



# Responsibilities at saleyards

Current as of March 2023.

**This factsheet summarises the key requirements for sheep and cattle at a saleyard 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 saleyard operators and managers, livestock agents and anyone else who works with animals at a saleyard to ensure the welfare of the animals. This factsheet must be read together with other relevant factsheets that provide greater detail on a particular responsibility, as well as 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 on 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 at a saleyard?

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 sheep and cattle in a saleyard includes:

- a) the operator of the saleyard, including the person responsible for the operations at the saleyard, the proprietor of the business or a person concerned with the management of the business, who owns, uses, manages or controls the saleyard
- b) an agent of the owner of the animal who is involved in the buying or selling of the animal
- c) a person who has actual physical custody or control of the animal
- d) a person who is handling the animal
- e) a person who receives the animal at the saleyard.
- f) 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.
- g) If the animals are being assembled for the outward 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 or 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 saleyards**

An operator of a saleyard must ensure that the saleyard provides suitable conditions for the sheep and cattle (r.55(1)). Suitable conditions are listed in regulation 55 of the Transport Regulations.

## **Receiving livestock**

On arrival at a saleyard the livestock transporter must undertake the following actions:

- Advise the person receiving the animals that sheep and cattle have arrived at saleyard (r.28).
- Assess the yard to determine if it is able to reasonably hold the number of livestock animals 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 appears to be weak, injured, ill or distressed (r.40(3)).
- Ensure the sheep and cattle are correctly unloaded (r.30(1)).
- Provide relevant documentation to the person responsible for the sheep and cattle at the saleyard, where the journey is 24 hours or more (r.24).

A person responsible for the sheep and cattle at the saleyard must undertake the following actions:

- Ensure appropriate arrangements are made for sheep and cattle identified by the livestock transporter as weak, injured, ill or distressed, at the first reasonable opportunity (r.41(2)).
- Ensure the correct penning density (r.56). More information can be found in the Animal Welfare Factsheet *Penning density for sheep and cattle in saleyards*.

## Assessing animals to determine if they appear to be weak, injured, ill or distressed

A person responsible for sheep and cattle at a saleyard must assess each animal to determine if it appears to be weak, injured, ill or distressed:

- once the animal has arrived at the saleyard at first reasonable opportunity, and
- at least once a day while the animal is at the saleyard (r.61(1)).

A person responsible for sheep and cattle at a saleyard must ensure that appropriate arrangements are made at the first reasonable opportunity for any animal that appears to be weak, injured, ill or distressed (r.61(2)).

### 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 (r.3).

### 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.

## Livestock suffering severe distress, disease or injury

In circumstances where an animal at a saleyard is suffering from severe distress, disease or injury and cannot, in the circumstances, be reasonably treated, a person responsible must ensure that the animal is destroyed at the first reasonable opportunity using a method of humane destruction (r.62, r.23 and r.14). More information on humane destruction can be found in the Animal Welfare Factsheet *Humane destruction of sheep and cattle*.

### Moribund animals

A person responsible for sheep and cattle at a saleyard 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)).

## Humane destruction procedure for saleyards

An operator of a saleyard must ensure a written procedure is prepared that provides for the humane destruction of sheep and cattle at the saleyard (the saleyard's humane destruction procedure) (r.65).

The saleyard's humane destruction procedure must be readily accessible at the saleyard by any person handling sheep and cattle at the saleyard (r.65).

## A person available to carry out humane destruction of livestock

An operator of a saleyard must ensure that, when any sheep or cattle are at the saleyard, there is a person at the saleyard who:

- 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
- has ready access at the saleyard to suitable equipment for the destruction
- is available to carry out, or directly supervise, the destruction (r.66).

## 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).

## Penning density

### Penning density sale and non-sale pens

A person responsible for sheep and cattle at a saleyard must ensure that the number of animals held in each pen at the saleyard meets the requirements of a selling or non-selling pen (r.56).

Penning densities required in sale and non-sale pens may not be appropriate for the circumstances and may need to be reduced further:

- To minimise the potential for the welfare of each animal in the pen to be affected in a way that causes pain, injury or distress, while having regard to the factors in regulation 56(1), (r.56(2)).
- As a reasonable step to minimise the impact of temperature or weather conditions that individually, or in combination are likely to predispose livestock to heat stress (r.59).

For more information see animal welfare factsheet *Penning Density for Cattle and Sheep in Saleyards*.

## Segregating animals

Penning densities may need to be reduced further still, even to the point of a single animal in a pen. A person responsible for sheep and cattle at a saleyard must:

- ensure that the livestock are segregated into sufficient pens to minimise the potential risk for the welfare of the animals to be affected in any way that causes pain, injury or distress, and
- if it is reasonably necessary in the circumstances, segregate the animals in a pen in order to minimise the potential risk to the welfare of the animals to be affected in a way that causes pain, injury or distress (r.57(1)).

Regulation 57(2) of the Transport Regulations set out the factors that must be considered when segregating animals.

## **Protection from heat and cold stress**

A person responsible for livestock animals at a saleyard 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.59). For more information see Animal Welfare Factsheet *Managing heat load and heat stress in sheep and cattle at saleyards*.

## **Provision of food and water**

### **Water provision**

Ensuring each animal has access to clean, cool water while in the saleyard is essential. Most animals entering a saleyard suffer some level of water deprivation and knowledge of the animal's time off water is generally unknown.

A person responsible for sheep and cattle at the saleyard must ensure that each animal is provided with reasonable access to water (i.e., provision of suitable water for at least 4 continuous hours sufficient for each animal to maintain its hydration) within 24 hours of the animal arriving, notwithstanding spelling requirements in regulation 22(1) and (3) and protection from heat stress in regulation 59: r.58(2).

In the context of the Transport Regulations this does not mean that a person responsible for sheep and cattle can deprive an animal of water until it has been in the saleyard for 24 hours in all circumstances (or alternatively, has no obligation to provide water in all circumstances until the animal has been at the saleyard for 24 hours). This would be nonsensical given the nature of the transport process.

Instead, the Transport Regulations sets a limit on how long an animal can be deprived of reasonable access to water while at a saleyard, assuming all other regulatory requirements that relate to water provision have been met. For more information see animal welfare factsheet *Managing heat load and heat stress in sheep and cattle at saleyards*.

Penning density must be sufficiently low to allow each animal to drink and allowances made for ensuring that non-dominant or submissive animals have sufficient access.

### **Food provision**

A person responsible for sheep and cattle at the saleyard must ensure that each animal is provided with reasonable access to food within 48 hours of the animal arriving, notwithstanding spelling requirements in regulation 22(1) and (3), (r.58(3)). In the context of the regulations, this does not mean that a person can deprive an animal of food until it has been in the saleyard for 48 hours in all circumstances (or alternatively, has no obligation to provide food in all circumstances until the animal has been at the saleyard for 48 hours). This would be nonsensical given the nature of the transport process.

Instead, this regulation sets a limit on how long an animal can be deprived of food while at a saleyard, assuming all other regulatory requirements that relate to food provision have been met, such as the requirements to spell an animal at such times as are reasonably necessary in order to minimise the potential for the welfare of livestock to be affected in a way that causes pain, injury or distress to the livestock, while having regard to the factors listed below (see spelling).

This requirement is particularly relevant where there is a delay in picking up animals following the sale.

## Spelling

A person responsible for sheep and cattle at the saleyard must ensure that it is given a spell for at least the minimum spell period for the class of 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 (r.22(1) and 22(2)).

The following factors must be considered when determining spelling periods:

- the journey time the animal has undertaken
- whether the animal is fit to undertake the remainder of the journey
- general health of the animal
- actual and predicted weather conditions during the journey
- species and class of animal
- whether the animal is weak, pregnant, lactating or recently given birth
- the nature of the journey (r.22(2)).

A spell is where an animal is:

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

A spell starts when all the animals are unloaded from the vehicle and end 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.

However, notwithstanding the above requirement to spell animals, a person responsible for sheep and cattle at the saleyard, must spell the animals 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.

## Other requirements

### Handling Sheep and Cattle

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

### Bobby Calves

There are specific requirements for bobby calves (a calf under 30 days of age not accompanied by its mother and weighs less than 80kg) including roofed pens, feeding, time held in the saleyard and records. See regulations 46 to 53 and 67 to 68 of the Transport Regulations for more information.

## **Newborn livestock and their mothers**

Where an animal is born while its mother is being transported to a saleyard, or born while at the saleyard, a person responsible for sheep and cattle must ensure that the newborn animal and its mother are properly treated and cared for while at the saleyard (r.60).

## **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 person responsible for sheep and cattle must ensure a dog used to assist in the control or movement of the animals is muzzled (r.64) and is not used to assist in the control or movement of the livestock animal if the animal is unable to stand (r.64) or to move bobby calves (r.49).

## **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).

## **Sale of animals**

### **Animals at a saleyard must be assessed immediately prior to being presented for sale**

A person responsible for sheep and cattle must ensure that each animal is assessed immediately before being presented for sale (i.e., is available for purchase) to determine if it is fit to be sold. Once the animal has been assessed as fit for sale, it can be placed in a selling pen (r.63(1), r.10 and r.11).

Under the Transport Regulations, a person responsible for sheep and cattle at a saleyard, including the saleyard operator must not sell or present for sale any animal that is unfit for sale (r.63(3)).

A person responsible for sheep and cattle at a saleyard assessed as unfit for sale must ensure appropriate arrangements for the animal is made at the first reasonable opportunity (r.63(2)). For more information see Animal Welfare factsheet *Are sheep and cattle fit to be sold at a saleyard*.

### **Penning density in a sale pen**

A person responsible for sheep and cattle must ensure that the penning density for a sale pen is not exceeded (see tables 1 and 2 of Animal Welfare Factsheet *Penning Density for Cattle and Sheep in Saleyards*) (r.56(3) and (2)).

## Transport of animals from the saleyard

Following the sale, a person responsible for sheep and cattle must ensure penning density for a non-sale pen is not exceeded (r.56(4) and (2)).

A person responsible for sheep and cattle must ensure that the animals have had reasonable access to water (i.e. each individual animal has had continuous access to water for a period of at least 4 hours) before the animal has been in the saleyard for 24 hours, notwithstanding the requirements in r.22(1) and (3) and 59, (r.58(2))

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

- Spell the animals as is reasonably necessary to minimise the potential for the welfare of livestock to be affected in a way that causes pain, injury or distress to the animal, while having regard to the factors in regulation 22(2), (r.22(1)).
- Notwithstanding the above requirement to spell animals, spell sheep and cattle prior to reaching their maximum time off water (r.22(3)) if the maximum time off water is likely to be reached during transportation.
- 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 are supplied 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).
- Identify how long the animals have been in the saleyard. If the animals are going to be at the saleyard for 48 hours before pickup, the animals are provided with reasonable access to food, notwithstanding the requirements to spell the animals in r.22(1) and (3). This is particularly relevant for animals that are not picked up immediately following the sale (r.58(3)).

See Animal Welfare Factsheets for responsibilities of transporters taking sheep and cattle from a saleyard.



## 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
  - Penning density for sheep and cattle in saleyards
  - Animal Welfare Responsibilities – Consignors and Transporters
- [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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