

8. Prescribed manner of use for “devices” — metal-jawed traps (s. 29)

- (1) For the purposes of section 29 of the Act, it is a defence to a charge under section 19(1) of the Act, committed in circumstances described in section 19(2)(b) of the Act, if a metal-jawed leghold trap is used by —
 - (a) the owner or leasee of an agricultural or pastoral property, or their authorised agent; or
 - (b) an officer of a Commonwealth, State or local government agency, who is responsible for wild dog control,for the purpose of wild dog control.
- (2) The person using a metal-jawed leghold trap in circumstances described in subregulation (1) must ensure that the jaws of the trap are bound with cloth containing sufficient strychnine to ensure a rapid death for any animal likely to be caught in the trap.
- (3) For the purposes of section 29 of the Act, it is a defence to a charge under section 19(1) of the Act, committed in circumstances described in section 19(2)(b) of the Act, if a metal-jawed leghold trap is used by a person participating in a research program, approved by an animal ethics committee, for the purpose of carrying out research under that program.
- (4) The person using a metal-jawed leghold trap in circumstances described in subregulation (3) must ensure that the jaws of the trap are sufficiently padded, or the trap has otherwise been modified, so that any animal caught in the trap is unlikely to suffer significant injury.
- (5) For the purposes of section 29 of the Act, it is a defence to a charge under section 19(1) of the Act, committed in circumstances described in section 19(2)(b) of the Act, if a metal-jawed leghold trap is used by —
 - (a) the owner of land or the owner’s agent on the relevant land; or
 - (b) a licensed pest control operator,for the purpose of fox control.
- (6) The person using a metal-jawed leghold trap in circumstances described in subregulation (5) must ensure that —
 - (a) the jaws of the trap are sufficiently padded, or the trap has otherwise been modified, so that any animal caught in the trap is unlikely to suffer significant injury; and
 - (b) if the trap is to be used in the metropolitan area, any permit required under the *Agriculture and Related Resources Protection (Traps) Regulations 1982* has first been obtained.