in the case of a turkey, lift and carry the bird by –
 - (i) the tail feathers and neck together; or
 - (ii) one leg and one wing together; or
 - (b) in the case of an adult goose, or a domestic fowl primarily kept for breeding purposes, lift and carry the bird by the base of both wings alone; or
 - (c) in the case of a duck, lift and carry the bird by –
 - (i) its neck alone; or
 - (ii) the base of both wings alone; or
 - (d) in any other case, lift and carry the bird by one leg.
- (3) A person must not tie the legs of an emu or ostrich, or any poultry, together for the purposes of transporting the birds.

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, when transporting livestock in containers, ensure that the containers –
- (a) are loaded onto, or unloaded from, the vehicle carefully without being dropped or thrown; and
 - (b) are placed on the vehicle in an upright position without excessive tilting; and
 - (c) are attached securely to the vehicle; and
 - (d) are suitable for the species or class of livestock being transported.

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. Use of dogs

- (1) In this regulation –

effective control has the same meaning as in the *Dog Control Act 2000*;

specified means cattle, deer, emus, pigs, ostriches or sheep.

- (2) A person must not use a dog to assist in the control of movement of a livestock animal for transport unless –

*Animal Welfare (Transport of Livestock) Regulations (No. 2)
2023*

Statutory Rules 2023, No. 50

r. 18

Part 2 – General Requirements

- (a) the animal is of a specified type; and
- (b) the dog is under effective control at all times; and
- (c) in the case of a dog that has a history of biting humans or animals, the dog is wearing a muzzle.

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) The driver of a vehicle that is transporting a livestock animal of a specified type may only permit a dog to be transported in the same enclosure as the animal if the dog has bonded with, and been used as a guardian of, that animal.

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. Use of electric prodders

(1) In this regulation –

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

(2) A person must not use an electric prodder on a livestock animal of any of the following types while the animal is being transported:

- (a) alpacas;
- (b) emus;
- (c) goats known to be pregnant;
- (d) horses;
- (e) ostriches.

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 must not use an electric prodder on a livestock animal of any of the following types while the animal is being transported unless all reasonable actions to move the animal have failed:

- (a) buffalo;
- (b) camels;

*Animal Welfare (Transport of Livestock) Regulations (No. 2)
2023*

Statutory Rules 2023, No. 50

r. 19

Part 2 – General Requirements

(c) deer.

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 use an electric prodder on a pig being transported unless –

(a) the pig weighs 60 kilograms or more (live weight); and

(b) the electric prodder is used to assist in the loading or unloading of the pig on or from the vehicle being used to transport the pig; and

(c) all reasonable actions to load or unload the pig without the use of the electric prodder have failed; and

(d) there is a foreseeable risk to the safety of the driver, another person, the pig or any other animal.

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. Loading density of certain livestock during transport

- (1) This regulation does not apply to livestock that are transported in containers.
- (2) The driver of a vehicle transporting livestock must ensure, while the livestock are transported, that –
 - (a) the livestock are separated by sufficient internal partitions or other barriers during transport so as to minimise the risk of harm to the livestock during transportation; and
 - (b) the loading density of the livestock in the vehicle, including each pen, container or other partition of the vehicle, is such as to minimise the risk of harm to the livestock.

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) For the purposes of subregulation (2), in determining –

*Animal Welfare (Transport of Livestock) Regulations (No. 2)
2023*

Statutory Rules 2023, No. 50

r. 20

Part 2 – General Requirements

- (a) whether the separation of livestock is sufficient, the following matters are to be taken into account:
 - (i) the species, class and size of the livestock;
 - (ii) the general health of the livestock;
 - (iii) the level of aggression of the livestock;
 - (iv) the nature of the proposed journey; and
- (b) whether the loading density of the livestock on a vehicle is appropriate, the following matters are to be taken into account:
 - (i) the species of livestock;
 - (ii) the class of livestock;
 - (iii) the size and body condition of the livestock;
 - (iv) the length and density of wool or hair of the livestock;
 - (v) the horn status of the livestock;
 - (vi) the weather conditions predicted for the proposed journey;

- (vii) the nature of the proposed journey;
- (viii) the design and capacity of the vehicle.

21. Loading density of livestock transported in containers

- (1) A person loading livestock into a container for transport must ensure that the loading density of the livestock in the container is such as to minimise the risk of harm to the livestock.

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) For the purposes of subregulation (1), the following matters are to be taken into account in determining whether the loading density of livestock in a container is appropriate:
- (a) the species and class of livestock;
 - (b) the size and body condition of the livestock;
 - (c) if the livestock are birds, the density of feathers of the birds;

*Animal Welfare (Transport of Livestock) Regulations (No. 2)
2023*

Statutory Rules 2023, No. 50

r. 22

Part 2 – General Requirements

- (d) if the livestock are not birds, the length and density of wool or hair of the livestock;
- (e) the weather conditions predicted for the proposed journey;
- (f) the nature of the proposed journey;
- (g) the design and capacity of the vehicle on which the containers are to be transported.

22. Transporting sick livestock

- (1) If, during the course of a journey, the driver of a vehicle transporting livestock identifies a livestock animal that is weak, ill, injured or otherwise distressed, the driver must –
 - (a) as soon as reasonably practicable, provide or seek such assistance for the animal as is reasonable in the circumstances; and
 - (b) on transferring care or charge of the animal to another person, whether during or on completion of the journey or otherwise, notify that person of the identity and condition of the animal.

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) The person who, on completion of a journey, has care or charge of an animal referred to in subregulation (1), must, as soon as reasonably practicable, make arrangements for –
- (a) the separation of the animal for rest and recovery; or
 - (b) the appropriate treatment of the animal; or
 - (c) the humane destruction and disposal of the animal; or
 - (d) any other measure that is appropriate in the circumstances.

Penalty: In the case of –

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

23. Humane destruction of livestock

- (1) A person must not destroy an animal under these regulations unless the destruction of the animal is carried out humanely by –
- (a) a veterinary surgeon; or

*Animal Welfare (Transport of Livestock) Regulations (No. 2)
2023*

Statutory Rules 2023, No. 50

r. 23

Part 2 – General Requirements

- (b) a competent person; or
- (c) a person who is acting under the direct supervision of a person referred to in paragraph (a) or (b).

Penalty: In the case of –

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

- (2) A person who is required under these regulations to arrange for the humane destruction of an animal must destroy the animal without unreasonable delay.

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) It is a defence in proceedings for an offence under subregulation (1) or (2) if the defendant establishes that –

- (a) the animal was humanely destroyed; and

- (b) it was not possible to find a vet or competent person within a reasonable time; and
 - (c) the delay in waiting for a vet or competent person would have caused undue suffering to the animal being humanely destroyed.
- (4) A person humanely destroying an animal must take all reasonable steps –
- (a) to ensure that the animal is dead; or
 - (b) to ensure the death of the animal.

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) For the purposes of these regulations, an animal is humanely destroyed if –
- (a) the means of death is appropriate for the species of animal being destroyed; and
 - (b) the animal is rendered suddenly unconscious; and
 - (c) the death of the animal occurs while the animal is unconscious.

*Animal Welfare (Transport of Livestock) Regulations (No. 2)
2023*

Statutory Rules 2023, No. 50

r. 24

Part 2 – General Requirements

24. Records

- (1) If the driver of a vehicle transporting livestock estimates, on reasonable grounds, that the journey time for transporting the livestock is to be 24 hours or more, the driver must keep a record, which is accessible at the roadside, of –
- (a) the date and time when the livestock were loaded onto the vehicle for the journey; and
 - (b) the date and time when the livestock last had reasonable access to water prior to the commencement of the journey; and
 - (c) the date and time when any issue in respect of the livestock is observed by the driver; and
 - (d) the details of any concerns for the welfare of the livestock identified by the driver and the details of any action taken; and
 - (e) the contact details of at least one person whom the driver should contact in the event of an emergency with the livestock.

Penalty: In the case of –

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

Animal Welfare (Transport of Livestock) Regulations (No. 2) 2023
Statutory Rules 2023, No. 50

Part 2 – General Requirements

r. 24

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

- (2) A driver must give a copy of the records required to be made under subregulation (1) to any other person to whom the driver transfers care or charge of the livestock during, or on the completion of, the journey.

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 driver must keep a record required to be made under subregulation (1) for 7 days after the day on which the journey to which the record relates is completed.

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 receives a copy of records under subregulation (2) must keep that copy of the records for 30 days after receiving the copy.

Penalty: In the case of –

*Animal Welfare (Transport of Livestock) Regulations (No. 2)
2023*

Statutory Rules 2023, No. 50

r. 24

Part 2 – General Requirements

- (a) a body corporate, a fine not exceeding 100 penalty units; and
 - (b) an individual, a fine not exceeding 50 penalty units.
- (5) A person who is required to keep records, or a copy of records, under this regulation must ensure that his or her copy of the records is readily available for inspection at all reasonable times by an authorised officer.

Penalty: In the case of –
 - (a) a body corporate, a fine not exceeding 100 penalty units; and
 - (b) an individual, a fine not exceeding 50 penalty units.
- (6) For the purposes of this regulation, a record may be kept in electronic form.

**PART 3 – SPECIFIC REQUIREMENTS FOR
TRANSPORTING CERTAIN LIVESTOCK**

25. Livestock to be spelled

- (1) The driver of a vehicle transporting livestock must ensure that the journey time for the livestock does not exceed the period of time specified in this Part as the journey time in respect of livestock of the species, or class of livestock, being transported.

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 livestock transported in a container, if the container has been unloaded at the final destination before the journey time for the class of livestock being transported has been exceeded.
- (3) A person who has care or charge of livestock, that has been transported in containers and unloaded at the end of a journey, must ensure that the livestock are unloaded from the container before the period of time specified in this Part as the journey time in respect of the class of livestock has been exceeded.

Penalty: In the case of –

Animal Welfare (Transport of Livestock) Regulations (No. 2)
2023
Statutory Rules 2023, No. 50

r. 25 Part 3 – Specific Requirements for Transporting Certain Livestock

- (a) a body corporate, a fine not exceeding 100 penalty units; and
 - (b) an individual, a fine not exceeding 50 penalty units.
- (4) Before the maximum time off water specified in this Part in respect of livestock is exceeded, the driver of a vehicle transporting the livestock must ensure that the livestock are given a spell for a period of time of not less than the minimum spell duration specified in this Part as the minimum spell duration in respect of the class of livestock being transported.

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) However, if the minimum spell duration that is required for livestock under this Part exceeds 24 hours, the minimum spell duration required may be reduced to 24 hours if, and only if –
- (a) the maximum time off water permitted in respect of the livestock has not yet been reached; and
 - (b) the actual time for which the livestock have been off water is less than 24 hours.

26. Livestock to be provided with water

- (1) A person with care or charge of livestock being transported must ensure that the livestock are provided with reasonable access to water before the maximum time off water for the livestock is reached.

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) If a person with care or charge of livestock is unable to ascertain when the livestock last had reasonable access to water, he or she is to assume for the purposes of these regulations that the maximum time off water for the livestock has been reached.
- (3) If the maximum time off water is assumed to have been reached under subregulation (2), the person with care or charge of the livestock must, as soon as reasonably practicable, spell the livestock for a period of time that is not less than the minimum spell duration specified in this Part in respect of the species, or class, of livestock.

Penalty: In the case of –

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

*Animal Welfare (Transport of Livestock) Regulations (No. 2)
2023*

Statutory Rules 2023, No. 50

r. 27

Part 3 – Specific Requirements for Transporting Certain Livestock

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

27. Requirements for alpacas

- (1) Subject to this regulation, when transporting alpacas of a class listed in column 1 of the table set out in this subregulation –
- (a) the journey time for that class of alpacas must not exceed the period of time specified in respect of that class of alpacas in column 2 of the table; and
 - (b) the maximum time off water for that class of alpacas is the period of time specified in respect of that class of alpacas in column 3 of the table; and
 - (c) the minimum spell duration for that class of alpacas is the period of time specified in respect of that class of alpacas in column 4 of the table.

Column 1	Column 2	Column 3	Column 4
Class of alpacas	Journey time (hours)	Maximum time off water (hours)	Minimum spell duration (hours)

Animal Welfare (Transport of Livestock) Regulations (No. 2) 2023
Statutory Rules 2023, No. 50

Part 3 – Specific Requirements for Transporting Certain Livestock

r. 27

	Column 1 Class of alpacas	Column 2 Journey time (hours)	Column 3 Maximum time off water (hours)	Column 4 Minimum spell duration (hours)
1.	Alpacas known to be, or visually assessed to be, less than 33 weeks pregnant	8	8	12
2.	Alpacas known to be, or visually assessed to be, between 33 weeks and 43 weeks pregnant (inclusive)	4	4	12
3.	Alpacas known to be, or visually assessed to be, more than 43 weeks pregnant	4	4	24
4.	Lactating alpacas travelling with dependent young that are less than 6 months of age	4	4	12
5.	Alpacas less than 6 months of age	4	4	12

*Animal Welfare (Transport of Livestock) Regulations (No. 2)
2023*

Statutory Rules 2023, No. 50

r. 27

Part 3 – Specific Requirements for Transporting Certain Livestock

	Column 1 Class of alpacas	Column 2 Journey time (hours)	Column 3 Maximum time off water (hours)	Column 4 Minimum spell duration (hours)
6.	Alpacas between 6 and 12 months of age (inclusive)	8	8	12
7.	Any other alpaca not specified above	24	24	24

- (2) The journey time for an alpaca, other than an alpaca known or visually assessed to be more than 43 weeks pregnant, may be increased to 72 hours if –
- (a) the alpaca is given reasonable access to water and feed at all times that the alpaca is in the vehicle in which it is being transported; and
 - (b) the alpaca has sufficient space in the vehicle to sit down or lie on its sternum; and
 - (c) on completion of the journey, the alpaca is given a spell of at least 24 hours before being transported on another journey.
- (3) The driver of a vehicle being used to transport an alpaca must ensure that the vehicle has an enclosed front, or has sufficient cover to protect

the alpaca from heat stress or cold stress or sunburn, if the alpaca being transported is –

- (a) less than 12 months of age; or
- (b) has been shorn within the period of 10 days before transportation.

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.

28. Requirements for buffalo

- (1) Subject to this regulation, when transporting buffalo of a class listed in column 1 of the table set out in this subregulation –
 - (a) the journey time for that class of buffalo must not exceed the period of time specified in respect of that class of buffalo in column 2 of the table; and
 - (b) the maximum time off water for that class of buffalo is the period of time specified in respect of that class of buffalo in column 3 of the table; and
 - (c) the minimum spell duration for that class of buffalo is the period of time specified in respect of that class of buffalo in column 4 of the table.

*Animal Welfare (Transport of Livestock) Regulations (No. 2)
2023*

Statutory Rules 2023, No. 50

r. 28

Part 3 – Specific Requirements for Transporting Certain Livestock

	Column 1 Class of buffalo	Column 2 Journey time (hours)	Column 3 Maximum time off water (hours)	Column 4 Minimum spell duration (hours)
1.	Buffalo known to be, or visually assessed to be, between 28 and 43 weeks pregnant (inclusive)	24	24	12
2.	Buffalo known to be, or visually assessed to be, more than 43 weeks pregnant	4	4	24
3.	Lactating buffalo travelling with dependent young	24	24	12
4.	Buffalo less than 6 months of age	24	24	12
5.	Any other buffalo not specified above	36	36	24

- (2) If a buffalo suffers heat stress during a journey, the person who has care or charge of the buffalo must, in addition to any other appropriate action, apply a water spray to cool the buffalo, as soon as reasonably practicable.

Penalty: In the case of –

Animal Welfare (Transport of Livestock) Regulations (No. 2) 2023
Statutory Rules 2023, No. 50

Part 3 – Specific Requirements for Transporting Certain Livestock

r. 29

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

29. Requirements for camels

- (1) Subject to this regulation, when transporting camels of a class listed in column 1 of the table set out in this subregulation –
 - (a) the journey time for that class of camels must not exceed the period of time specified in respect of that class of camels in column 2 of the table; and
 - (b) the maximum time off water for that class of camels is the period of time specified in respect of that class of camels in column 3 of the table; and
 - (c) the minimum spell duration for that class of camels is the period of time specified in respect of that class of camels in column 4 of the table.

Column 1	Column 2	Column 3	Column 4
Class of camels	Journey time (hours)	Maximum time off water (hours)	Minimum spell duration (hours)

*Animal Welfare (Transport of Livestock) Regulations (No. 2)
2023*

Statutory Rules 2023, No. 50

r. 29

Part 3 – Specific Requirements for Transporting Certain Livestock

	Column 1 Class of camels	Column 2 Journey time (hours)	Column 3 Maximum time off water (hours)	Column 4 Minimum spell duration (hours)
1.	Camels known to be, or visually assessed to be, between 36 and 53 weeks pregnant (inclusive)	24	24	12
2.	Camels known to be, or visually assessed to be, more than 53 weeks pregnant	4	4	36
3.	Lactating camels travelling with dependent young	24	24	12
4.	Camels less than 6 months of age	24	24	12
5.	Any other camel not specified above	48	48	36

(2) The journey time for a camel, other than a camel that is less than 6 months of age or known or visually assessed to be more than 53 weeks pregnant, may be increased to 72 hours if –

(a) the camel is given reasonable access to water and feed at least once every 24 hours for the period of time the camel is

Animal Welfare (Transport of Livestock) Regulations (No. 2) 2023
Statutory Rules 2023, No. 50

Part 3 – Specific Requirements for Transporting Certain Livestock

r. 29

on the vehicle in which it is being transported; and

(b) the camel has sufficient space in the vehicle to lie down on its sternum; and

(c) on the completion of the journey, the camel is given a spell of at least 24 hours before being transported on another journey.

(3) The driver of a vehicle being used to transport a camel must ensure that, when standing at rest in the vehicle, the camel has not less than 100 millimetres clearance between the top of its hump and the surface immediately above the camel.

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 driver of a vehicle being used to transport one or more camels must ensure that there is enough space in the vehicle for each camel to lie down on their sternum in the vehicle at the same time.

Penalty: In the case of –

Animal Welfare (Transport of Livestock) Regulations (No. 2)
2023
Statutory Rules 2023, No. 50

r. 30 Part 3 – Specific Requirements for Transporting Certain Livestock

- (a) a body corporate, a fine not exceeding 100 penalty units; and
 - (b) an individual, a fine not exceeding 50 penalty units.
- (5) The person who has care or charge of a camel in rut that is being transported must ensure that the camel is segregated from all other animals during transportation.

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.

30. Requirements for cattle

Subject to this regulation, when transporting cattle of a class listed in column 1 of the table set out in this subregulation –

- (a) the journey time for that class of cattle must not exceed the period of time specified in respect of that class of cattle in column 2 of the table; and
- (b) the maximum time off water for that class of cattle is the period of time specified in respect of that class of cattle in column 3 of the table; and

Animal Welfare (Transport of Livestock) Regulations (No. 2) 2023
Statutory Rules 2023, No. 50

Part 3 – Specific Requirements for Transporting Certain Livestock

r. 30

(c) the minimum spell duration for that class of cattle is the period of time specified in respect of that class of cattle in column 4 of the table.

	Column 1 Class of cattle	Column 2 Journey time (hours)	Column 3 Maximum time off water (hours)	Column 4 Minimum spell duration (hours)
1.	Cattle known to be, or visually assessed to be, between 24 and 37 weeks pregnant (inclusive)	24	24	12
2.	Cattle known to be, or visually assessed to be, more than 37 weeks pregnant	4	4	24
3.	Lactating cattle travelling with dependent young	24	24	12
4.	Cattle more than 30 days of age but less than 6 months of age	24	24	12
5.	Any other cattle not specified above	48	48	36

*Animal Welfare (Transport of Livestock) Regulations (No. 2)
2023*

Statutory Rules 2023, No. 50

r. 31

Part 3 – Specific Requirements for Transporting Certain Livestock

31. Requirements for deer

- (1) Subject to this regulation, when transporting deer of a class listed in column 1 of the table set out in this subregulation –
- (a) the journey time for that class of deer must not exceed the period of time specified in respect of that class of deer in column 2 of the table; and
 - (b) the maximum time off water for that class of deer is the period of time specified in respect of that class of deer in column 3 of the table; and
 - (c) the minimum spell duration for that class of deer is the period of time specified in respect of that class of deer in column 4 of the table.

	Column 1 Class of deer	Column 2 Journey time (hours)	Column 3 Maximum time off water (hours)	Column 4 Minimum spell duration (hours)
1.	Deer known to be, or visually assessed to be, between 20 and 30 weeks pregnant (inclusive)	24	24	12

Animal Welfare (Transport of Livestock) Regulations (No. 2) 2023
Statutory Rules 2023, No. 50

Part 3 – Specific Requirements for Transporting Certain Livestock

r. 31

	Column 1 Class of deer	Column 2 Journey time (hours)	Column 3 Maximum time off water (hours)	Column 4 Minimum spell duration (hours)
2.	Deer known to be, or visually assessed to be, more than 30 weeks pregnant	4	4	24
3.	Lactating deer travelling with dependent young	4	4	24
4.	Weaned deer less than 6 months of age	28	28	12
5.	Any other deer not specified above	48	48	36

(2) The driver of a vehicle being used to transport deer must not transport a deer –

(a) that has antlers that –

(i) are 4 centimetres or more in length; and

(ii) have yet to mature into calcified hard antlers; or

(b) that has undergone the removal of its antlers less than 7 days before transport;
or

Animal Welfare (Transport of Livestock) Regulations (No. 2)
2023
Statutory Rules 2023, No. 50

r. 32

Part 3 – Specific Requirements for Transporting Certain Livestock

- (c) that has calcified hard antlers that are 4 centimetres or more in length unless –
 - (i) the deer is segregated from other deer; and
 - (ii) there is sufficient clearance between the antlers and the surfaces of the vehicle to minimise the risk of injury to the deer and its antlers.

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.

32. Requirements for emus and ostriches

- (1) Subject to this regulation, when transporting emus or ostriches of a class listed in column 1 of the table set out in this subregulation –
 - (a) the journey time for that class of emus or ostriches must not exceed the period of time specified in respect of that class of emus or ostriches in column 2 of the table; and
 - (b) the maximum time off water for that class of emus or ostriches is the period of time specified in respect of that class of

Animal Welfare (Transport of Livestock) Regulations (No. 2) 2023
Statutory Rules 2023, No. 50

Part 3 – Specific Requirements for Transporting Certain Livestock

r. 32

emus or ostriches in column 3 of the table; and

- (c) the minimum spell duration for that class of emus or ostriches is the period of time specified in respect of that class of emus or ostriches in column 4 of the table.

	Column 1 Class of emus or ostriches	Column 2 Journey time (hours)	Column 3 Maximum time off water (hours)	Column 4 Minimum spell duration (hours)
1.	Emus, or ostriches, aged 5 days or more but less than 90 days	24	24	12
2.	Emus, or ostriches, aged 90 days or more	36	36	24

- (2) The owner of an emu, or ostrich, aged 5 days or more must ensure that, within the period of 24 hours before commencing a journey, the bird is provided with adequate food containing sufficient nutrients to ensure the good health and vitality of the bird during transportation.

Penalty: In the case of –

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

Animal Welfare (Transport of Livestock) Regulations (No. 2)
2023
Statutory Rules 2023, No. 50

r. 32 Part 3 – Specific Requirements for Transporting Certain Livestock

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

(3) The driver of a vehicle being used to transport an emu or ostrich must ensure that any bird that is aged 5 days or more but less than 90 days is given reasonable access to feed, water and shelter at least once every 12 hours during the journey.

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 driver of a vehicle being used to transport an emu, or ostrich, in a container must ensure that any bird that is aged 5 days or more but less than 90 days being transported, in the container, for 72 hours or more is provided with shelter during the journey.

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.

Animal Welfare (Transport of Livestock) Regulations (No. 2) 2023
Statutory Rules 2023, No. 50

Part 3 – Specific Requirements for Transporting Certain Livestock

r. 32

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- (5) The owner of an emu, or ostrich, that is less than 5 days old must ensure that, once the bird is removed from an incubator to be transported, the bird is returned, for a period of at least 24 hours, to a suitable brooding environment that provides the bird with adequate feed, water and warmth –
- (a) in the case of a bird transported in a container in which the bird does not have ready access to hydrating material, within 60 hours; or
 - (b) in any other case, within 72 hours.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 100 penalty units; and
 - (b) an individual, a fine not exceeding 50 penalty units.
- (6) The driver of a vehicle transporting an emu, or ostrich, that is less than 5 days old must take all measures reasonable in the circumstances to minimise the risk of harm to the bird during the journey from cold stress and heat stress.

Penalty: In the case of –

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

*Animal Welfare (Transport of Livestock) Regulations (No. 2)
2023*

Statutory Rules 2023, No. 50

r. 33

Part 3 – Specific Requirements for Transporting Certain Livestock

33. Requirements for goats

Subject to this regulation, when transporting goats of a class listed in column 1 of the table set out in this subregulation –

- (a) the journey time for that class of goats must not exceed the period of time specified in respect of that class of goats in column 2 of the table; and
- (b) the maximum time off water for that class of goats is the period of time specified in respect of that class of goats in column 3 of the table; and
- (c) the minimum spell duration for that class of goats is the period of time specified in respect of that class of goats in column 4 of the table.

	Column 1 Class of goats	Column 2 Journey time (hours)	Column 3 Maximum time off water (hours)	Column 4 Minimum spell duration (hours)
1.	Goats known to be, or visually assessed to be, between 14 and 19 weeks pregnant (inclusive)	24	24	12

Animal Welfare (Transport of Livestock) Regulations (No. 2) 2023
Statutory Rules 2023, No. 50

Part 3 – Specific Requirements for Transporting Certain Livestock

r. 34

	Column 1 Class of goats	Column 2 Journey time (hours)	Column 3 Maximum time off water (hours)	Column 4 Minimum spell duration (hours)
2.	Goats known to be, or visually assessed to be, more than 19 weeks pregnant	4	4	24
3.	Lactating goats travelling with dependent young	28	28	12
4.	Goats less than 6 months of age	28	28	12
5.	Any other goat not specified above	48	48	36

34. Requirements for horses

- (1) Subject to this regulation, when transporting horses of a class listed in column 1 of the table set out in this subregulation –
- (a) the journey time for that class of horses must not exceed the period of time specified in respect of that class of horses in column 2 of the table; and
 - (b) the maximum time off water for that class of horses is the period of time

*Animal Welfare (Transport of Livestock) Regulations (No. 2)
2023*

Statutory Rules 2023, No. 50

r. 34

Part 3 – Specific Requirements for Transporting Certain Livestock

specified in respect of that class of horses in column 3 of the table; and

- (c) the minimum spell duration for that class of horses is the period of time specified in respect of that class of horses in column 4 of the table.

	Column 1 Class of horses	Column 2 Journey time (hours)	Column 3 Maximum time off water (hours)	Column 4 Minimum spell duration (hours)
1.	Horses known to be, or visually assessed to be, between 30 and 43 weeks pregnant (inclusive)	12	12	12
2.	Horses known to be, or visually assessed to be, more than 43 weeks pregnant	4	4	24
3.	Lactating horses travelling with dependent young	12	12	12
4.	Foal	12	12	12
5.	Any other horse not specified above	24	24	12

Animal Welfare (Transport of Livestock) Regulations (No. 2) 2023
Statutory Rules 2023, No. 50

Part 3 – Specific Requirements for Transporting Certain Livestock

r. 34

-
- (2) The journey time for a horse, other than a horse that is known or visually assessed to be more than 43 weeks pregnant, may be increased to 36 hours if –
- (a) the horse is given reasonable access to water and feed at least once every 5 hours for the period of time that the horse is in the vehicle in which it is being transported; and
 - (b) the horse is being transported in a vehicle that –
 - (i) protects the horse from the natural elements; and
 - (ii) has sufficient space for it to stand at rest with its head raised; and
 - (iii) has sufficient drainage to remove urine; and
 - (c) on the completion of the journey, the horse is given a spell of at least 24 hours before being transported on another journey.
- (3) The driver of a vehicle transporting a lactating horse with a dependent foal less than 6 months of age must, if the estimated journey time is likely to exceed 5 hours, provide sufficient space in the vehicle –
- (a) for the foal to suckle from its mother; and

Animal Welfare (Transport of Livestock) Regulations (No. 2)
2023
Statutory Rules 2023, No. 50

r. 34

Part 3 – Specific Requirements for Transporting Certain Livestock

(b) for the foal to lie down.

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 driver of a vehicle transporting a horse must ensure that –

(a) in the case of a vehicle with separate stalls or other partitions, each stall or partition is accessible so as to allow feeding, watering and visual inspection of the horse inside the stall or partition; and

(b) in the case of a vehicle that is fully enclosed with a controlled environment, there is sufficient airflow with at least 12 air changes every 60 minutes; and

(c) there is a vertical clearance of at least 2.2 metres between –

(i) the floor of the area of vehicle where the animal is transported; and

(ii) any overhead structures or protrusions; and

Animal Welfare (Transport of Livestock) Regulations (No. 2) 2023
Statutory Rules 2023, No. 50

Part 3 – Specific Requirements for Transporting Certain Livestock

r. 34

- (d) in the case of a stallion unused to being handled, that the horse is segregated from the other horses in the vehicle.

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) Subregulation (4)(c) does not apply to a horse float if –
- (a) the horse float was commercially built; and
 - (b) the overhead structure, or protrusion, was built as part of the horse float at the time at which it was originally constructed.
- (6) A person transporting a horse across Bass Strait must ensure –
- (a) in the case of a lactating horse travelling with a dependent foal, that the horse and foal are stalled together; and
 - (b) in any other case, that the horse is individually stalled.

Penalty: In the case of –

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

*Animal Welfare (Transport of Livestock) Regulations (No. 2)
2023*

Statutory Rules 2023, No. 50

r. 35

Part 3 – Specific Requirements for Transporting Certain Livestock

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

35. Requirements for pigs

- (1) Subject to this regulation, when transporting pigs of a class listed in column 1 of the table set out in this subregulation –
- (a) the journey time for that class of pigs must not exceed the period of time specified in respect of that class of pigs in column 2 of the table; and
 - (b) the maximum time off water for that class of pigs is the period of time specified in respect of that class of pigs in column 3 of the table; and
 - (c) the minimum spell duration for that class of pigs is the period of time specified in respect of that class of pigs in column 4 of the table.

	Column 1 Class of pigs	Column 2 Journey time (hours)	Column 3 Maximum time off water (hours)	Column 4 Minimum spell duration (hours)
1.	Pigs known to be, or visually assessed to be, more than 14 weeks pregnant	4	4	24

Animal Welfare (Transport of Livestock) Regulations (No. 2) 2023
Statutory Rules 2023, No. 50

Part 3 – Specific Requirements for Transporting Certain Livestock

r. 35

	Column 1 Class of pigs	Column 2 Journey time (hours)	Column 3 Maximum time off water (hours)	Column 4 Minimum spell duration (hours)
2.	Lactating pigs travelling with dependent young	12	12	12
3.	Weaned pigs that weigh less than 30 kilograms	12	12	12
4.	Any other pig not specified above	24	24	12

- (2) The journey time for a pig of a class specified in item 4 of the table set out in subregulation (1) may be increased to 72 hours if –
- (a) the pig is given reasonable access to water and feed at least once every 24 hours for the period of time that the pig is on the vehicle in which it is being transported; and
 - (b) the pig has sufficient space in the vehicle to lie down; and
 - (c) the pig is given a spell of at least 24 hours before being transported on another journey.

Animal Welfare (Transport of Livestock) Regulations (No. 2)
2023
Statutory Rules 2023, No. 50

r. 36

Part 3 – Specific Requirements for Transporting Certain Livestock

36. Requirements for poultry

(1) In this regulation –

broiler birds means poultry that have been bred for the purpose of being slaughtered for meat;

spent birds means poultry that –

(a) have been bred for the purpose of laying eggs; and

(b) are no longer considered a commercially viable producer of eggs.

(2) Subject to this regulation, when transporting poultry that is aged 5 days or more, other than spent birds –

(a) the journey time must not exceed 24 hours; and

(b) the maximum time off water is 24 hours; and

(c) the minimum spell duration is 24 hours.

(3) The owner of a poultry bird aged 5 days or more, other than a spent bird or a broiler bird, must ensure that, within the period of 12 hours before commencing a journey, the bird is provided with adequate food containing sufficient nutrients to ensure the bird's good health and vitality.

Penalty: In the case of –

Animal Welfare (Transport of Livestock) Regulations (No. 2) 2023
Statutory Rules 2023, No. 50

Part 3 – Specific Requirements for Transporting Certain Livestock

r. 36

- (a) a body corporate, a fine not exceeding 100 penalty units;
and
 - (b) an individual, a fine not exceeding 50 penalty units.
- (4) The driver of a vehicle being used to transport poultry in a container must ensure that any bird that is aged 5 days or more being transported, in a container, for 24 hours or more is provided with shelter during the journey.

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) The driver of a vehicle transporting poultry that is less than 5 days old must take all measures reasonable in the circumstances to minimise the risk of harm to any bird during the journey from cold stress or heat stress.

Penalty: In the case of –

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

*Animal Welfare (Transport of Livestock) Regulations (No. 2)
2023*

Statutory Rules 2023, No. 50

r. 37

Part 3 – Specific Requirements for Transporting Certain Livestock

- (6) The owner of a poultry bird that is less than 5 days old must ensure that, once the bird is removed from an incubator to be transported, the bird is returned for a period of at least 24 hours to a suitable brooding environment that provides the bird with adequate feed, water and warmth –
- (a) in the case of a bird transported in a container in which the bird does not have ready access to hydrating material, within 60 hours; or
 - (b) in any other case, within 72 hours.

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.

37. Requirements for sheep

Subject to this regulation, when transporting sheep of a class listed in column 1 of the table set out in this subregulation –

- (a) the journey time for that class of sheep must not exceed the period of time specified in respect of that class of sheep in column 2 of the table; and
- (b) the maximum time off water for that class of sheep is the period of time

Animal Welfare (Transport of Livestock) Regulations (No. 2) 2023
Statutory Rules 2023, No. 50

Part 3 – Specific Requirements for Transporting Certain Livestock

r. 37

specified in respect of that class of sheep in column 3 of the table; and

- (c) the minimum spell duration for that class of sheep is the period of time specified in respect of that class of sheep in column 4 of the table.

	Column 1 Class of sheep	Column 2 Journey time (hours)	Column 3 Maximum time off water (hours)	Column 4 Minimum spell duration (hours)
1.	Sheep known to be, or visually assessed to be, between 14 and 19 weeks pregnant (inclusive)	24	24	12
2.	Sheep known to be, or visually assessed to be, more than 19 weeks pregnant	4	4	24
3.	Lactating sheep travelling with dependent young	28	28	12
4.	Sheep less than 4 months of age	28	28	12
5.	Any other sheep not specified above	48	48	36

PART 4 – EXEMPTIONS

38. Exemption from certain provisions of Act and regulations in certain circumstances

- (1) Sections 7 and 8 of the Act, and regulation 8 do not apply to a person, in respect of the fitness of livestock to be transported, or the fitness of livestock to undertake a journey, if the person –
- (a) is not –
 - (i) the owner of the livestock; or
 - (ii) the driver of the vehicle on which the livestock is loaded for transportation; and
 - (b) did not –
 - (i) supply the livestock for transportation; or
 - (ii) load the livestock into a container, or onto a vehicle, for transportation; and
 - (c) before the livestock was transported by the person, had received a written declaration in respect of the livestock, that complies with subregulation (2), from the driver of the vehicle on which the livestock was loaded for transportation; and

Animal Welfare (Transport of Livestock) Regulations (No. 2) 2023
Statutory Rules 2023, No. 50

Part 4 – Exemptions

r. 38

- (d) while the livestock was transported by the person –
 - (i) complied with all relevant instructions of an officer under section 14 of the Act; and
 - (ii) complied with the requirements of the Act, and any other Act, in respect of the livestock and the vehicle in which the livestock was transported; and
 - (iii) acted in good faith, and took all reasonable steps, to ensure that the Act was complied with in respect of the transportation of the livestock.
- (2) For the purposes of an exemption under subregulation (1), the driver of a vehicle transporting livestock may make, as soon as practicable after the livestock is loaded onto the vehicle, a written declaration that –
 - (a) at the time at which the livestock was so loaded for transport –
 - (i) the health and wellbeing of the livestock had been assessed as required under these regulations; and
 - (ii) in accordance with these regulations, the livestock was fit to be transported; and

*Animal Welfare (Transport of Livestock) Regulations (No. 2)
2023*

Statutory Rules 2023, No. 50

r. 38

Part 4 – Exemptions

- (b) the vehicle being used to transport the livestock complies with these regulations as they apply to –
 - (i) the type of livestock to be transported; and
 - (ii) the journey to be taken by the livestock.

PART 5 – MISCELLANEOUS

39. Expiry of regulations

These regulations expire 2 years after they take effect, inclusive of the day on which they take effect.

40. Legislation rescinded

The legislation specified in Schedule 2 is rescinded.

*Animal Welfare (Transport of Livestock) Regulations (No. 2)
2023
Statutory Rules 2023, No. 50*

sch. 1

SCHEDULE 1 – INFRINGEMENT NOTICE OFFENCES			
Regulation 7			
	Column 2	Column 3	Column 4
	Offence	Penalty (Individual) Penalty units	Penalty (Body corporate) Penalty units
1.	Regulation 6(1)	2	10
2.	Regulation 8(2)	2	10
3.	Regulation 8(3)	2	10
4.	Regulation 9	2	10
5.	Regulation 10(1)	2	10
6.	Regulation 10(2)	2	10
7.	Regulation 11(2)	2	10
8.	Regulation 11(3)	2	10
9.	Regulation 11(4)	2	10
10.	Regulation 11(5)	2	10
11.	Regulation 12(2)	2	10
12.	Regulation 13	2	10
13.	Regulation 14	2	10
14.	Regulation 15(1)	2	10

Animal Welfare (Transport of Livestock) Regulations (No. 2) 2023
Statutory Rules 2023, No. 50

sch. 1

	Column 2 Offence	Column 3 Penalty (Individual) Penalty units	Column 4 Penalty (Body corporate) Penalty units
15.	Regulation 15(2)	2	10
16.	Regulation 16(1)	2	10
17.	Regulation 16(2)	2	10
18.	Regulation 17(1)	2	10
19.	Regulation 17(3)	2	10
20.	Regulation 17(4)	2	10
21.	Regulation 18(2)	2	10
22.	Regulation 18(3)	2	10
23.	Regulation 19(2)	2	10
24.	Regulation 19(3)	2	10
25.	Regulation 19(4)	2	10
26.	Regulation 20(2)	2	10
27.	Regulation 21(1)	2	10
28.	Regulation 22(1)	2	10
29.	Regulation 22(2)	2	10
30.	Regulation 23(1)	2	10

*Animal Welfare (Transport of Livestock) Regulations (No. 2)
2023
Statutory Rules 2023, No. 50*

sch. 1

	Column 2 Offence	Column 3 Penalty (Individual) Penalty units	Column 4 Penalty (Body corporate) Penalty units
31.	Regulation 23(2)	2	10
32.	Regulation 23(4)	2	10
33.	Regulation 24(1)	2	10
34.	Regulation 24(2)	2	10
35.	Regulation 24(3)	2	10
36.	Regulation 24(4)	2	10
37.	Regulation 24(5)	2	10
38.	Regulation 25(1)	2	10
39.	Regulation 25(3)	2	10
40.	Regulation 25(4)	2	10
41.	Regulation 26(1)	2	10
42.	Regulation 26(3)	2	10
43.	Regulation 27(3)	2	10
44.	Regulation 28(2)	2	10
45.	Regulation 29(3)	2	10

Animal Welfare (Transport of Livestock) Regulations (No. 2) 2023
Statutory Rules 2023, No. 50

sch. 1

	Column 2 Offence	Column 3 Penalty (Individual) Penalty units	Column 4 Penalty (Body corporate) Penalty units
46.	Regulation 29(4)	2	10
47.	Regulation 29(5)	2	10
48.	Regulation 31(2)	2	10
49.	Regulation 32(2)	2	10
50.	Regulation 32(3)	2	10
51.	Regulation 32(4)	2	10
52.	Regulation 32(5)	2	10
53.	Regulation 32(6)	2	10
54.	Regulation 34(3)	2	10
55.	Regulation 34(4)	2	10
56.	Regulation 34(6)	2	10
57.	Regulation 36(3)	2	10
58.	Regulation 36(4)	2	10
59.	Regulation 36(5)	2	10
60.	Regulation 36(6)	2	10

*Animal Welfare (Transport of Livestock) Regulations (No. 2)
2023*
Statutory Rules 2023, No. 50

sch. 2

SCHEDULE 2 – LEGISLATION RESCINDED

Regulation 40

Animal Welfare (Transport of Livestock) Regulations 2023
(No. 45 of 2023)

Animal Welfare (Transport of Livestock) Regulations (No. 2) 2023
Statutory Rules 2023, No. 50

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

Notified in the *Gazette* on 12 July 2023.

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

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations –

- (a) prescribe, for the purposes of the *Animal Welfare Act 1993*, transportation requirements for certain species of animal; and
- (b) rescind the *Animal Welfare (Transport of Livestock) Regulations 2023* which were rendered void, under section 47(3A) of the *Acts Interpretation Act 1931*, due to an inadvertently invalid commencement provision.