



Regulating the Australian Animal Welfare Standards and Guidelines in Western Australia – FAQs

What are the Australian Animal Welfare Standards and Guidelines?

The Australian Animal Welfare Standards and Guidelines (Standards and Guidelines) are being developed in consultation between the Commonwealth, States and Territories, and stakeholders, with the aim of having clear animal welfare standards across Australia. [Animal Health Australia](#) is responsible for coordinating the work of revising current [Model Codes of Practice for the Welfare of Animals](#) as a basis for the Standards and Guidelines, which after endorsement by Agriculture Ministers, are to be implemented by all jurisdictions.

The development of the Standards and Guidelines underpins access to overseas markets and reinforces Australia's international reputation as regards animal health and welfare.

The Standards and Guidelines set mandatory requirements for the humane treatment of animals. They use the word 'must' and provide the basis for developing and implementing consistent legislation across Australia.

The Guidelines advise on recommended practices. They use the word 'should' and are designed to complement the Standards but will not be directly enforceable through regulations. Non-compliance with Guidelines will not be considered an offence under law. Both Standards and Guidelines may be considered by the courts in relation to a charge of cruelty.

The current endorsed Standards and Guidelines are:

- [Land Transport \(2012\)](#)
- [Sheep \(2016\)](#)
- [Cattle \(2016\)](#)
- [Livestock at Saleyards and Depots \(2018\)](#)

The WA Government has committed to implement the Standards and Guidelines. Until now, limitations of Western Australia's *Animal Welfare Act 2002* (the Act) prevented their implementation in this State. However, the amendment of the Act in November 2018 will allow the Standards and Guidelines to be regulated.

All States and Territories except WA have implemented the Land Transport Standards. The Sheep and Cattle Standards have been implemented in South Australia and New South Wales and are being considered by other jurisdictions. All jurisdictions are considering the implementation of the Standards and Guidelines on Saleyards and Depots.

Will all of the endorsed Standards and Guidelines be regulated in Western Australia?

No, not immediately. Initially, only the Standards and Guidelines on Land Transport and on Saleyards and Depots will be regulated. These are being regulated together because they cover interrelated requirements.

When the implementation of these Standards and Guidelines has been completed, the Department will start work on regulating the Cattle and Sheep Standards and Guidelines.

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

There are two ways in which the Standards and Guidelines will be applied through regulations. Firstly, the documents will be adopted under the regulations and will operate like the current Codes of Practice. This means that they can be used by the courts to assess husbandry and management practices in cases of alleged cruelty. They can also be used as a defence to a charge of cruelty if a person can prove that he/she was acting in accordance with a prescribed Code of Practice.

In addition, some of the standards will be made directly enforceable through regulations. A breach of these standards will not normally be dealt with as a cruelty offence. Breaches of regulations may be the subject of penalties imposed by a court or by an inspector, as appropriate.

The consultation process will help inform which standards are implemented in this way.

The guidelines advise on recommended practices. Non-compliance with them will not be an offence under law.

How will the regulations be enforced?

Currently, the majority of inspections undertaken by the department's Livestock Compliance Unit occur at livestock aggregation points, such as saleyards, abattoirs, and ports. This is not expected to change.

In future, animal welfare inspectors will be able to directly enforce the regulated standards via a regulatory breach, which may not require prosecution in a court of law. The Act provides for cruelty offences and sets out the penalties that apply to a person found guilty of cruelty to animals. The regulations will set minimum animal welfare standards and failure to comply with them will be the subject of a penalty that is significantly less than the penalty that applies for cruelty.

Animal welfare inspectors may enforce the regulations by issuing infringement notices (like an on-the-spot fine) or undertaking prosecutions under the relevant regulation. The first steps to achieve compliance with the regulations will be activities to raise awareness and educate industry about the requirements.

The new penalties will be finalised once stakeholders have the opportunity to provide input as part of the consultation process.

When will the consultation period start?

It is expected that a draft of the regulations will be available for comment in the second half of 2019. Departmental staff have already met with key industry bodies and the Royal Society for the Prevention of Cruelty to Animals WA (RSPCA), which is responsible for enforcement of the Act, primarily in relation to companion animals and non-commercial livestock, to inform them of the drafting and consultation process. Representatives of these groups will be kept informed while the regulations are being drafted.

Stakeholders and industry are encouraged to have their say during the consultation process.

Important disclaimer

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