

Animal Welfare (Livestock) Regulations 2019

Contents

Part 1 — Preliminary

1.	Citation	1
2.	Commencement	1
3.	Terms used	1
4.	Transport process	7
5.	Journey and journey times	8
6.	Persons responsible	9
7.	Reasonable access to feed	10
8.	Reasonable access to water	10
9.	Unfit to undertake a journey	10
10.	Unfit for sale	11
11.	Prescribed conditions	12
12.	Calculating time off water and maximum time off water	13
13.	Calculating length of spell and minimum spell periods	14
14.	Method of humane destruction	14

Part 2 — General welfare provisions

15.	Application of Part	16
16.	General mishandling and mistreatment of livestock	16
17.	Dragging livestock	17
18.	Lifting livestock	18
19.	Use of electric stock prod	18
20.	Use of dogs generally	19
21.	Duty to spell livestock	19
22.	Humane destruction of livestock	20

Part 3 — Provisions for the transport process

Division 1 — General duties

23.	Records relating to journeys	21
24.	Duty to retain records relating to journey	22
25.	Duty to produce records relating to journey	23
26.	False or misleading information given to livestock transporters for purposes of journey records	23
27.	Duty to advise of arrival at destination	23

Division 2 — General provisions for vehicles, loading and unloading

28.	Suitability of vehicles for transporting livestock	24
29.	Loading and unloading livestock	24

Division 3 — General requirements for livestock handling facilities (other than saleyards and depots)

30.	Suitability of livestock handling facilities (other than saleyards and depots)	25
-----	--------------------------------------------------------------------------------	----

Division 4 — Welfare of livestock during the transport process

31.	Selection and supply of livestock for transport	26
32.	Loading livestock unfit to undertake a journey	26
33.	Duty to make appropriate arrangements for livestock	27
34.	Transporting livestock unfit to undertake journey if loaded outside WA	27
35.	Reasonable loading density not to be exceeded	28
36.	Duty to protect livestock against extreme weather conditions during transport process	29
37.	Duty to segregate livestock on vehicle	29
38.	Dogs on vehicles	29
39.	Duty to assess welfare of livestock during journey	30
40.	Weak, injured, ill or distressed livestock unloaded at destination	31
41.	Moribund livestock	31
42.	Reasonable access to water after unloading at livestock handling facility (other than saleyard or depot)	32

	Division 5 — Special provisions for bobby calves	
43.	Bobby calves under 5 days of age	32
44.	Bobby calves over 5 days of age	33
45.	Bobby calves consigned to saleyard for sale for slaughter	33
46.	Premature bobby calves	33
47.	Duty to protect bobby calves from heat and cold stress	34
48.	Use of dogs with bobby calves	34
49.	Duty to keep feeding records	34
50.	Duty to retain feeding records	35
51.	Duty to produce records relating to journey	35
52.	False or misleading information given to persons required to keep bobby calf feeding records	36
	Division 6 — Special provisions for sheep	
53.	Use of dogs with sheep	36
	Part 4 — Provisions for saleyards and depots	
	Division 1 — Requirements for saleyards and depots	
54.	General requirements for saleyards and depots	37
	Division 2 — Welfare of livestock at saleyards and depots	
55.	Reasonable penning density not to be exceeded	38
56.	Duty to segregate livestock at saleyards and depots	39
57.	Reasonable access to water and feed after unloading at saleyards and depots	40
58.	Duty to protect livestock against extreme weather conditions at saleyards and depots	40
59.	Newborn livestock and their mothers	40
60.	Duty to assess welfare of livestock at saleyards and depots	41
61.	Livestock suffering severe distress, disease or injury	41
62.	Livestock unfit for sale	42
63.	Dogs at saleyards and depots	42
64.	Humane destruction procedure for saleyards	43

Contents

65.	Saleyards to have person available to carry out humane destruction of livestock	43
	Division 3 — Special provisions for bobby calves at saleyards and depots	
66.	Pen requirements for bobby calves	44
67.	Presentation of bobby calves for sale	44
	Part 5 — Defences	
68.	Defence for persons responsible for livestock animal	45
69.	Defence for acts authorised under written law	45
	Schedule 1 — Maximum time off water and minimum spell periods	

Animal Welfare (Livestock) Regulations 2019

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Animal Welfare (Livestock) Regulations 2019*.

2. Commencement

These regulations come into operation as follows —

- (a) Part 1 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on 1 July 2020.

3. Terms used

In these regulations —

appropriate arrangements, in relation to a livestock animal, means 1 or more of the following arrangements, depending on the condition of the animal —

- (a) separating the livestock animal from any other livestock animal and resting it until it has recovered;
- (b) treating the livestock animal as appropriate to its condition;
- (c) destroying the livestock animal using a method of humane destruction;

assemble, in relation to livestock —

- (a) means the process of bringing livestock together in a place such as a yard, shed or pen before loading; and
- (b) includes mustering, capturing, handling, restraining and any procedure used to prepare livestock for transport;

bobby calf means cattle that is —

- (a) under 30 days of age; and
- (b) not accompanied by its mother; and
- (c) weighs less than 80 kg live weight;

cattle —

- (a) means an animal of the genus *Bos*; and
- (b) includes any hybrid of that genus;

class, in relation to livestock, means livestock by reference to any of the following —

- (a) age;
- (b) sex;
- (c) size;
- (d) whether it is lactating and with an unweaned calf or lamb;
- (e) whether it is lactating but without an unweaned calf or lamb;

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

consignor, in relation to a livestock animal, means a person who consigned the livestock animal to undertake a journey;

depot —

- (a) means —
 - (i) a facility or yard where livestock are rested between journeys; or

- (ii) a holding facility where livestock are delivered from farms for assembly before a journey;

but

- (b) does not include registered or approved premises as defined in the publication titled “Australian Standards for the Export of Livestock (Version 2.3) 2011” published by the Australian Government Department of Agriculture, Fisheries and Forestry, April 2011, as amended from time to time;

emaciated, in relation to a livestock animal, means —

- (a) in the case of cattle, other than a dairy cow — the livestock animal has a body condition score of 1 or less as described in the publication titled “A National Guide to Describing and Managing Beef Cattle in Low Body Condition” published by Meat & Livestock Australia Limited, 2013 as amended from time to time; and
- (b) in the case of a dairy cow — the livestock animal has a body condition score of 2 or less as described in the publication titled “Cow Body Condition Scoring Handbook” published by Dairy Australia, 2013 as amended from time to time; and
- (c) in the case of sheep — the livestock animal has a body condition score for sheep of 1.5 or less as described and published on the Department’s website;

extreme weather conditions means temperature or climatic conditions that individually or in combination are likely to predispose livestock to heat stress or cold stress;

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

journey has the meaning given in regulation 5(1);

journey time has the meaning given in regulation 5(2);

lift, in relation to a livestock animal, means to raise the entire weight of the livestock animal off the ground;

liquid feed means whole milk or whole milk replacer appropriate for feeding unweaned calves;

livestock means —

- (a) cattle; and
- (b) sheep;

livestock animal means an individual animal of a kind referred to in the definition of **livestock**;

livestock handling facility —

- (a) 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 before they are loaded or after they are unloaded; but
- (b) does not include a paddock or laneway with conventional wire fencing;

livestock transporter means —

- (a) a driver of a vehicle transporting livestock undertaking a journey by road; or
- (b) a rail operator transporting livestock undertaking a journey by rail;

load, in relation to a livestock animal, means —

- (a) to move the livestock animal onto a vehicle for the purpose of transport; and
- (b) includes a vehicle-to-vehicle transfer of the livestock animal;

maximum time off water has the meaning given in regulation 12(3);

method of humane destruction, in relation to a livestock animal, has the meaning given in regulation 14;

minimum spell period has the meaning given in regulation 13(3);

nature of a journey includes the following —

- (a) the duration of the journey;
- (b) the distance of the journey;
- (c) the route of the journey;
- (d) the weather conditions during the journey;
- (e) the terrain during the journey;
- (f) in the case of a journey by road —
 - (i) the road conditions; and
 - (ii) the traffic conditions;
- (g) any other factor that may affect the journey for livestock;

operator, in relation to a saleyard, depot or other livestock handling facility, means a person who is —

- (a) responsible for the operation of the saleyard, depot or other livestock handling facility; or
- (b) the proprietor of the business, or a person concerned in the management of the business, who owns, uses or manages or controls the saleyard, depot or other livestock handling facility;

pen means a stall or any other kind of enclosure for confining livestock as individuals or groups;

person responsible, in relation to a livestock animal, has the meaning given in regulation 6;

prescribed condition, in relation to a livestock animal, has the meaning given in regulation 11(2);

prescribed service method, in relation to giving of a document to a person under these regulations, means any of the following —

- (a) personal service of the document on the person;

r. 3

- (b) delivering the document to an electronic address nominated by the person;
- (c) a service method approved by the CEO for the purposes of this definition and published on the Department's website;
- (d) a service method approved in writing by an inspector;

rail operator, in relation to a livestock animal undertaking a journey by rail, means a person who undertakes to be responsible, or is responsible, for —

- (a) the transport of the livestock animal by rail; or
- (b) the condition of a unit of rolling stock transporting the livestock animal;

reasonable access to feed has the meaning given in regulation 7;

reasonable access to water has the meaning given in regulation 8;

risk to welfare, in relation to livestock, means the potential for the welfare of livestock to be affected in a way that causes pain, injury or distress to the livestock;

sale includes offer for sale, make available for purchase, barter, exchange or give away;

saleyard —

- (a) means any premises —
 - (i) with permanent livestock delivery, holding and selling facilities; and
 - (ii) used, or established for use, primarily for gathering livestock for exchange of ownership;

but

- (b) does not include premises used for on-farm livestock sales or a market without permanent livestock handling facilities;

selection, in relation to a livestock animal, means —

- (a) the process of assessing the livestock animal to determine whether it is unfit to undertake a journey; and
- (b) any action taken during the assessment of the livestock animal to present it for loading and transport;

sheep —

- (a) means an animal of the genus *Ovis*; and
- (b) includes any hybrid of that genus;

spell has the meaning given in regulation 13(1);

time off water has the meaning given in regulation 12;

transport, in relation to a livestock animal, means to move the livestock animal from one place to another by means of a vehicle by road or rail;

transport process has the meaning given in regulation 4;

unload, in relation to a livestock animal means to move livestock off a vehicle.

4. **Transport process**

- (1) A **transport process** is the entire process of moving a livestock animal from one place to another by means of a vehicle by road or rail.
- (2) The transport process —
 - (a) is taken to commence from when the livestock animal is being assembled; and
 - (b) until it is taken to end under paragraph (c), includes the following stages —
 - (i) assembling the livestock animal;
 - (ii) holding the livestock animal at a saleyard, depot or any other livestock handling facility before loading;
 - (iii) selecting the livestock animal;

- (iv) loading the livestock animal;
- (v) holding the livestock animal on a vehicle while the vehicle is stationary;
- (vi) transporting the livestock animal;
- (vii) unloading the livestock animal;
- (viii) a spell;
- (ix) holding the livestock animal at a saleyard depot, or any other livestock handling facility after unloading;

and

- (c) is taken to end when whichever of the following happens first —
 - (i) the livestock animal has reasonable access to water and reasonable access to feed at its final destination (such as a farm or a feedlot);
 - (ii) the livestock animal is slaughtered.

5. Journey and journey times

- (1) A *journey* is the following —
 - (a) loading livestock onto a vehicle for the purposes of transporting the livestock;
 - (b) transporting the livestock on the vehicle;
 - (c) unloading the livestock from the vehicle at a destination.
- (2) The *journey time* for livestock is the period that —
 - (a) commences when the livestock undertaking a journey are loaded onto the vehicle, whether in this State or elsewhere; and
 - (b) ends when all of the livestock undertaking the journey have been unloaded from the vehicle at a destination.

6. Persons responsible

- (1) A person is the *person responsible* for a livestock animal if the person is any of the following —
- (a) the owner of the livestock animal;
 - (b) an agent of the owner of the livestock animal who is involved in the buying or selling of the livestock animal;
 - (c) a person who has actual physical custody or control of the livestock animal;
 - (d) a person who is handling the livestock animal;
 - (e) where a person referred to in paragraph (c) or (d) is a member of staff of another person — that other person.
- (2) Without limiting subregulation (1), a person is also a *person responsible* for a livestock animal if the person is any of the following —
- (a) where the livestock animal is, or is being, assembled or is at a livestock handling facility before loading for a journey — a consignor of the livestock animal;
 - (b) where the livestock animal is undertaking a journey by road —
 - (i) the driver of the vehicle; and
 - (ii) the proprietor of the business, or a person concerned in the management of the business, that owns, uses or manages or controls the use of the vehicle;
 - (c) where the livestock animal is undertaking a journey by rail — the rail operator transporting the livestock animal;
 - (d) where the animal is at a saleyard, depot or other livestock handling facility —
 - (i) the operator of the saleyard, depot or other livestock handling facility; and

r. 7

- (ii) a person who is handling the livestock animal and employed by, or working for, the operator of the saleyard, depot or other livestock handling facility;
- (e) where the livestock animal is unloaded at a destination (including a saleyard, depot or any other livestock handling facility) —
 - (i) a person who receives the livestock animal at the destination; and
 - (ii) the operator of the saleyard, depot or other livestock handling facility (as is relevant); and
 - (iii) a person who is handling the livestock animal and employed by, or working for, the operator of the saleyard, depot or other livestock handling facility (as is relevant).

7. Reasonable access to feed

A livestock animal has *reasonable access to feed* if it has access to feed of a suitable quality and quantity, appropriate for its species and class, sufficient to maintain its health and wellbeing.

8. Reasonable access to water

A livestock animal has *reasonable access to water* if it has access to water of a suitable quality and quantity, appropriate for its species and class —

- (a) sufficient to maintain its hydration; and
- (b) for a continuous period of at least 4 hours.

9. Unfit to undertake a journey

- (1) A livestock animal is *unfit to undertake a journey* if any of the following apply to the animal —
 - (a) it is unable to walk independently by bearing weight on all hooves;

- (b) in the case of cattle — it is known to be, or visually assessed to be, more than 37 weeks pregnant;
 - (c) in the case of sheep — it is known to be, or visually assessed to be, more than 19 weeks pregnant;
 - (d) it is emaciated;
 - (e) it is visibly dehydrated;
 - (f) it shows visible signs of severe injury or distress;
 - (g) it is blind in both eyes;
 - (h) it has a prescribed condition;
 - (i) it has any other condition, injury or disease that is likely to result in an increase in pain or distress to the livestock animal during transport.
- (2) Subregulation (1)(b) or (c) does not apply if —
- (a) the livestock animal is being transported directly between 2 places, but not to an abattoir or saleyard; and
 - (b) the estimated journey time and time off water is likely to be less than 4 hours.

10. Unfit for sale

A livestock animal is *unfit for sale* if any of the following apply to the animal —

- (a) it is unable to walk independently by bearing weight on all hooves;
- (b) it is emaciated;
- (c) it is visibly dehydrated;
- (d) it shows visible signs of severe injury or distress;
- (e) it is blind in both eyes;
- (f) it has a prescribed condition;
- (g) it has any other condition, injury or disease that is likely to result in an increase in pain or distress to the livestock animal during transport.

11. Prescribed conditions

(1) In this regulation —

broken horn means a horn or pedicle with an injury that is bleeding or discharging;

ingrown horn means a horn (other than its base) of a livestock animal that —

- (a) is in contact with any part of the livestock animal's eyelid or eye; or
- (b) has penetrated, or is in contact with, any other part of the livestock animal's body;

lesion includes the following —

- (a) a wound;
- (b) an ulcer;
- (c) an abscess;
- (d) a sore;

neurological dysfunction means an abnormality of the central nervous system which may include the following symptoms —

- (a) staggering;
- (b) stargazing;
- (c) convulsions;
- (d) paralysis.

(2) Each of the following is a **prescribed condition** —

- (a) a broken horn or ingrown horn;
- (b) a broken leg;
- (c) a dropped udder or an engorged udder;
- (d) flystrike (myiasis);
- (e) a lesion of the pizzle (prepuce), penis, sheath or scrotum;
- (f) neurological dysfunction;

- (g) a tumour that is more than 3 cm in length in any direction;
- (h) an umbilical, abdominal, inguinal or scrotal hernia;
- (i) uterine, vaginal or rectal prolapse;
- (j) a visible lesion that is —
 - (i) discharging; and
 - (ii) is more than 3 cm in length in any direction.

12. Calculating time off water and maximum time off water

- (1) The *time off water* for a livestock animal undertaking a transport process is the total time period that the livestock animal does not have reasonable access to water calculated in accordance with subregulation (2).
- (2) The livestock animal's total period of time off water —
 - (a) is taken to commence from when the livestock animal last had reasonable access to water before undertaking the transport process, whether in this State or elsewhere; and
 - (b) until it is taken to end under paragraph (c), is taken to pause at the start of, and resume at the end of, any period of not more than 24 hours during which the livestock animal has reasonable access to water, whether in this State or elsewhere; and
 - (c) is taken to end when whichever of the following comes first —
 - (i) the livestock animal is given a spell for at least the minimum spell period for the livestock animal;
 - (ii) the livestock animal has reasonable access to water and reasonable access to feed at its final destination (such as a farm or feedlot); or
 - (iii) the livestock animal is slaughtered.

- (3) The *maximum time off water* for a livestock animal of a species and class specified in Column 2 of an item of Schedule 1 is the number of hours specified in Column 3 of the item.

13. Calculating length of spell and minimum spell periods

- (1) A livestock animal is given a *spell* if all of the following is done in relation to the livestock animal —
- (a) it is unloaded;
 - (b) it is provided with reasonable access to water;
 - (c) it is provided with reasonable access to feed;
 - (d) it is provided with sufficient space to lie down;
 - (e) it is not subject to handling other than that which is reasonably necessary.
- (2) A spell —
- (a) is taken to commence when all of the livestock on the vehicle on which the livestock animal is loaded have been unloaded; and
 - (b) is taken to end when the livestock commence to be reloaded.
- (3) The *minimum spell period* for a livestock animal of a species and class specified in Column 2 of an item of Schedule 1 is the number of continuous hours specified in Column 4 of the item.

14. Method of humane destruction

- (1) A method used to destroy a livestock animal is a *method of humane destruction* if, subject to subregulations (2) and (3), the method causes rapid unconsciousness and then the livestock animal's death while it is unconscious.
- (2) If the method used to destroy the livestock animal is the cutting of the major blood vessels in the livestock animal's neck, the method is not a *method of humane destruction* unless —
- (a) the livestock animal is a sheep; and

- (b) the livestock animal is not at a saleyard or depot; and
 - (c) a firearm or captive bolt is not reasonably available for use to destroy the livestock animal.
- (3) If the method used to destroy the livestock animal is a blow to its head, the method is not a ***method of humane destruction*** unless —
- (a) it is a single blow to the forehead (other than from a projectile from a firearm or captive bolt) that causes immediate loss of consciousness to the livestock animal; and
 - (b) the livestock animal is under 24 hours of age; and
 - (c) the livestock animal is not at a saleyard.

Part 2 — General welfare provisions

15. Application of Part

This Part applies to a livestock animal —

- (a) undertaking a transport process; or
- (b) at a saleyard or depot (whether or not the livestock animal is undertaking a transport process).

16. General mishandling and mistreatment of livestock

(1) In this regulation —

mistreat, in relation to a livestock animal, means to do any of the following to the livestock animal —

- (a) kick it;
- (b) punch it;
- (c) throw it;
- (d) force, prod, push or excessively handle it when it has no room to move;
- (e) strike it unreasonably;
- (f) drop it unless —
 - (i) in the case of cattle — it is dropped in a manner that it can reasonably land safely on its feet; and
 - (ii) in the case of a sheep — it is dropped from a height of less than 1.5 m and in a manner that it can reasonably land safely on its feet.

(2) A person handling a livestock animal must handle the livestock animal —

- (a) in a manner that is appropriate to the species and class of the livestock animal being handled; and
- (b) in a way that minimises pain, injury, fear and distress to the animal.

Penalty for this subregulation: a fine of \$15 000.

- (3) A person must not mistreat a livestock animal.
Penalty for this subregulation: a fine of \$15 000.

17. Dragging livestock

- (1) A person must not drag a standing livestock animal only by —
- (a) its head; or
 - (b) 1 or both its horns; or
 - (c) 1 or both its ears; or
 - (d) its neck; or
 - (e) its tail; or
 - (f) its wool or hair.
- Penalty for this subregulation: a fine of \$15 000.
- (2) It is a defence to a charge under subregulation (1) for a person to prove that —
- (a) it was necessary in an emergency for the person to drag the livestock animal only by a body part referred to in subregulation (1) for the purposes of safe handling, lifting, treating or destroying the animal; and
 - (b) the distance the person dragged the livestock animal was the minimum distance necessary in the circumstances.
- (3) A person must not drag a livestock animal unless it is standing.
Penalty for this subregulation: a fine of \$15 000.
- (4) It is a defence to a charge under subregulation (3) for a person to prove that —
- (a) it was necessary in an emergency for the person to drag the livestock animal for the purposes of safe handling, lifting, treating or destroying the animal; and
 - (b) the distance the person dragged the livestock animal was the minimum distance necessary in the circumstances.

18. Lifting livestock

- (1) A person must not lift a livestock animal only by —
- (a) its head; or
 - (b) 1 or both its horns; or
 - (c) 1 or both its ears; or
 - (d) its neck; or
 - (e) its tail; or
 - (f) its wool or hair; or
 - (g) a single leg.

Penalty for this subregulation: a fine of \$15 000.

- (2) A person must not lift a livestock animal by means of a mechanical device unless the animal is supported by, or secured to, the mechanical device in an appropriate manner.

Penalty for this subregulation: a fine of \$15 000.

19. Use of electric stock prod

A person must not use an electric stock prod on a livestock animal in any of the following circumstances —

- (a) if the livestock animal is under 3 months of age;
- (b) if the livestock animal is unable to move away;
- (c) by applying it to the livestock animal's face, udder, anus or genitals;
- (d) more than is reasonably necessary in the circumstances;
- (e) other than for the purpose of handling the livestock animal in the transport process or at a saleyard or depot.

Penalty: a fine of \$15 000.

20. Use of dogs generally

- (1) A person must not use a dog to assist in the control or movement of a livestock animal unless the dog is under the person's control at all times.

Penalty for this subregulation: a fine of \$7 500.

- (2) For the purposes of subregulation (1), a dog is taken to be under the person's control if it is fully responsive to the commands of the person.

21. Duty to spell livestock

- (1) A person responsible for a livestock animal must ensure that it is given a spell for at least the minimum spell period for the livestock animal at such times as are reasonably necessary in order to minimise the risk to the welfare of the livestock animal.

Penalty for this subregulation: a fine of \$15 000.

- (2) In complying with subregulation (1), the person must have regard to the following factors as is relevant in the case —
- (a) the estimated journey time of the journey that the livestock is undertaking, and in particular whether the estimated journey time will be close to or more than the maximum time off water for the livestock animal;
 - (b) whether the livestock animal is unfit to undertake a journey;
 - (c) the general health of the livestock animal;
 - (d) the actual, and predicted, weather conditions for the journey that the livestock animal is undertaking;
 - (e) the species and class of the livestock animal, and in particular whether the livestock animal is weak, immature, pregnant, has recently given birth or is lactating;
 - (f) the nature of the journey that the livestock animal is undertaking.

r. 22

- (3) Without limiting subregulation (1), a person responsible for a livestock animal must, before the livestock animal's time off water reaches the maximum time off water for the livestock animal, ensure that it is given a spell for at least the minimum spell period for the livestock animal.

Penalty for this subregulation: a fine of \$15 000.

22. Humane destruction of livestock

- (1) A person who destroys a livestock animal must ensure that the livestock animal is destroyed using a method of humane destruction.

Penalty for this subregulation: a fine of \$15 000

- (2) A person must, after destroying a livestock animal, ensure the livestock animal is dead by observing 2 or more of the following signs —

- (a) the livestock animal has lost consciousness and there is no deliberate movement;
- (b) there are no rhythmic respiratory movements for at least 3 minutes;
- (c) there is no corneal blink reflex when an eyeball is touched;
- (d) the pupils are at maximum dilation and do not respond to light;
- (e) there is no heartbeat.

Penalty for this subregulation: a fine of \$15 000

Part 3 — Provisions for the transport process

Division 1 — General duties

23. Records relating to journeys

- (1) A livestock transporter must keep a record of the following in respect of each journey —
- (a) the date and time the livestock were loaded for the journey, whether in this State or elsewhere;
 - (b) the date and time the livestock last had reasonable access to water before the commencement of the journey, whether in this State or elsewhere;
 - (c) the date, time of commencement and length of any spell given to the livestock, whether in this State or elsewhere;
 - (d) the date and time of inspections of the livestock undertaken in accordance with regulation 39;
 - (e) the details of any concerns for the welfare of the livestock identified by the livestock transporter, including the date and time the concerns were identified and the details of any action taken, whether in this State or elsewhere;
 - (f) the contact details of a person who must be notified in the case of an emergency in respect of the livestock.

Penalty for this subregulation: a fine of \$7 500.

- (2) Subregulation (1) does not apply if the livestock transporter reasonably expects that the journey time will be less than 24 hours.

- (3) A livestock transporter who transfers responsibility for the livestock to another person during or on completion of the journey, must give to that person, by a prescribed service method, a copy of —
- (a) any record kept by the livestock transporter under subregulation (1) in respect of the journey; and
 - (b) in the case of a journey commenced outside this State — any record relating to the transportation of the livestock that has been kept by, or given to, the person under a law of another State or a Territory that corresponds to subregulation (1).

Penalty for this subregulation: a fine of \$7 500.

- (4) A person who is given a copy of a record under subregulation (3) must, when the person transfers responsibility for the livestock to another person during or on completion of the journey, give a copy of the record to that person by a prescribed service method.

Penalty for this subregulation: a fine of \$7 500.

- (5) For the purposes of this regulation, a record may be kept in electronic form.

24. Duty to retain records relating to journey

- (1) A livestock transporter who keeps a record under regulation 23(1) must not, without reasonable excuse, fail to retain the record for 2 years after the day on which the journey is completed.

Penalty for this subregulation: a fine of \$7 500.

- (2) A person who is given a copy of a record under regulation 23(3) or (4) must not, without reasonable excuse, fail to retain the copy of the record for 2 years after the day on which it is given.

Penalty for this subregulation: a fine of \$7 500.

- (3) For the purposes of this regulation, a record may be retained in electronic form.

25. Duty to produce records relating to journey

- (1) An inspector may direct a person who is required to keep a record under regulation 23(1), or is given a copy of a record under regulation 23(3) or (4), to produce the record to the inspector at any reasonable time.
- (2) A person must not, without reasonable excuse, fail to comply with a direction given under subregulation (1).
Penalty for this subregulation: a fine of \$7 500.

26. False or misleading information given to livestock transporters for purposes of journey records

- (1) In this regulation —
journey record means a record required to be kept under regulation 23(1).
- (2) A person must not, in relation to a journey record, give to a livestock transporter information that the person knows is false or misleading in a material particular.
Penalty for this subregulation: a fine of \$15 000.

27. Duty to advise of arrival at destination

A livestock transporter must not, without reasonable excuse, on arrival of the livestock at a destination fail to notify a person receiving the livestock at the destination that the livestock have arrived at the destination.
Penalty: a fine of \$7 500.

Division 2 — General provisions for vehicles, loading and unloading

28. Suitability of vehicles for transporting livestock

- (1) For the purposes of this regulation, a vehicle provides *suitable conditions* for the livestock it is being used to transport if —
- (a) it has effective airflow that is appropriate for the species and class of livestock being transported; and
 - (b) it has a surface or flooring that minimises the risk of injury to livestock from slipping or falling; and
 - (c) it is free from internal protrusions and objects that may cause injury to the livestock; and
 - (d) it has sufficient vertical clearance so as to minimise the risk of injury to the livestock; and
 - (e) it is otherwise suitable for the species and class of livestock being transported.
- (2) A person responsible for livestock animals undertaking a journey by road or by rail must ensure that the vehicle being used to transport the livestock provides suitable conditions for the livestock.

Penalty for this subregulation: a fine of \$7 500.

29. Loading and unloading livestock

- (1) A livestock transporter must ensure that any ramp used to load or unload the livestock during the journey —
- (a) is aligned correctly with the vehicle being used to transport the livestock; and
 - (b) is positioned so that the gap between the vehicle and the ramp is sufficiently narrow so as to minimise the risk of injury to the livestock.

Penalty for this subregulation: a fine of \$7 500.

- (2) A livestock transporter must, before moving the vehicle being used to transport the livestock, ensure that each pen holding the livestock on the vehicle, and each door enclosing the livestock on the vehicle, is closed and secured.

Penalty for this subregulation: a fine of \$7 500.

- (3) A livestock transporter must not unload the livestock, or cause the livestock to be unloaded, at a livestock handling facility unless the livestock handling facility is able to reasonably hold the number of livestock animals to be unloaded.

Penalty for this subregulation: a fine of \$7 500.

Division 3 — General requirements for livestock handling facilities (other than saleyards and depots)

30. Suitability of livestock handling facilities (other than saleyards and depots)

- (1) For the purposes of this regulation, a livestock handling facility provides *suitable conditions* for the livestock it is being used to hold, load or unload if —
- (a) it has effective airflow that is appropriate for the species and class of livestock using the facility; and
 - (b) it has a surface or flooring that minimises the risk of injury to the livestock from slipping or falling; and
 - (c) it is free from internal protrusions and objects that may cause injury to the livestock; and
 - (d) it has sufficient vertical clearance so as to minimise the risk of injury to the livestock; and
 - (e) it is otherwise suitable for the species and class of livestock using the facility.

Animal Welfare (Livestock) Regulations 2019

Part 3 Provisions for the transport process

Division 4 Welfare of livestock during the transport process

r. 31

- (2) An operator of a livestock handling facility (other than a saleyard or depot) being used to hold, load or unload livestock undertaking a transport process must ensure that the facility has suitable conditions for the livestock.

Penalty for this subregulation: a fine of \$7 500.

Division 4 — Welfare of livestock during the transport process

31. Selection and supply of livestock for transport

- (1) A consignor of the livestock animal that has been assembled before a journey must ensure that the livestock animal is assessed, before it is supplied for transport, to determine whether it is unfit to undertake a journey.

Penalty for this subregulation: a fine of \$15 000.

- (2) A consignor must not supply for transport a livestock animal that is unfit to undertake a journey unless a veterinary surgeon has advised that the livestock animal can undertake the journey.

Penalty for this subregulation: a fine of \$15 000.

32. Loading livestock unfit to undertake a journey

- (1) A person who will be the livestock transporter of a livestock animal that is about to undertake a journey must ensure that the livestock animal is assessed, immediately before it is loaded, to determine whether it is unfit to undertake a journey.

Penalty for this subregulation: a fine of \$15 000.

- (2) A person must not load a livestock animal, or cause a livestock animal to be loaded, if the livestock animal is unfit to undertake a journey.

Penalty for this subregulation: a fine of \$15 000.

- (3) It is a defence to a charge under subregulation (2) for a person to prove that —
- (a) a veterinary surgeon advised that the livestock animal could undertake the journey; and
 - (b) the livestock animal was loaded and transported in accordance with that veterinary surgeon's advice.

33. Duty to make appropriate arrangements for livestock

- (1) This regulation applies if, before loading, a livestock animal is determined under regulation 31(1) or 32(1) to be unfit to undertake a journey.
- (2) A consignor of the livestock animal must ensure that appropriate arrangements are made for the livestock animal at the first reasonable opportunity.

Penalty for this subregulation: a fine of \$15 000.

34. Transporting livestock unfit to undertake journey if loaded outside WA

- (1) A person must not transport a livestock animal loaded outside this State if the livestock animal is unfit to undertake a journey.
Penalty for this subregulation: a fine of \$15 000.
- (2) It is a defence to a charge under subregulation (1) for a person to prove that the livestock animal was not unfit to undertake the journey at the time it was loaded outside this State.
- (3) It is a defence to a charge under subregulation (1) for a person to prove that —
- (a) a veterinary surgeon, or an equivalent person under a law of another State or Territory that corresponds with the *Veterinary Surgeons Act 1960*, advised that the livestock animal could undertake the journey; and

- (b) the livestock animal was loaded and transported in accordance with that veterinary surgeon's, or equivalent person's, advice.

35. Reasonable loading density not to be exceeded

- (1) In this regulation —

crate —

- (a) means any structure on or attached to a vehicle used for transporting livestock, other than a pen; and
- (b) includes a trailer;

reasonable loading density, for livestock being transported on a vehicle (including in any crate or pen on the vehicle), means the number of livestock animals that can reasonably be transported on the vehicle so as to minimise the risk to the welfare of livestock, having regard to the following factors —

- (a) the species and class of the livestock;
- (b) the size and body condition of the livestock;
- (c) the average live weight of the livestock being transported on the vehicle;
- (d) the wool or hair length of the livestock;
- (e) whether any of the livestock have horns and, if so, the risk the horns may pose to other livestock;
- (f) the weather conditions predicted for the journey;
- (g) the nature of the journey;
- (h) the type, design and capacity of the vehicle.

- (2) A livestock transporter must ensure that the number of livestock animals being transported on the vehicle being used to transport the livestock (including in any crate or pen on the vehicle) does not exceed the reasonable loading density.

Penalty for this subregulation: a fine of \$7 500.

36. Duty to protect livestock against extreme weather conditions during transport process

A person responsible for a livestock animal undertaking a transport process must take reasonable steps to minimise the impact of extreme weather conditions on the livestock animal.

Penalty: a fine of \$15 000.

37. Duty to segregate livestock on vehicle

- (1) A livestock transporter must, if it is reasonably necessary in the circumstances to segregate the livestock on the vehicle in order to minimise the risk to the welfare of the livestock, ensure that they are segregated by sufficient internal partitions so as to minimise the risk to the welfare of the livestock.

Penalty for this subregulation: a fine of \$7 500.

- (2) In complying with subregulation (1), the livestock transporter must have regard to the following factors —
- (a) the species and class of the livestock animal;
 - (b) the size and body condition of the livestock animal;
 - (c) the general health of the livestock animal;
 - (d) whether the livestock animal is aggressive and, if so, the extent of the aggression;
 - (e) the nature of the journey;
 - (i) the type, design and capacity of the vehicle.

38. Dogs on vehicles

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.

Penalty: a fine of \$7 500.

39. Duty to assess welfare of livestock during journey

(1) In this regulation —

driver rest stop means a period when —

- (a) a vehicle stops for the purpose of the driver having a rest; and
- (b) livestock remain on the vehicle without access to water or access to feed.

(2) A livestock transporter must ensure that the livestock are assessed to determine whether any of the livestock appear to be weak, injured, ill or distressed at the following times —

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

Penalty for this subregulation: a fine of \$7 500.

(3) If a livestock animal is determined under subregulation (2) to appear to be weak, injured, ill or distressed, the livestock transporter must ensure that at the first reasonable opportunity —

- (a) appropriate arrangements are made for the livestock animal; and
- (b) the livestock animal is identified to a person receiving the livestock animal and that person is advised that the livestock animal appears to be weak, injured, ill or distressed.

Penalty for this subregulation: a fine of \$15 000.

40. Weak, injured, ill or distressed livestock unloaded at destination

- (1) This regulation applies if a livestock animal undertaking a transport process is unloaded at a destination and —
- (a) a person receiving the livestock animal at the destination is advised under regulation 39(3) that the livestock animal appears to be weak, injured, ill or distressed; or
 - (b) the livestock animal appears to be weak, injured, ill or distressed.
- (2) A person responsible for the livestock animal at the destination must ensure appropriate arrangements are made for the livestock animal at the first reasonable opportunity.
- Penalty for this subregulation: a fine of \$15 000.

41. Moribund livestock

- (1) For the purposes of this regulation, a livestock animal is *moribund* if —
- (a) it is unable to stand and exhibits signs of distress or insensibility; and
 - (b) appears to have little chance of regaining the capacity to stand and walk unassisted after reasonable attempts have been made to assist the livestock animal.
- (2) A person responsible for a livestock animal undertaking a transport process must, if the livestock animal is moribund, ensure that it is destroyed at the first reasonable opportunity using a method of humane destruction.
- Penalty for this subregulation: a fine of \$15 000.

42. Reasonable access to water after unloading at livestock handling facility (other than saleyard or depot)

- (1) This regulation applies if —
- (a) a livestock animal arrives at a livestock handling facility (other than a saleyard or depot); and
 - (b) a person responsible for the livestock animal at the livestock handling facility is not given a record indicating the last time the livestock animal had reasonable access to water.
- (2) A person responsible for the livestock animal at the livestock handling facility must ensure that the livestock animal is provided reasonable access to water within 24 hours of the livestock animal arriving at the livestock handling facility.

Penalty for this subregulation: a fine of \$15 000.

Division 5 — Special provisions for bobby calves

43. Bobby calves under 5 days of age

A person responsible for a bobby calf that is under 5 days of age must not transport the bobby calf, or cause it to be transported, unless all of the following apply in relation to the calf —

- (a) it is being taken directly to a bobby calf-rearing facility;
- (b) within 6 hours before being loaded, it has been fed sufficient liquid feed to maintain its health and wellbeing;
- (c) it is provided with sufficient bedding to protect the bobby calf from the floor of the crate during the journey;
- (d) it is provided with sufficient space to lie down on its sternum at any time during the journey;
- (e) the journey time is less than 6 hours.

Penalty: a fine of \$7 500.

44. Bobby calves over 5 days of age

A person responsible for a bobby calf must not transport the bobby calf that has reached 5 days of age unless all of the following applies in relation to the calf —

- (a) within 6 hours before being loaded, it has been fed sufficient liquid feed to maintain its health and wellbeing;
- (b) it is provided with sufficient space to lie down on its sternum at any time during the journey;
- (c) it is alert and strong enough to rise from a lying position unassisted;
- (d) the journey time is less than 12 hours.

Penalty: a fine of \$7 500.

45. Bobby calves consigned to saleyard for sale for slaughter

- (1) This regulation applies if a bobby calf that has reached 5 days of age —
 - (a) is consigned to a saleyard or depot for sale for slaughter; and
 - (b) is being transported to the saleyard or depot (as the case may be).
- (2) A person responsible for the bobby calf must ensure that the bobby calf is delivered to the place of slaughter within 18 hours of the last time it had reasonable access to feed.

Penalty for this subregulation: a fine of \$15 000.

46. Premature bobby calves

- (1) In this regulation —
premature bobby calf includes an induced bobby calf.

- (2) A person must not consign a premature bobby calf to undertake a transport process unless it is as fit for the journey as a full-term calf of an equivalent age.

Penalty for this subregulation: a fine of \$15 000.

47. Duty to protect bobby calves from heat and cold stress

A livestock transporter of a bobby calf must take reasonable steps to ensure that the bobby calf is protected against heat stress or cold stress during the journey.

Penalty: a fine of \$15 000.

48. Use of dogs with bobby calves

A person must not use a dog to assist in the control or movement of a bobby calf undertaking a transport process.

Penalty: a fine of \$7 500.

49. Duty to keep feeding records

- (1) A person responsible for a bobby calf that has reached 5 days of age undertaking a transport process must keep a record of each time the bobby calf is fed.

Penalty for this subregulation: a fine of \$7 500.

- (2) It is a defence to a charge under subregulation (1) for a person to prove that —

- (a) the animal was being transported between bobby calf rearing facilities; and
- (b) the journey was not reasonably expected to take more than 6 hours.

- (3) A person who keeps a record under subregulation (1) must, when the person transfers responsibility for the bobby calf to another person during or on completion of the transport process, give a copy of the record to that person by a prescribed service method.

Penalty for this subregulation: a fine of \$7 500.

- (4) A person who is given a copy of a record under subregulation (3) must, when the person transfers responsibility for the bobby calf to another person during or on completion of the transport process, give a copy of the record to that person by a prescribed service method.

Penalty for this subregulation: a fine of \$7 500.

- (5) For the purposes of this regulation, a record may be kept in electronic form.

50. Duty to retain feeding records

- (1) A person who keeps a record under regulation 49(1) must not, without reasonable excuse, fail to retain the copy of the record for 2 years after the day on which it is given.

Penalty for this subregulation: a fine of \$7 500.

- (2) A person who is given a copy of a record under regulation 49(3) or (4) must retain the copy of the record for 2 years after receiving it.

Penalty for this subregulation: a fine of \$7 500.

- (3) For the purposes of this regulation, a record may be retained in electronic form.

51. Duty to produce records relating to journey

- (1) An inspector may direct a person who is required to keep a record under regulation 49(1) or retain a record under regulation 49(3) or (4) to produce the record to the inspector at any reasonable time.

- (2) A person must not, without reasonable excuse, fail to comply with a direction given under subregulation (1).

Penalty for this subregulation: a fine of \$7 500.

52. False or misleading information given to persons required to keep bobby calf feeding records

- (1) In this regulation —

bobby calf feeding record means a record required to be kept under regulation 49(1).

- (2) A person must not, in relation to a bobby calf feeding record, give to another person information that the person knows is false or misleading in a material particular.

Penalty for this subregulation: a fine of \$15 000.

Division 6 — Special provisions for sheep

53. Use of dogs with sheep

- (1) This regulation applies if —

- (a) a dog is being used to assist in the control or movement of a sheep undertaking a transport process; and
(b) the dog habitually bites sheep.

- (2) A person responsible for the sheep must ensure that the dog is muzzled.

Penalty for this subregulation: a fine of \$7 500.

Part 4 — Provisions for saleyards and depots

Division 1 — Requirements for saleyards and depots

54. General requirements for saleyards and depots

- (1) An operator of a saleyard or depot being used to hold, load or unload livestock must ensure that the saleyard or depot provides suitable conditions for the livestock.

Penalty for this subregulation: a fine of \$7 500.

- (2) For the purposes of subregulation (1), a saleyard or depot provides *suitable conditions* for the livestock it is being used to hold, load or unload if —
- (a) it has effective airflow that is appropriate for the species and class of livestock using the saleyard or depot; and
 - (b) it has a surface or flooring that minimises the risk of injury to the livestock from slipping or falling; and
 - (c) it is free from internal protrusions and objects that may cause injury to the livestock; and
 - (d) it has sufficient vertical clearance so as to minimise the risk of injury to the livestock; and
 - (e) it has suitable loading and unloading facilities for the species and class of livestock, and transport vehicles, using the saleyard or depot; and
 - (f) it has suitable watering facilities for the species and class of livestock using the saleyard or depot; and
 - (g) it has suitable feeding facilities to ensure that the livestock, when they are being fed at the saleyard or depot, have reasonable access to feed; and
 - (h) it has suitable facilities so as to minimise the impact of extreme weather conditions on the livestock; and
 - (i) it is otherwise suitable for the species and class of livestock using the saleyard or depot.

Division 2 — Welfare of livestock at saleyards and depots

55. Reasonable penning density not to be exceeded

(1) In this regulation —

reasonable penning density, for livestock held in a pen at a saleyard or depot, means the number of livestock animals that can reasonably be held in the pen in order to minimise the risk to the welfare of livestock, having regard to the following factors —

- (a) the species and class of the livestock;
- (b) the size and body condition of the livestock;
- (c) the wool or hair length of the livestock;
- (d) whether any of the livestock have horns and, if so, the risk the horns may pose to other livestock;
- (e) the weather conditions predicted for the period the livestock are to be held in the pen;
- (f) the period that the livestock animals are to be held in the pen;
- (g) the type, design and capacity of the pen;

selling pen means a pen used to hold a livestock animal when it is presented for sale.

(2) A person responsible for livestock animals at a saleyard or depot must ensure that the number of livestock animals held in each pen at the saleyard or depot does not exceed the reasonable penning density.

Penalty for this subregulation: a fine of \$7 500.

(3) A person responsible for livestock animals at a saleyard must ensure that —

- (a) each livestock animal held in a selling pen at the saleyard has sufficient space to —
 - (i) stand so that it can be freely inspected; and

(ii) rise from a lying position unassisted;
and

- (b) each livestock animal held in any other pen or yard at the saleyard has sufficient space to —
- (i) move freely; and
 - (ii) lie down and rest.

Penalty for this subregulation: a fine of \$7 500.

- (4) A person responsible for livestock animals at a depot must ensure that each livestock animal held in a pen at the depot has sufficient space to —

- (a) move freely; and
- (b) lie down and rest.

Penalty for this subregulation: a fine of \$7 500.

56. Duty to segregate livestock at saleyards and depots

- (1) A person responsible for livestock animals at a saleyard or depot must —
- (a) ensure that the livestock are segregated into sufficient pens so as to minimise the risk to the welfare of livestock at the saleyard or depot; and
 - (b) if it is reasonably necessary in the circumstances to segregate a particular livestock animal in an individual pen in order to minimise the risk to the welfare of livestock — ensure that the livestock animal is segregated into a sufficient individual pen.

Penalty for this subregulation: a fine of \$7 500.

- (2) In complying with subregulation (1), the person must have regard to the following factors —

- (a) the species and class of the livestock;
- (b) the general health of the livestock;

- (c) whether any particular livestock animal is aggressive and, if so, the extent of the aggression.

57. Reasonable access to water and feed after unloading at saleyards and depots

- (1) This regulation applies if a livestock animal arrives at a saleyard or depot.
- (2) A person responsible for the livestock animal at the saleyard or depot must ensure that the livestock animal is provided reasonable access to water within 24 hours of the livestock animal arriving at the livestock handling facility.
Penalty for this subregulation: a fine of \$15 000.
- (3) A person responsible for the livestock animal at the saleyard or depot must ensure that the livestock animal is provided reasonable access to feed within 48 hours of the livestock animal arriving at the saleyard or depot.
Penalty for this subregulation: a fine of \$15 000.

58. Duty to protect livestock against extreme weather conditions at saleyards and depots

A person responsible for a livestock animal at a saleyard or depot must take reasonable steps to minimise the impact of extreme weather conditions on the welfare of the livestock animal.

Penalty: a fine of \$15 000.

59. Newborn livestock and their mothers

- (1) This regulation applies if —
 - (a) a livestock animal that is born while its mother is being transported to a saleyard or depot arrives at the saleyard or depot; or
 - (b) a livestock animal is born at a saleyard or depot.

- (2) A person responsible for the livestock animal at the saleyard or depot must ensure that the livestock animal and its mother are properly treated and cared for while at the saleyard or depot.
Penalty for this subregulation: a fine of \$15 000.

60. Duty to assess welfare of livestock at saleyards and depots

- (1) A person responsible for a livestock animal at a saleyard or depot must ensure that the livestock animal is assessed to determine whether it appears to be weak, injured, ill or distressed —
- (a) at the first reasonable opportunity after the livestock animal arrives at the saleyard or depot; and
 - (b) each day the livestock animal is at the saleyard or depot.

Penalty for this subregulation: a fine of \$7 500.

- (2) If a livestock animal is determined under subregulation (1) to appear to be weak, injured, ill or distressed, the person responsible for the livestock animal must ensure that appropriate arrangements are made for the livestock animal at the first reasonable opportunity.

Penalty for this subregulation: a fine of \$15 000.

61. Livestock suffering severe distress, disease or injury

- (1) This regulation applies to a livestock animal that —
- (a) is at a saleyard or depot; and
 - (b) is suffering from severe distress, disease or injury; and
 - (c) in the circumstances, cannot be reasonably treated.

- (2) A person responsible for the livestock animal at the saleyard or depot must ensure that the livestock animal is destroyed at the first reasonable opportunity using a method of humane destruction.

Penalty for this subregulation: a fine of \$15 000.

62. Livestock unfit for sale

- (1) A person responsible for a livestock animal at a saleyard must ensure that the livestock animal is assessed immediately before it is presented for sale at the saleyard to determine whether it is unfit for sale.

Penalty for this subregulation: a fine of \$15 000.

- (2) If a livestock animal at a saleyard is determined under subregulation (1) to be unfit for sale, the person responsible for the livestock animal must ensure that appropriate arrangements are made for the livestock animal at the first reasonable opportunity.

Penalty for this subregulation: a fine of \$15 000.

- (3) A person responsible for a livestock animal at a saleyard must ensure that the livestock animal is not sold, or presented for sale, at the saleyard if the livestock animal is unfit for sale.

Penalty for this subregulation: a fine of \$15 000.

63. Dogs at saleyards and depots

- (1) A person responsible for a livestock animal at a saleyard or depot must ensure that any dog being used to assist in the control or movement of the livestock animal is muzzled.

Penalty for this subregulation: a fine of \$7 500.

- (2) A person responsible for a livestock animal at a saleyard or depot must ensure that a dog is not used to assist in the control or movement of the livestock animal if the livestock animal is unable to stand.

Penalty for this subregulation: a fine of \$7 500.

64. Humane destruction procedure for saleyards

- (1) An operator of a saleyard must ensure that —
- (a) a written procedure is prepared that provides for the humane destruction of livestock at the saleyard (the *saleyard's humane destruction procedure*); and
 - (b) the saleyard's humane destruction procedure is readily accessible at the saleyard by any person handling livestock at the saleyard.

Penalty for this subregulation: a fine of \$7 500.

- (2) An inspector may direct an operator of a saleyard to produce a copy of the saleyard's humane destruction procedure to the inspector at any reasonable time.
- (3) An operator of a saleyard must not, without reasonable excuse, fail to comply with a direction given under subregulation (2).

Penalty for this subregulation: a fine of \$7 500.

65. Saleyards to have person available to carry out humane destruction of livestock

An operator of a saleyard must ensure that, when any livestock animal is at the saleyard, there is a person at the saleyard who —

- (a) has the knowledge, skills and experience to destroy livestock of the species and class that are usually held at the saleyard using a method of humane destruction; and
- (b) has ready access at the saleyard to suitable equipment for the destruction; and
- (c) is available to carry out, or directly supervise, the destruction.

Penalty: a fine of \$7 500.

Division 3 — Special provisions for bobby calves at saleyards and depots

66. Pen requirements for bobby calves

- (1) An operator of a saleyard being used to hold bobby calves must ensure there are a sufficient number of pens at the saleyard to accommodate the bobby calves.

Penalty for this subregulation: a fine of \$7 500.

- (2) An operator of a saleyard being used to hold bobby calves must ensure that each pen that is being used to hold a bobby calf at the saleyard is in a roofed area.

Penalty for this subregulation: a fine of \$7 500.

67. Presentation of bobby calves for sale

- (1) A person responsible for a bobby calf that is being held at a saleyard must ensure that the bobby calf is not presented for sale at the saleyard unless it —

- (a) has reached 5 days of age; and
- (b) is in good health; and
- (c) is alert and strong enough to rise from a lying position unassisted.

Penalty for this subregulation: a fine of \$7 500.

- (2) This regulation does not apply if the bobby calf —

- (a) was born while its mother was being transported to the saleyard; or
- (b) was born at the saleyard.

Part 5 — Defences

68. Defence for persons responsible for livestock animal

- (1) It is a defence to a charge under these regulations for a person to prove that the person —
- (a) is a person responsible for the livestock animal the subject of the offence by reason of regulation 6(1)(a), (b) or (e), 6(2)(a), 6(2)(b)(ii), 6(2)(d)(i) or 6(2)(e)(ii); and
 - (b) did not have actual physical custody or control of the livestock animal and was not handling the livestock animal; and
 - (c) took reasonable steps to ensure that the livestock animal would be properly treated and cared for.
- (2) It is a defence to a charge under these regulations for a person to prove that the person —
- (a) is a person responsible for the livestock animal the subject of the offence by reason of regulation 6(2)(b)(ii), 6(2)(d)(i) or 6(2)(e)(ii); and
 - (b) did not know, and could not reasonably be expected to have known, that —
 - (i) the livestock animal was on the vehicle, or at the livestock handling facility or destination, as is relevant in the case; and
 - (ii) the animal was not being properly treated and cared for.

69. Defence for acts authorised under written law

It is a defence to a charge under these regulations for a person to prove that the person —

- (a) was authorised by or under a written law to do the act that is alleged to constitute the offence; and

- (b) did the act in a humane manner.

Consultation Draft

Schedule 1 — Maximum time off water and minimum spell periods

[r. 12(3) and 13(3)]

Column 1	Column 2	Column 3	Column 4
Item	Class of livestock animal	Maximum time off water (hours)	Minimum spell period (hours)
1.	Cattle known or visually assessed to be more than 37 weeks pregnant	4	24
2.	Cattle known or visually assessed to be between 24 to 37 weeks pregnant	24	12
3.	Lactating cattle with unweaned calves	24	12
4.	Cattle that have reached 30 days of age but are under 6 months of age	24	12
5.	Bobby calves that have reached 5 days of age	18	24
6.	Cattle of a class not otherwise specified in this Schedule (other than bobby calves that are under 5 days of age)	48	36
7.	Sheep known or visually assessed to be more than 19 weeks pregnant	4	24

Animal Welfare (Livestock) Regulations 2019

Schedule 1 Maximum time off water and minimum spell periods

Column 1	Column 2	Column 3	Column 4
Item	Class of livestock animal	Maximum time off water (hours)	Minimum spell period (hours)
8.	Sheep known or visually assessed to be between 14 and 19 weeks pregnant	24	12
9.	Lactating sheep with unweaned lambs	28	12
10.	Sheep under 4 months of age	28	12
11.	Sheep of a class not otherwise specified in this Schedule	48	36

Clerk of the Executive Council