
AGRICULTURE AND FOOD

AG301

Animal Welfare Act 2002

**Animal Welfare (General) Amendment
Regulations 2020**

SL 2020/161

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Animal Welfare (General) Amendment Regulations 2020*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette* (**gazettal day**);
- (b) regulation 9 —
 - (i) if the *Fines, Penalties and Infringement Notices Enforcement Amendment Act 2020* section 76 comes into operation on or before gazettal day — immediately after regulation 8 comes into operation; or
 - (ii) otherwise — on the day on which the *Fines, Penalties and Infringement Notices Enforcement Amendment Act 2020* section 76 comes into operation;
- (c) the rest of the regulations — on the day after gazettal day.

3. Regulations amended

These regulations amend the *Animal Welfare (General) Regulations 2003*.

4. Regulation 6 replaced

Delete regulation 6 and insert:

6. Codes of practice adopted (s. 94(2)(d))

- (1) Under section 94(2)(d) of the Act, the following codes of practice relating to the use, care, welfare, safety or health of animals are adopted as they are amended from time to time —
 - (a) *Australian Animal Welfare Standards and Guidelines for Cattle* (Edition 1, Version 1.0, January 2016), published by Animal Health Australia (AHA), Canberra;
 - (b) *Australian Animal Welfare Standards and Guidelines — Land Transport of Livestock* (Edition 1, Version 1.1, 21 September 2012), published by Animal Health Australia (AHA), Canberra;
 - (c) *Australian Animal Welfare Standards and Guidelines — Livestock at Saleyards and Depots* (Edition 1, Version 1.0, 23 February 2018), published by the Department of Economic Development, Jobs, Transport and Resources, The Victorian Government;
 - (d) *Australian Rules of Racing*, as at 1 April 2020, published by Racing Australia Limited;
 - (e) *Code of practice for the conduct of circuses in Western Australia*, first published by the Department of Local Government and Regional Development in March 2003;
 - (f) *Code of practice for exhibited animals in Western Australia*, first published by the Department of Local Government and Regional Development in March 2003;
 - (g) *Code of practice for keeping rabbits in Western Australia*, first published by the Department of Local Government and Regional Development in March 2003;
 - (h) *Code of practice for the conduct of rodeos in Western Australia*, first published by the Department of Local Government and Regional Development in March 2003;
 - (i) *Rules of Harness Racing*, 1 August 2004, published by Racing and Wagering Western Australia.
- (2) Under section 94(2)(d) of the Act, the code of practice relating to the use, care, welfare, safety or health of

animals specified in column 2 of each item in the Table is adopted as it exists on the day on which the *Animal Welfare (General) Amendment Regulations 2020* regulation 4 comes into operation, with the modification specified in column 3 of the item.

Table

Column 1 Item	Column 2 Code of practice	Column 3 Modification
1.	<i>Code of practice for goats in Western Australia</i> , first published by the Department of Local Government and Regional Development in March 2003	In the Introduction after the 1 st paragraph insert: To the extent that this Code applies to the transport process for goats in Western Australia, the transport process is to be undertaken in accordance with the <i>Australian Animal Welfare Standards and Guidelines — Land Transport of Livestock</i> (Edition 1, Version 1.1, 21 September 2012), published by Animal Health Australia (AHA), Canberra, as it is amended from time to time.
2.	<i>Code of practice for farmed buffalo in Western Australia</i> , first published by the Department of Local Government and Regional Development in March 2003	In the Introduction clause 1.1 after the 2 nd paragraph insert: To the extent that the Code applies to the transport process for buffalo in Western Australia, the transport process is to be undertaken in accordance with the <i>Australian Animal Welfare Standards and Guidelines — Land Transport of Livestock</i> (Edition 1, Version 1.1, 21 September 2012), published by Animal Health Australia (AHA), Canberra, as it is amended from time to time.
3.	<i>Code of practice for farming deer in Western Australia</i> , first published by the Department of Local Government and Regional Development in March 2003	In the Introduction after the 2 nd paragraph insert: To the extent that the Code applies to the transport process for deer in Western Australia, the transport process is to be undertaken in accordance with the <i>Australian Animal Welfare Standards and Guidelines — Land Transport of Livestock</i>

Column 1 Item	Column 2 Code of practice	Column 3 Modification
		(Edition 1, Version 1.1, 21 September 2012), published by Animal Health Australia (AHA), Canberra, as it is amended from time to time.
4.	<i>Code of practice for pigeon keeping and racing in Western Australia</i> , first published by the Department of Local Government and Regional Development in March 2003	In the Preface after the 2 nd paragraph insert: To the extent that this Code applies to the transport process for pigeons in Western Australia, the transport process is to be undertaken in accordance with the <i>Australian Animal Welfare Standards and Guidelines — Land Transport of Livestock</i> (Edition 1, Version 1.1, 21 September 2012), published by Animal Health Australia (AHA), Canberra, as it is amended from time to time.
5.	<i>Code of practice for poultry in Western Australia</i> , first published by the Department of Local Government and Regional Development in March 2003	In the Introduction after the 3 rd paragraph insert: To the extent that this Code applies to the transport process for poultry in Western Australia, the transport process is to be undertaken in accordance with the <i>Australian Animal Welfare Standards and Guidelines — Land Transport of Livestock</i> (Edition 1, Version 1.1, 21 September 2012), published by Animal Health Australia (AHA), Canberra, as it is amended from time to time. Delete Part 15 titled “Transport of Poultry”.
6.	<i>Code of practice for sheep in Western Australia</i> , first published by the Department of Local Government and Regional Development in March 2003	In the Introduction after the 2 nd paragraph insert: To the extent that the Code applies to the transport process for sheep in Western Australia, the transport process is to be undertaken in accordance with

Column 1 Item	Column 2 Code of practice	Column 3 Modification
		the <i>Australian Animal Welfare Standards and Guidelines — Land Transport of Livestock</i> (Edition 1, Version 1.1, 21 September 2012), published by Animal Health Australia (AHA), Canberra, as it is amended from time to time.
7.	<i>Code of practice for the capture and marketing of feral animals in Western Australia</i> , first published by the Department of Local Government and Regional Development in March 2003	<p>In the Introduction after the 1st paragraph insert:</p> <p>To the extent that this Code applies to the transport process for feral animals in Western Australia, the transport process is to be undertaken in accordance with the <i>Australian Animal Welfare Standards and Guidelines — Land Transport of Livestock</i> (Edition 1, Version 1.1, 21 September 2012), published by Animal Health Australia (AHA), Canberra, as it is amended from time to time.</p> <p>In Part B under the heading “Transportation” delete “Operators should refer to other relevant State Codes of Practice for specific guidelines on transport.”.</p>
8.	<i>Model Code of Practice for the Welfare of Animals: Husbandry of Captive-Bred Emus</i> (2 nd edition), first published by the Primary Industries Ministerial Council in 2006	<p>In the Introduction after clause 1.1 insert:</p> <p>1.1A To the extent that the Code applies to the transport process for emus in Western Australia, the transport process is to be undertaken in accordance with the <i>Australian Animal Welfare Standards and Guidelines — Land Transport of Livestock</i> (Edition 1, Version 1.1, 21 September 2012), published by Animal</p>

Column 1 Item	Column 2 Code of practice	Column 3 Modification
		Health Australia (AHA), Canberra, as it is amended from time to time.
9.	<i>Model Code of Practice for the Welfare of Animals: Livestock at Slaughtering Establishments</i> , first published in 2001 (paperback) and 2002 (online) by CSIRO publishing, acting on behalf of the Primary Industries Ministerial Council	In the Introduction delete clause 1.3 and insert: 1.3 To the extent that this Code applies to the transport process for livestock animals to slaughtering establishments in Western Australia, the transport process is to be undertaken in accordance with the <i>Australian Animal Welfare Standards and Guidelines — Land Transport of Livestock</i> (Edition 1, Version 1.1, 21 September 2012), published by Animal Health Australia (AHA), Canberra, as it is amended from time to time.
10.	<i>Model Code of Practice for the Welfare of Animals: Pigs</i> (3 rd edition), first published by the Primary Industries Ministerial Council in 2008	In the Introduction after clause 1.1 insert: 1.1A To the extent that the Code applies to the transport process for pigs in Western Australia, the transport process is to be undertaken in accordance with the <i>Australian Animal Welfare Standards and Guidelines — Land Transport of Livestock</i> (Edition 1, Version 1.1, 21 September 2012), published by Animal Health Australia (AHA), Canberra, as it is amended from time to time.

Column 1 Item	Column 2 Code of practice	Column 3 Modification
11.	<i>Model Code of Practice for the Welfare of Animals: The Camel</i> (2 nd edition), first published by the Primary Industries Ministerial Council in 2006	In the Introduction after the 1 st paragraph insert: To the extent that the Code applies to the transport process for camels in Western Australia, the transport process is to be undertaken in accordance with the <i>Australian Animal Welfare Standards and Guidelines — Land Transport of Livestock</i> (Edition 1, Version 1.1, 21 September 2012), published by Animal Health Australia (AHA), Canberra, as it is amended from time to time.

5. Regulation 7 replaced

Delete regulation 7 and insert:

7. Use of devices: electric shock (s. 29)

- (1) In this regulation —
depot, saleyard and *transport process* have the meanings given in the *Animal Welfare (Transport, Saleyards and Depots) (Cattle and Sheep) Regulations 2020* regulation 3.
- (2) For the purposes of section 29 of the Act, it is a defence to a charge under section 19(1) of the Act, committed in circumstances described in section 19(2)(b) of the Act, if a device specified in column 2 of an item in the Table is used —
 - (a) by a person engaged in an activity specified in column 3 of the item; and
 - (b) on an animal of a kind specified in column 4 of the item; and
 - (c) in accordance with the manner of use specified in column 5 of the item.

Table

Column 1	Column 2	Column 3	Column 4	Column 5
Item	Device	Activity	Kind of animal	Manner of use
1.	Electric stock prod	Driving, herding, mustering or controlling an animal	Sheep, pig, goat, buffalo or camel	Must not be applied to the face, udder or genital organs of an animal
2.	Electric stock prod	Driving, herding, mustering or controlling an animal	Cattle	Must be used in accordance with the <i>Animal Welfare (Transport, Saleyards and Depots) (Cattle and Sheep) Regulations 2020</i> regulation 20
3.	Electric stock prod	Handling an animal in a transport process or at a depot or saleyard	Cattle or sheep	Must be used in accordance with the <i>Animal Welfare (Transport, Saleyards and Depots) (Cattle and Sheep) Regulations 2020</i> regulation 20
4.	Electric stock prod	Controlling an animal at a rodeo	Horse or cattle	Must not be applied to the face, udder or genital organs of an animal
5.	Electric stunning device	Electrical stunning of an animal in an abattoir	Cattle, sheep, goat or pig	Must be used in accordance with the relevant code of practice for the particular animal
6.	Electro-ejaculator	Collecting semen from a conscious animal	Cattle or sheep	Must be used in accordance with any relevant code of practice for the particular animal
7.	Electro-ejaculator	Collecting semen from a tranquillised or anaesthetised animal	All species of animal, including cattle and sheep	Must be used in accordance with any relevant code of practice for the particular animal

Column 1 Item	Column 2 Device	Column 3 Activity	Column 4 Kind of animal	Column 5 Manner of use
8.	Electric training collar activated by the animal or a person in the course of training an animal	Training an animal	Dog	Must be used in accordance with the generally accepted method of usage for the type of collar
9.	Electrical device known as the “invisible fence”	Containment and training of an animal	Dog	Must be used in accordance with the generally accepted method of usage for the type of “invisible fence”

(3) For the purposes of section 29 of the Act, it is a defence to a charge under section 19(1) of the Act, committed in circumstances described in section 19(2)(b) of the Act, if an electro-immobiliser is used on cattle in the following circumstances —

- (a) to restrain the animal in order to perform a procedure on the animal;
- (b) in the circumstances, an alternative restraining method would not sufficiently restrain the animal for the purposes of performing the procedure;
- (c) the electro-immobiliser is not being used as an alternative to providing the animal with pain relief;
- (d) the animal has reached 6 months of age;
- (e) the person using the electro-immobiliser is —
 - (i) trained to use it on cattle; or
 - (ii) using it under the direct supervision of a person who is a veterinary surgeon or trained to use it on cattle.

(4) For the purposes of subregulation (3)(e)(ii), a person (the ***supervised person***) is using an electro-immobiliser under the direct supervision of another person (the ***supervisor***) if the supervisor —

- (a) provides instruction and guidance to the supervised person in relation to the use of the electro-immobiliser; and
- (b) oversees and evaluates the use of the electro-immobiliser; and

- (c) is on the same premises as the supervised person while the electro-immobiliser is being used; and
- (d) is able to immediately render assistance to the supervised person, if required, at any time during the use of the electro-immobiliser.

6. Regulations 9A and 9B inserted

After regulation 9 insert:

9A. Prescribed offences and modified penalties (s. 65(1) and 66(2))

- (1) An offence described in Schedule 1 is a prescribed offence for the purposes of section 65(1) of the Act.
- (2) The modified penalty specified opposite an offence in Schedule 1 is the modified penalty for the offence for the purposes of section 66(2) of the Act.

9B. Prescribed forms (s. 66(1) and 68(1))

- (1) Schedule 2 Form 1A is the prescribed form of an infringement notice for the purposes of section 66(1) of the Act.
- (2) Schedule 2 Form 1B is the prescribed form of a notice to withdraw an infringement notice for the purposes of section 68(1) of the Act.

7. Schedule 1 replaced

Delete Schedule 1 and insert:

Schedule 1 — Prescribed offences and modified penalties

[r. 9A]

Table

Item	Offence under the <i>Animal Welfare (Transport, Saleyards and Depots) (Cattle and Sheep) Regulations 2020</i>	Modified penalty
1.	r. 17(3)	\$750
2.	r. 18(1)	\$750
3.	r. 18(3)	\$750
4.	r. 19(1)	\$750
5.	r. 19(2)	\$750

Item	Offence under the <i>Animal Welfare (Transport, Saleyards and Depots) (Cattle and Sheep) Regulations 2020</i>	Modified penalty
6.	r. 19(3)	\$750
7.	r. 20, but only in relation to an offence committed in circumstances referred to in paragraphs (a), (b), (c) or (e)	\$750
8.	r. 21(1)	\$500
9.	r. 22(3)	\$750
10.	r. 23(1)	\$750
11.	r. 23(3)	\$750
12.	r. 24(1)	\$500
13.	r. 24(3)	\$500
14.	r. 24(4)	\$500
15.	r. 25(1)	\$500
16.	r. 25(2)	\$500
17.	r. 26(2)	\$500
18.	r. 28	\$500
19.	r. 29(1)	\$500
20.	r. 30(1)	\$500
21.	r. 30(2)	\$500
22.	r. 31(1)	\$500
23.	r. 32(1)	\$750
24.	r. 32(2)	\$750
25.	r. 33(1)	\$750
26.	r. 33(2)	\$750
27.	r. 35(1)	\$750
28.	r. 39	\$500
29.	r. 40(2)	\$750
30.	r. 40(3)	\$750
31.	r. 43(2)	\$750

Item	Offence under the <i>Animal Welfare (Transport, Saleyards and Depots) (Cattle and Sheep) Regulations 2020</i>	Modified penalty
32.	r. 44	\$750
33.	r. 45	\$750
34.	r. 46(2)	\$750
35.	r. 47(2)	\$750
36.	r. 49	\$500
37.	r. 50(1)	\$500
38.	r. 50(3)	\$500
39.	r. 50(4)	\$500
40.	r. 51(1)	\$500
41.	r. 51(2)	\$500
42.	r. 52(2)	\$500
43.	r. 54(2)	\$500
44.	r. 55(1)	\$500
45.	r. 56(4)	\$750
46.	r. 56(5)	\$750
47.	r. 58(2)	\$750
48.	r. 58(3)	\$750
49.	r. 63(1)	\$750
50.	r. 63(3)	\$750
51.	r. 64(1)	\$500
52.	r. 64(2)	\$750
53.	r. 65(1)	\$500
54.	r. 65(3)	\$500
55.	r. 67(2)	\$500
56.	r. 68(1)	\$750

8. Schedule 2 Forms 1A and 1B inserted

In Schedule 2 after Form 1 insert:

Form 1A — Infringement notice

[r. 9B(1)]

<i>Animal Welfare Act 2002</i>		Infringement notice no.
Infringement Notice		
Alleged offender	Name	
	Address	
Alleged offence	Date or period	
	Place	
	Written law contravened	
	Details of offence	
Date	Date of notice	
Inspector	Name	
	Office	
	Signature	
Modified penalty	\$ _____	
TAKE NOTICE	<p>It is alleged that you have committed the above offence.</p> <p>If you do not want to be prosecuted in court for the offence, pay the modified penalty to the Authorised Person within 28 days after the date of this notice.</p> <p>If you do not pay the modified penalty within 28 days, you may be prosecuted or enforcement action may be taken under the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i>. Under that Act, some or all of the following action may be taken — your driver's licence may be suspended, your vehicle licence may be suspended or cancelled, your details may be published on a website, your vehicle may be immobilised or have its number plates removed, and your property may be seized and sold.</p> <p>If you need more time to pay the modified penalty, you can apply for an extension of time by writing to the Authorised Person at the address below.</p> <p>Paying the modified penalty is not regarded as an admission for the purposes of any civil or criminal proceedings.</p>	

	<p>If you want this matter to be dealt with by prosecution in court, sign and date here:</p> <p>_____ / ____ /20</p> <p>and post this notice to the Authorised Person at the address below within 28 days after the date of this notice.</p>	
How to pay	In person	<i>[Insert details for paying in person]</i>
	By post	<i>[Insert details for paying by post]</i>
	Online	<i>[Insert details for paying online]</i>
	By telephone	<i>[Insert details for paying by telephone]</i>

Form 1B — Withdrawal of infringement notice

[r. 9B(2)]

<i>Animal Welfare Act 2002</i>		Withdrawal no.
Withdrawal of infringement notice		
Alleged offender	Name	
	Address	
Details of infringement notice	Infringement notice no.	
	Date of issue	
	Date or period	
	Place	
	Written law contravened	
	Details of offence	
Authorised person withdrawing notice	Name	
	Office	
	Signature	
Date	Date of withdrawal	
Withdrawal of infringement notice <i>[*Delete whichever is not applicable]</i>	<p>The above infringement notice issued against you for the above alleged offence has been withdrawn.</p> <p>If you have already paid the modified penalty for the alleged offence, you are entitled to a refund.</p> <p>1. Your refund is enclosed.</p> <p>or</p>	

	2. If you have paid the modified penalty but a refund is not enclosed, you may claim your refund by signing and dating this notice and posting it to: Authorised Person — <i>Animal Welfare Act 2002</i> <i>[Insert address]</i>		
Your signature		Date	

9. Schedule 2 Form 1A amended

In Schedule 2 Form 1A delete the passage that begins with “your driver’s licence” and ends with “seized and sold.” and insert:

your driver’s licence may be suspended, your vehicle licence may be suspended or cancelled, you may be disqualified from holding or obtaining a driver’s licence or vehicle licence, your vehicle may be immobilised or have its number plates removed, your details may be published on a website, your earnings or bank accounts may be garnished, and your property may be seized and sold.

V. MOLAN, Clerk of the Executive Council.
