

# Enforcement of the Livestock Regulations by infringements – proposed scheme

## 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.

Most inspections undertaken by DPIRD's Livestock Compliance Unit occur at livestock aggregation points, such as saleyards, abattoirs, and ports. This is not expected to change.

## Will there be a period of grace after the Livestock Regulations are introduced?

The department will communicate with industry and others who may be affected by the introduction of the Livestock Regulations to ensure the requirements of the new legislation are well understood. Any potential breaches will be dealt with on a case-by-case basis.

## What happens if I breach the Livestock Regulations?

There are two ways in which animal welfare inspectors may enforce an alleged breach of the regulations. They may issue an infringement notice, or prosecute the regulatory offence through the courts. Where an infringement notice is issued for an alleged offence, the recipient may choose to have the matter dealt with by the courts.

## What is the difference between prosecuting an offence under the Act and the Livestock Regulations?

The maximum penalties proposed for a regulatory offence are significantly less than the maximum penalty that applies for cruelty offences under the Act. Where a person is prosecuted under the Livestock Regulations, the maximum penalty is either \$7,500 or \$15,000, depending on the offence. In comparison, the maximum penalty for an individual convicted of cruelty under the Act is \$50,000 and five years' imprisonment and a minimum penalty of \$2,000.

## What is a modified penalty?

A modified penalty is the prescribed amount that an alleged offender must pay if he or she wants the matter to be dealt with out of court. The modified penalty is less than the prescribed penalty for the offence. For example, the maximum prescribed penalty for an offence may be \$15,000 if dealt with by the courts. For the purpose of an infringement notice scheme where the matter is dealt with out of court, the prescribed penalty may be modified and an amount of \$500 would need to be paid. Please note that these penalties are subject to review and may be amended.

## How do infringement notices work?

The inspector must issue the notice within 28 days of the alleged offence.

A person receiving an infringement notice can pay the infringement within 28 days of the date of issue, or elect to have the matter dealt with by the courts. If the person does not pay the infringement it may be registered with the Fines Enforcement Registry (FER) at the Department

of Justice WA. Alternatively, a prosecution notice can be issued and the matter dealt with in court as a normal prosecution would be.

If a person pays the fine within 28 days of the notice being given (or within an extended period allowed by an authorised officer), no other proceedings will take place. The payment of a fine is not an admission for the purposes of any civil or criminal proceedings.

### What happens at the Fines Enforcement Registry?

The FER enforces outstanding fines and infringements from numerous prosecuting authorities and all of Western Australia's courts. Matters are referred to the FER where further sanctions may be imposed on fine defaulters to collect fines.

This means infringement notices issued under the Act can be enforced through the FER.

### What happens if I receive an infringement notice but I don't want to pay it?

When you receive an infringement notice but do not agree to pay the penalty, you can elect to have the matter dealt with by the courts, or you can ask that the matter be reviewed and the notice withdrawn.

You must take action within 28 days of the date of issue of the notice.

If you wish to have the matter dealt with by the courts, you must complete and return the relevant form within 28 days of the date of issue.

If you wish to have the matter reviewed, and you think the matter will not be dealt with within 28 days of the date of issue, you should pay the infringement. If the notice is withdrawn after the matter has been reviewed, the penalty will be refunded.

### What are the proposed penalties that will apply to breaches of the Livestock Regulations?

#### TABLE OF PROPOSED OFFENCES

Regulation	Penalty	Modified penalty
16 General mishandling and mistreatment of livestock		
16(2).	\$15 000	
16(3)	\$15 000	\$500
17. Dragging livestock		
17(1)	\$15 000	\$500
17(3)	\$15 000	\$500
18. Lifting livestock		
18(1)	\$15 000	\$500
18(2)	\$15 000	
19. Use of electric stock prod		
19(1)	\$15 000	\$500 (other than (d))
20. Use of dogs generally		
20(1)	\$7 500	\$250
21. Duty to spell livestock		
21(1)	\$15 000	
21(3)	\$15 000	\$500
22. Humane destruction of livestock		
22(1)	\$15 000	\$500
22(2)	\$15 000	\$500
23. Records relating to journeys		
23(1)	\$7 500	\$250
23(3)	\$7 500	\$250
23(4)	\$7 500	\$250
24. Duty to retain records relating to journey		

<b>Regulation</b>	<b>Penalty</b>	<b>Modified penalty</b>
24(1)	\$7 500	\$250
24(2)	\$7 500	\$250
25. Duty to produce records relating to journey		
25(2)	\$7 500	\$250
26. False or misleading information given to livestock transporters for purposes of journey records		
26(2)	\$15 000	
27. Duty to advise of arrival at destination	\$7 500	\$250
28. Suitability of vehicles for transporting livestock		
28(2)	\$7 500	\$250
29. Loading and unloading livestock		
29(1)	\$7 500	\$250
29(2)	\$7 500	\$250
29(3)	\$7 500	
30. Suitability of livestock handling facilities (other than saleyards and depots)		
30(2)	\$7 500	\$250
31. Selection and supply of livestock for transport		
31(1)	\$15 000	\$500
31(2)	\$15 000	\$500
32. Loading livestock unfit to undertake a journey		
32(1)	\$15 000	\$500
32(2)	\$15 000	\$500
33. Duty to make appropriate arrangements for livestock		
33(2)	\$15 000	
34. Transporting livestock unfit to undertake journey if loaded outside WA		
34(1)	\$15 000	\$500
35. Reasonable loading density not to be exceeded		
35(2)	\$7 500	
36. Duty to protect livestock against extreme weather conditions during transport process	\$15 000	
37. Duty to segregate livestock on vehicle		
37(1)	\$7 500	
38. Dogs on vehicles	\$7 500	\$250
39. Duty to assess welfare of livestock during journey		
39(2)	\$7 500	
39(3)	\$15 000	
40. Weak, injured, ill or distressed livestock unloaded at destination		
40(2)	\$15 000	
41. Moribund livestock		
41(2)	\$15 000	\$500
42. Reasonable access to water after unloading at livestock handling facility (other than saleyard or depot)		
42(2)	\$15 000	\$500
43. Bobby calves under 5 days of age	\$7 500	\$250
44. Bobby calves over 5 days of age	\$7 500	\$250
45. Bobby calves consigned to saleyard for sale for slaughter		
45(2)	\$15 000	\$500
46. Premature bobby calves		
46(2)	\$15 000	\$500
47. Duty to protect bobby calves from heat and cold stress	\$15 000	
48. Use of dogs with bobby calves	\$7 500	\$250
49. Duty to keep feeding records		
49(1)	\$7 500	\$250
49(3)	\$7 500	\$250
49(4)	\$7 500	\$250
50. Duty to retain feeding records		

<b>Regulation</b>	<b>Penalty</b>	<b>Modified penalty</b>
50(1)	\$7 500	\$250
50(2)	\$7 500	\$250
51. Duty to produce records relating to journey		
51(2)	\$7 500	\$250
52. False or misleading information given to persons required to keep bobby calf feeding records		
52(2)	\$15 000	
53. Use of dogs with sheep		
53(2)	\$7 500	\$250
54. General requirements for saleyards and depots		
54(1)	\$7 500	\$250
55. Reasonable penning density not to be exceeded		
55(2)	\$7 500	
55(3)	\$7 500	\$250
55(4)	\$7 500	\$250
56. Duty to segregate livestock at saleyards and depots		
56(1)	\$7 500	
57. Reasonable access to water and feed after unloading at saleyards and depots		
57(2)	\$15 000	\$500
57(3)	\$15 000	\$500
58. Duty to protect livestock against extreme weather conditions at saleyards and depots	\$15 000	
59. Newborn livestock and their mothers		
59(2)	\$15 000	
60. Duty to assess welfare of livestock at saleyards and depots		
60(1)	\$7 500	\$250
60(2)	\$7 500	
61. Livestock suffering severe distress, disease or injury		
61(2)	\$15 000	
62. Livestock unfit for sale		
62(1)	\$15 000	\$500
62(2)	\$15 000	
62(3)	\$15 000	\$500
63. Dogs at saleyards and depots		
63(1)	\$7 500	\$250
63(2)	\$7 500	\$250
64. Humane destruction procedure for saleyards		
64(1)	\$7 500	\$250
64(3)	\$7 500	\$250
65. Saleyards to have person available to carry out humane destruction of livestock	\$7 500	\$250 (other than (a))
66. Pen requirements for bobby calves		
66(1)	\$7 500	\$250
66(2)	\$7 500	
67. Presentation of bobby calves for sale		
67(1)	\$7 500	

### Important disclaimer

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ABN: 18 951 343 745