



Responsibilities – consignors and transporters

Current as of March 2023.

This factsheet summaries the key requirements for sheep and cattle being consigned and transported and assists a person responsible in meeting their animal welfare obligations.

Regulations

The Animal Welfare (Transport, Saleyards and Depots) (Cattle and Sheep) Regulations 2020 (Transport Regulations) impose a range of requirements on consignors and transporters of livestock to ensure the livestock's welfare when being transported from one place to another. This factsheet must be read together with other relevant factsheets that provide greater detail on a particular responsibility and the Transport Regulations. The relevant regulation is included at the end of each requirement.

Many of the regulations in the Transport Regulations impose a duty of care to the person responsible for the animal, which involve requirements to prevent or minimise adverse impacts to the welfare of animals. This is often expressed as risk to welfare or the potential for the welfare of animals to be affected in a way that causes pain, injury, or distress to 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 before they become acts of cruelty (i.e., where harm occurs).

Some regulations, such as those relating to time off water or management of water deprivation, are not able to be established as a snapshot in time. Other regulations must be looked at in the context of the regulations as a whole and not in isolation. Instead of regulating a single issue, the Transport Regulations regulate a process.

Who is responsible for livestock before and during transport?

The Transport Regulations apply to all those responsible for the care and management of sheep and cattle handled in the 'transport process', including in saleyards and depots. The Transport Regulations give rise to legal obligations for a consignor, transporter (including driver), rail authority, receiver, saleyard manager or superintendent, other saleyard staff, stockperson, agent, livestock owner (vendor, buyer or nominated representative) and any other person who has custody or control of sheep or cattle during the transport process.

The Transport Regulations set out the concept of the 'chain of responsibility'. This ensures that one or more persons have responsibility, in a practical and legal sense, for the welfare of animals from the beginning of the transport process (on the farm of origin) to the end (final destination, such as a farm or feedlot or slaughter), including the time spent in a saleyard or depot. Responsibility for animal welfare must not be 'left to chance' at any stage.

More than one person can be responsible for an animal at any given point in time.

A person responsible for meeting the welfare requirements of animals before and during transport includes:

- a) the owner of the animal
- b) an agent of the owner of the animal who is involved in the buying or selling of the animal
- c) the consignor of the livestock on the property where the journey commences. This could be a farm, saleyard or any other place where livestock are loaded onto a vehicle
- d) the livestock transport driver and the livestock transport company owner/manager involved in transporting the animals
- e) a person who has actual physical custody or control of the animal
- f) a person who is handling the animal.
- g) If a person who is handling the animal or has actual physical custody or control of the animal is a member of staff of another person, then the other person is a person responsible for the animal is a member of staff of another person then the other person is a person responsible for the animal.
- h) If the animals are being assembled for the journey, a person responsible includes:
 - i. the consignor of the animal
 - ii. the driver of the transport vehicle
 - iii. the proprietor of the business, or a person concerned in the management of the business, that owns, uses, manages or controls the use of the vehicle.

The complete list of persons responsible for an animal can be found at regulations 6 and 69 of the Transport Regulations.

The use of the word “person”, or any word or expression descriptive of a person, includes a public body, company, or association or body of persons, corporate or unincorporate as well as a natural person.

General requirements for livestock handling facilities

An operator of a livestock handling facility must ensure that the facility provides suitable conditions for the sheep and cattle (r.31(1)). Suitable conditions include:

- a) an effective airflow that is appropriate for the species and class of livestock using the facility
- b) a surface or flooring that minimises the risk of injury to the livestock from slipping or falling
- c) freedom from internal protrusions and objects that may cause injury to the livestock
- d) sufficient vertical clearance so as to minimise the risk of injury to the livestock, and
- e) is otherwise suitable for the species and class of livestock using the facility (r.31(2)).

Livestock handling facility means a yard, raceway, ramp, crush, building, enclosure, saleyard, depot, lairage or other facility, (whether portable or fixed) used for, or in connection with, holding livestock:

- a) before they are loaded
- b) during loading
- c) during unloading, or
- d) after they are unloaded,

but does not include a paddock or laneway with conventional wire fencing (r.3).

General requirements for livestock transport vehicles

Suitability of vehicle for journey

A person responsible for sheep and cattle undertaking a journey by road must ensure the vehicle being used to transport the animals provides suitable conditions for them (r.29(1)). Suitable conditions include:

- effective airflow that is appropriate for the species and class of livestock being transported
- a surface or flooring that minimises the risk of injury to livestock from slipping or falling
- no internal protrusions and objects that may cause injury to the livestock
- sufficient vertical clearance to minimise the risk of injury to the livestock
- ensuring that the vehicle is otherwise suitable for the species and class of livestock being transported (r.29(2)).

Consigning sheep and cattle and assessing for fitness for the journey

Livestock consignor responsibilities

The consignor of the sheep and cattle must undertake the following actions:

- Each animal is assessed, before it is supplied for transport, to determine whether it is unfit to undertake a journey (r.32(1), r.9 and r.11).
- Only supply animals assessed as fit to undertake a journey to the transporter (r.32(2)).
- Animals assessed as unfit to undertake a journey by the consignor may be supplied to the transporter if the consignor has advice from a veterinarian that the animal can undertake the intended journey (r.32(2)).
- Ensure appropriate arrangements are made at the first reasonable opportunity for any animals determined as unfit to undertake a journey by the consignor or livestock transporter (r.34).

Livestock transporter responsibilities

The transporter of the sheep and cattle must undertake the following actions:

- Ensure that each animal to be loaded is assessed immediately before it is loaded, to determine whether it is unfit to undertake the journey (r.33(1), r.9 and r.11).
- Take all reasonable steps to ensure that only animals that are fit for the intended journey are loaded (r.33(2) and (4)).
- Transporters may load and transport an animal that is unfit to undertake a journey if a veterinarian had advised that the animal can undertake the journey, and the animal is loaded and transported in accordance with the advice (r.33(3)).
- Ensure that any ramp used to load or unload sheep and cattle is aligned correctly, and positioned to minimise the risk of injury to the animals being loaded (r.30(1)).
- Ensure the sheep and cattle are loaded and segregated correctly (r.30 and r.38).
- Ensure that the reasonable loading density is not exceeded (r.36).
- Ensure each pen and door on the vehicle is closed and secured before moving the vehicle (r.30(2)).

- Ensure that a dog is not transported in the same pen on the vehicle as the livestock unless the dog is a livestock guardian dog (r.39).
- Transporters must make reasonable steps to minimise the impact of temperature or weather conditions that individually, or in combination, are likely to predispose sheep and cattle to heat or cold stress (r.37).
- Ensure the livestock are assessed on the vehicle before departure to determine whether any of the animals appear to be weak, injured, ill or distressed (r.40(2)).
- If the livestock transporter reasonably expects the journey time will be more than 24 hours, the transporter must keep certain records (r.24(1)). The records to be kept can be found at regulation 24 of the Transport Regulations.

Livestock must be fit for the journey

Under the Transport Regulations, it is an offence for all persons involved in the process to consign or load sheep or cattle for transport, whether from the property of origin, saleyard or other place, that are unfit to undertake the journey (r.32, r.33, r.9 and r.11).

Sheep and cattle that have been assessed as not fit for transport cannot be sold at a saleyard (r.63, r.10 and r.11). If an animal is considered borderline for its fitness to undertake the journey, consider whether the animal's condition will deteriorate during the journey and/or at the saleyard, rendering them unfit for sale or further transportation. Animals will be assessed at a saleyard before sale and again before consigning and loading on the transport vehicle for the outward journey (r.32, r.33, r.9 and r.11).

Exemption

An animal that is unfit to undertake a journey may be loaded and transported only under the following conditions:

- the consignor and/or transporter has advice from a veterinarian that the animal can undertake the intended journey
- the transporter ensures that the animal is loaded and transported in accordance with the veterinarian's advice
- the transporter ensures the animal is transported the shortest distance necessary either to another property or abattoir, and
- a copy of this advice should accompany the animal to the final destination.

It is strongly recommended the advice is provided in writing. It is up to the consignor and/or the transporter to prove the veterinarian advised the animal could undertake the journey and was loaded and transported in accordance with the advice of the veterinarian.

Animals transported under veterinarian advice must not be consigned to a saleyard as they cannot be offered for sale or sold.

Animal Welfare Factsheets are available for these conditions at: agric.wa.gov.au/animalwelfare.

Appropriate arrangements

Appropriate arrangements means one or more of the following, depending on the condition of the animal:

- separating the animal from any other animal and resting it until it has recovered
- treating the animal as appropriate to its condition
- destroying the animal using a method of humane destruction.

At the first reasonable opportunity

At the first reasonable opportunity means that the actions are undertaken without delay except where a reasonable delay is caused by a significant reason relating to resources, skills, safety or the immediate welfare of other livestock.

During the journey

The journey starts when the sheep and cattle are loaded on the transport vehicle and ends when they are unloaded (r.5).

Before moving

Before moving the vehicle the livestock transporter must ensure that:

- each pen and door on the vehicle is closed and secured (r.30(2))
- the sheep and cattle are assessed to determine whether any of the animals appear to be weak, injured, ill or distressed (r.40(2)).

If an animal appears to be weak, injured, ill or distressed, the livestock transporter must ensure that appropriate arrangements are made for the animal at the first reasonable opportunity (r.40(3)).

Assessing the welfare of livestock during journey

A livestock transporter must ensure that the sheep and cattle are assessed to determine whether any of the animals appear to be weak, injured, ill or distressed at the following times:

- on the vehicle before departure
- within the first hour of the journey, and then at least every 3 hours or at every driver rest stop, whichever comes first
- at each driver or vehicle change over stop
- at unloading (r.40(2)).

If an animal appears to be weak, injured, ill or distressed, the livestock transporter must ensure that appropriate arrangements are made for the animal at the first reasonable opportunity (r.40(3)).

On arrival at a destination

On arrival at a destination the livestock transporter must undertake the following actions.

- Advise the person receiving the animals that sheep and cattle have arrived (r.28).
- Assess the yard to determine if it is reasonably able to hold the number of sheep and cattle to be unloaded (r.30(3)). In doing so, the livestock transporter must meet the requirements of the other regulations relating to penning density. The relevance of the other regulations may depend on how long they are held in the arrival pen.
- Ensure that the livestock are assessed on the vehicle at unloading to determine whether any of the animals appear to be weak, injured, ill or distressed (r.40(2)).
- Advise the person receiving the livestock of any animal that appears to be weak, injured, ill or distressed (r.40(3)).
- Ensure that the sheep and cattle are correctly unloaded (r.30 (1)).
- Provide relevant documentation to the person responsible for the sheep and cattle at the destination (r.24).

A livestock transporter must not unload or allow sheep and cattle to be unloaded, at a livestock handling facility (including a saleyard) if the pen cannot reasonably hold the number of animals to be unloaded (r.30(3)).

A person responsible for sheep and cattle at a destination must ensure appropriate arrangements are made for the livestock animals identified by the livestock transporter as weak, injured, ill or distressed, at the first reasonable opportunity (r.41(2)).

Once unloaded the responsibility for the animals shifts to the person responsible at the livestock handling facility.

At any time during the transport process, prior to unloading at the destination

Protection from heat and cold stress

A livestock transporter must take reasonable steps to minimise the impact of temperature or weather conditions that individually, or in combination, are likely to predispose sheep and cattle to heat or cold stress (r.37).

Humane destruction

A person who destroys an animal must be competent or supervised by a competent person and destroys the animal using a method of humane destruction (r.23 and r.14).

Moribund animal

A livestock transporter must ensure that a moribund animal is humanely destroyed at the first reasonable opportunity using a method of humane destruction (r.42(1), r.23 and r.14).

A moribund animal is an animal that:

- is unable to stand and exhibits signs of distress or insensibility
- appears to have little chance of regaining the capacity to stand and walk unassisted after reasonable attempts have been made to assist the animal (r.42(2)).

Spelling

A person responsible for sheep and cattle must ensure that the animal is given a spell for at least the minimum spell period for the animal, as often as is reasonably necessary, to minimise the potential for the welfare of the animal to be affected in a way that causes it pain, injury or distress, while having regard to the factors in regulation 22(2), (r.22(1)).

A spell is where an animal is:

- unloaded
- provided with reasonable access to water and feed and sufficient space to lie down
- not subject to handling other than that which is reasonably necessary (r.13(1)).

A spell starts when all animals are unloaded from the vehicle and ends when loading commences (r.13(2)). For most adult sheep and cattle, a spell lasts for a minimum of 36 hours. See Schedule 1 in the Transport Regulations for spelling periods for classes of sheep and cattle.

Notwithstanding the above requirement to spell animals, the sheep and cattle must be spelled prior to reaching their maximum time off water (r.22(3)). See Schedule 1 – Maximum time off water and minimum spell periods of the Transport Regulations.

Bobby Calves

There are specific requirements for consigning and transporting bobby calves (a calf under 30 days of age not accompanied by its mother and weighs less than 80kg). See regulations 44 to 53 of the Transport Regulations for more information.

Dogs

A person must not use a dog to assist in the control or movement of sheep and cattle unless the dog is always under the person's control (it is fully responsive to the commands of the person) (r.21).

A dog cannot be used to assist in the control or movement of bobby calves (r.49).

A person responsible for sheep must ensure that a dog used to assist in the control or movement of the sheep is muzzled if the dog habitually bites sheep (r.54).

A livestock transporter must ensure that a dog is not transported in the same pen on the vehicle as the livestock unless the dog lives with, and is accepted within, the livestock on a permanent basis (e.g. a livestock guardian dog) (r.39).

Handling Sheep and Cattle

A person handling sheep and cattle must ensure the animals are handled appropriately (r.17, r.18 and r.19).

Use of electric stock prods

A person must not use an electric stock prod on sheep and cattle:

- if the animal is under 3 months old
- if the animal is unable to move away
- by applying to the animal's anus, udder, genitals or face
- more than is reasonably necessary in the circumstances, or
- for a purpose other than for handling the animal (r.20).

More information

- Animal Welfare (Transport, Saleyards and Depots) (Cattle and Sheep) Regulations 2020 - <https://www.agric.wa.gov.au/animalwelfare/transport-regulations>
- Australian Animal Welfare Standards and Guidelines: Land Transport of Livestock; Livestock at Saleyards and Depots - <https://www.agric.wa.gov.au/animalwelfare/animal-welfare-standards-and-guidelines>
- Animal Welfare Factsheets:
 - Assessing beef cattle body condition for transport or sale at a saleyard
 - Assessing dairy cattle body condition for transport or sale at a saleyard
 - Assessing sheep body condition for transport or sale at a saleyard
 - Transporting and selling sheep with scabby mouth
 - Management of sheep and cattle with ingrown horns
 - Assessing sheep and cattle for lameness for transport or sale at a saleyards
 - Assessing sheep and cattle for dehydration for transport or sale
 - Transporting and selling sheep and cattle with visible tumours and lesions
 - Transporting and selling sheep and cattle with injured or broken horns
 - Humane destruction of sheep and cattle
 - Managing heat load and heat stress in sheep and cattle at saleyards
 - Animal Welfare Responsibilities – Saleyards
- [agric.wa.gov.au/animalwelfare](https://www.agric.wa.gov.au/animalwelfare)



For more information and to view the suite of animal welfare factsheets, scan the QR code, or visit: <https://www.agric.wa.gov.au/animalwelfare/resources-and-publications>.

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