

Animal Welfare (Livestock) Regulations 2019 – Frequently Asked Questions

1. What are the Animal Welfare (Livestock) Regulations 2019?

The Animal Welfare (Livestock) Regulations 2019 (Livestock Regulations) are being made under the *Animal Welfare Act 2002* (the Act). They will introduce requirements for people involved in transporting livestock and receiving or managing livestock at saleyards and depots in Western Australia.

2. What do the Livestock Regulations do?

The Livestock Regulations apply to cattle and sheep at all stages in the process of transport and at a saleyard or depot.

The process of transport starts when the animal (sheep or cattle) is mustered on farm and ends when it is given reasonable access to water and feed at its final destination (such as a farm or a feedlot), or is slaughtered. The process of transport includes the following stages: mustering, assembling, holding at a livestock handling facility, selecting, loading, holding on a vehicle while the vehicle is stationary, transporting, unloading and spelling.

The Livestock Regulations implement two sets of national standards (collectively referred to as the Standards and Guidelines):

- [the Australian Animal Welfare Standards and Guidelines – Land Transport of Livestock](#)
- [the Australian Animal Welfare Standards and Guidelines – Livestock at Saleyards and Depots](#)
- the 'Guidelines' are recommendations but are not mandatory, whereas the 'Standards' become requirements under the Livestock Regulations.

3. Why are you implementing the Australian Animal Welfare Standards and Guidelines?

The Australian Animal Welfare Standards and Guidelines are developed in consultation between the Commonwealth, states, territories and stakeholders, with the goal of regulating animal welfare in a consistent manner across Australia.

The Standards and Guidelines on Land Transport were endorsed by the WA Minister for Agriculture in 2012 and those on Saleyards and Depots in 2018. After endorsement by Ministers for Agriculture, each state or territory agrees to implement the endorsed standards in a manner consistent with the jurisdiction's legal framework. WA is the only jurisdiction that has not yet implemented the Land Transport Standards. Apart from Western Australia, New South Wales is the most advanced in the implementation of the Saleyards and Depots Standards.

4. Why do we need the Livestock Regulations?

The Act prohibits and punishes cruelty to animals, but it does not promote the application of minimum animal welfare standards (also known as 'duty of care'). Having a duty of care for an animal means that a person is legally obliged to provide for the animal's needs in a reasonable way.

The types of matters that are covered include:

- Provision of food and water
- Provision of appropriate living conditions
- Allowing for the animal to display innate behaviours
- Appropriate treatment of disease and injury
- Use of correct procedures for handling the animal.

Duty of care provisions are proactive, rather than reactive. Their goal is to avoid and resolve animal welfare problems, leading to general improvements.

Each set of Standards and Guidelines contains requirements (Standards) and recommendations (Guidelines) that apply to people who own or care for animals. Compliance with the requirements and recommendations satisfies a person's duty of care. The Standards and Guidelines promote humane and considerate treatment of livestock, set a minimum industry standard, and inform all people responsible for livestock about their responsibilities. They take into account scientific knowledge, recommended industry practices, and community expectations.

The regulation of minimum animal welfare standards supports the export of animal products by underpinning Australia's international reputation as a supplier of high quality products produced under humane conditions.

5. Why do some of the Livestock Regulations differ from the standards?

The text of the Livestock Regulations and the Standards and Guidelines document look slightly different because the two separate sets of Standards have been combined in a single set of regulations. As with all legislation in the state, the Livestock Regulations were drafted in accordance with Western Australian legal conventions. Some amendments to the text in the standards were necessary to satisfy established conventions. In addition, the text was modified to ensure that the requirements are clear, practical and enforceable.

6. Who will enforce the Livestock Regulations?

Animal welfare inspectors appointed under the Act are responsible for the enforcement of the Act and Livestock Regulations. Authorised animal welfare inspectors are employed by the Department of Primary Industries and Regional Development, the Royal Society for the Prevention of Cruelty to Animals WA (RSPCA), the Department of Biodiversity, Conservation and Attractions, and some local government authorities. All police officers are animal welfare inspectors under the Act.

7. What happens if I breach the Livestock Regulations?

Animal welfare inspectors may enforce an alleged breach of the regulations in two ways:

- By issuing an infringement notice (a fine) or
- By charging a person with an offence under the Livestock Regulations, resulting in court action.

There will be modified penalties for some offences as part of the new scheme for the use of infringement notices. The modified penalties will be set out in the Animal Welfare (General) Regulations 2003 and will range from \$250 to \$500. Please note that these penalties are subject to review and may be amended.

8. Why are you consulting on the Livestock Regulations?

The Department of Primary Industries and Regional Development is undertaking public consultation on the Livestock Regulations to inform stakeholders and the general community and seek feedback on the new requirements that will apply to land transport of cattle and

sheep, and their management at saleyards and depots. Although some stakeholders were involved in the development of the Standards and Guidelines, it is important to raise awareness of what is now proposed as a regulatory measure.

In addition, the department is undertaking consultation in respect of the infringement notice scheme that will apply to some offences committed under the new Livestock Regulations. The process of issuing infringement notices will be implemented through amendments to the Animal Welfare (General) Regulations 2003 (General Regulations).

9. How will the Standards and Guidelines be regulated in Western Australia?

There are two ways in which the Standards and Guidelines will be implemented in WA. Firstly, the documents will be adopted by the Act as a Code of Practice and will operate like the current Codes of Practice. This is particularly relevant for animals other than sheep and cattle, which will not be the subject of specific regulations until a later date. This means that they can be used by the courts to assess husbandry and management practices in cases of alleged cruelty. They can also be used as a defence to a charge of cruelty if a person can prove that they were acting in accordance with an adopted Code of Practice.

In addition, most Standards will be made directly enforceable through regulations. Breaches of regulations may be the subject of penalties imposed by a court or by an inspector through an infringement notice scheme, as appropriate.

The Guidelines advise on recommended practice. They will not form part of the Livestock Regulations and non-compliance with them will not be an offence under law.

10. Why is the department adopting the Standards and Guidelines as Codes of Practice?

The Act provides that a person who has been charged with cruelty can claim as a defence that the action they took was in accordance with a Code of Practice that has been adopted under the General Regulations.

The Standards and Guidelines will be adopted as Codes of Practice through the General Regulations. This will allow a person charged with cruelty under the Act to use compliance with the Standards and Guidelines as a defence.

11. When will the Livestock Regulations commence?

The Livestock Regulations are expected to commence on 1 July 2020.

Important disclaimer

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ABN: 18 951 343 745

