



Western Australia

Animal Welfare Act 2002

Animal Welfare (Poultry) Regulations 2024

Animal Welfare (Poultry) Regulations 2024

Contents

Part 1 — Preliminary		
1.	Citation	1
2.	Commencement	1
3.	Terms used	1
4.	Appropriateness of thing or area for poultry	4
Part 2 — Cage requirements in laying sheds during Part 2 operative period		
Division 1 — Preliminary		
5.	Application of Part	5
6.	Terms used	5
Division 2 — Cage design and construction		
Subdivision 1 — Offence		
7.	Non-compliant cages prohibited in laying sheds	6
Subdivision 2 — Requirements for cage design and construction		
8.	Water and food troughs	6
9.	Floor support	7
10.	Cage height	7
11.	Cage doors	7
12.	Cages arranged in tiers	7
Division 3 — Stocking densities		
13.	Cages in laying sheds must have minimum floor area	8

Part 3 — Cage requirements for commercial poultry production in sheds

14.	Application of Part	9
15.	Cages to have adequate space	9
16.	Laying hens to have access to adequate nest areas from point of lay	10
17.	Laying hens to have access to adequate perches or platforms	10
18.	Laying hens to have access to areas for scratching or foraging	10

Part 4 — Requirements for ducks

19.	Breeding ducks to have access to water	12
-----	--	----

Part 6 — Defences to offences

28.	Use of poultry under licence for scientific purposes	13
29.	Person responsible not in actual control of poultry	13
30.	Offence against Parts 2 and 3 during particular periods	14

Part 7 — Repeal

31.	Regulations repealed	15
-----	----------------------	----

Notes

	Compilation table	16
	Uncommenced provisions table	16

Defined terms

Animal Welfare (Poultry) Regulations 2024

Part 1 — Preliminary

1. Citation

These regulations are the *Animal Welfare (Poultry) Regulations 2024*.

2. Commencement

These regulations come into operation as follows —

- (a) Part 1 — on the day on which these regulations are published on the WA legislation website (***publication day***);
- (b) Part 5 — on 1 July 2025;
- (c) the rest of the regulations — on the day after publication day.

3. Terms used

In these regulations —

appropriate, in relation to a thing or area, has the meaning given in regulation 4;

bird level means the height of the bird's head when the bird is standing normally;

breeding, in relation to poultry, means poultry reared, kept and managed for the purposes of breeding poultry, whether or not the poultry are sexually mature or male;

brooder means a heated structure for raising young poultry;

captive poultry has the meaning given in regulation 20;

chicken means a member of the species *Gallus gallus*;

commercial egg production means a business that involves keeping 50 or more chickens for the purpose of producing eggs for sale, whether or not those chickens are all kept at the same place;

commercial poultry production means a business that involves breeding, keeping or the slaughter of poultry for the purpose of selling poultry or poultry products;

laying hen —

- (a) means a female chicken that is at least 18 weeks of age; but
- (b) does not include a breeding chicken;

laying shed means a building or structure in which 1 or more laying hens are caged for the purpose of commercial egg production;

nest area means an area of a cage for a laying hen to nest in that is dark, secluded and separated from other chickens in the cage;

Part 2 operative period, in relation to a laying shed, means the period beginning on the day on which this definition comes into operation and ending on —

- (a) for a laying shed where the cages were first installed on or before 31 December 2011 — 30 June 2032; or
- (b) for a laying shed where the cages were first installed in 2012 — 30 June 2033; or
- (c) for a laying shed where the cages were first installed in 2013 — 30 June 2034; or
- (d) for a laying shed where the cages were first installed in 2014 — 30 June 2035; or
- (e) for a laying shed where the cages were first installed on or after 1 January 2015 but before 1 July 2022 — 30 June 2036;

person responsible, for poultry, means any of the following —

- (a) the person who owns the poultry;
- (b) the person having care, supervision, custody or control of the poultry;
- (c) if a person referred to in paragraph (b) is a member of staff of another person — that other person;
- (d) the person who owns, uses, manages or controls the place or vehicle where the poultry are located;
- (e) the person who is responsible for the operation of the place at which the poultry are located;

pick up, in relation to live poultry —

- (a) means removing the live poultry from the shed where the poultry are kept; and
- (b) includes removing the live poultry from the shed for slaughter;

poultry means any of the following —

- (a) birds in the family Phasianidae, including —
 - (i) partridges; and
 - (ii) quails; and
 - (iii) pheasants; and
 - (iv) chickens; and
 - (v) guineafowl; and
 - (vi) turkeys;
- (b) birds in the family Anatidae, including —
 - (i) ducks; and
 - (ii) geese;
- (c) emus (*Dromaius novaehollandiae*);
- (d) ostriches (*Struthio camelus*);
- (e) pigeons (*Columba livia*);

shed means a building in which poultry are kept;

substrate means loose or friable material for poultry to peck, forage or scratch.

4. Appropriateness of thing or area for poultry

For the purposes of these regulations, a thing or area is *appropriate* for poultry if it is appropriate for the welfare, safety and health of the poultry, having regard to all relevant circumstances, including the poultry's species and the environment in which the poultry are kept or live.

Part 2 — Cage requirements in laying sheds during Part 2 operative period

Division 1 — Preliminary

5. Application of Part

This Part applies to a laying shed.

Note for this regulation:

Regulation 30(1) is a defence to a charge of an offence against this Part that an act or omission constituting the offence occurs outside the Part 2 operative period for the laying shed.

6. Terms used

In this Part —

controller, of a laying shed, means a person who is either or both of the following —

- (a) the owner or lessee of the cages in the laying shed;
- (b) the person having the day-to-day management and control of the laying shed;

floor area, of a cage —

- (a) means the area of the lower horizontal plane of the cage measured between the vertical sections of the back and front walls and the vertical sections of the side walls of the cage; and
- (b) includes the area under each of the following —
 - (i) an egg baffle;
 - (ii) a nipple drinker;
 - (iii) a water trough;but
- (c) does not include any other area of the cage that is less than 35 cm in height;

nipple drinker means a nipple attached to a water line.

Division 2 — Cage design and construction

Subdivision 1 — Offence

7. Non-compliant cages prohibited in laying sheds

(1) In this regulation —

non-compliant cage means a cage that contains at least 1 laying hen that does not meet each of the requirements set out in Subdivision 2.

(2) A controller of a laying shed commits an offence if the laying shed contains at least 1 non-compliant cage.

Alternative offence: r. 15(2).

Penalty for this subregulation: a fine of \$20 000 consisting of —

- (a) a fine of \$10 000; and
- (b) an additional fine of \$100 for each non-compliant cage in the laying shed.

Subdivision 2 — Requirements for cage design and construction

8. Water and food troughs

(1) In this regulation —

cup drinker means a cup that —

- (a) is attached to a water line; and
- (b) has a lever or other device in it that is operable by a chicken; and
- (c) fills with water if a chicken applies pressure to the lever or device.

(2) Each laying hen in a cage must have reasonable access to —

- (a) a water trough that is long enough to allow at least 10 cm for each hen in the cage; or
- (b) at least 2 cup drinkers or nipple drinkers.

- (3) Each laying hen in a cage must have reasonable access to a food trough that is long enough to allow at least 10 cm for each hen in the cage.

9. Floor support

The floor of a cage must provide support for each forward pointing toe of each laying hen in the cage.

10. Cage height

The height of a cage must be —

- (a) more than the bird level of the tallest laying hen in the cage; and
- (b) at least 40 cm for at least 65% of the floor area of the cage.

11. Cage doors

- (1) The height of the door of a cage must be not less than 19 cm.
- (2) The width of the door of a cage must be not less than —
 - (a) if the width of the cage is more than 50 cm — 50 cm; or
 - (b) otherwise — the width of the cage (excluding the width of structural supports for the door).

12. Cages arranged in tiers

If 2 or more cages are arranged in vertical tiers, the cages must be arranged so that each laying hen in the cages —

- (a) is visible for the purpose of inspection; and
- (b) is able to be removed easily from the cage; and
- (c) is protected from the excreta of hens in cages on higher tiers.

Division 3 — Stocking densities

13. Cages in laying sheds must have minimum floor area

A controller of a laying shed commits an offence if the laying shed contains at least 1 cage —

- (a) that contains at least 1 laying hen; and
- (b) the floor area of which is less than —
 - (i) if the cage contains 1 laying hen — 1 000 cm²; or
 - (ii) if the cage contains 2 laying hens — 1 350 cm²; or
 - (iii) if the cage contains 3 or more laying hens — an area calculated by allowing 550 cm² for each hen.

Alternative offence: r. 15(2).

Penalty: a fine of \$20 000 consisting of —

- (a) a fine of \$10 000; and
- (b) an additional fine of \$100 for each cage in the laying shed that contains at least 1 laying hen.

Part 3 — Cage requirements for commercial poultry production in sheds

Note for this Part:

Regulation 30(2) is a defence to a charge of an offence against this Part that an act or omission constituting the offence occurs in relation to a shed to which Part 2 applies and it occurs during the Part 2 operative period for the shed.

14. Application of Part

This Part applies to laying hens —

- (a) kept for commercial poultry production; and
- (b) continually housed in cages in a shed.

15. Cages to have adequate space

(1) In this regulation —

usable space, in relation to a cage —

- (a) means the part of the cage in which a laying hen can move around freely and perform normal postures; but
- (b) does not include the parts of the cage that —
 - (i) are nest areas; or
 - (ii) have raised perches, feed troughs or other structures.

(2) A person responsible for a laying hen must ensure that the usable space of a cage in which the laying hen is housed —

- (a) is at least 55 cm in height; and
- (b) has an area of —
 - (i) if 1 laying hen is in the cage — at least 1 000 cm²; or

- (ii) if 2 or more laying hens are in the cage — at least 750 cm² for each hen in the cage.

Alternative offence: r. 7(2) or 13.

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

16. Laying hens to have access to adequate nest areas from point of lay

- (1) In this regulation —
point of lay, in relation to a laying hen, means the age at which the laying hen will start to lay eggs.
- (2) A person responsible for a laying hen must ensure that, from just before the laying hen's point of lay, the cage in which the laying hen is housed has —
 - (a) 1 appropriate nest area for every 7 hens that has space for those chickens to nest; or
 - (b) 1 appropriate nest area for every 120 hens that is at least 1 m².

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

17. Laying hens to have access to adequate perches or platforms

A person responsible for a laying hen must ensure that the cage in which the laying hen is housed has a perch or platform that is at least 15 cm in length for each laying hen housed in the cage.

Penalty: a fine of \$15 000.

18. Laying hens to have access to areas for scratching or foraging

A person responsible for a laying hen must ensure that the laying hen has access to —

- (a) an outdoor area; or

- (b) all of the following —
 - (i) substrate that is appropriate for the laying hen;
 - (ii) an abrasive device used for shortening the laying hen's claws;
 - (iii) a surface area or flooring that allows the laying hen to forage and scratch.

Penalty: a fine of \$15 000.

Part 4 — Requirements for ducks

19. Breeding ducks to have access to water

- (1) A person responsible for a breeding duck at a place where breeding ducks are kept must ensure that the duck has —
- (a) reasonable access to water so that the duck can dip their head under the water; or
 - (b) constant access to a bathing system that —
 - (i) is appropriate for the duck; and
 - (ii) gives the duck full body access to water for bathing; and
 - (iii) allows the duck to wet preen and clean their eyes and nostrils.

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

- (2) It is a defence to a charge for an offence against subregulation (1) that an act or omission constituting the offence occurs before 1 July 2032 at a place where breeding ducks are kept that began operations before 1 July 2022.

[Part 5 has not come into operation.]

Part 6 — Defences to offences

28. Use of poultry under licence for scientific purposes

It is a defence to a charge for an offence against these regulations that —

- (a) the person charged uses the poultry for scientific purposes; and
- (b) the person charged is a scientific establishment, or a member of staff or a student of a scientific establishment, that holds a licence authorising the use of the poultry for scientific purposes; and
- (c) the animal ethics committee of the scientific establishment has given approval, in accordance with the scientific use code, for the person to so use the poultry; and
- (d) the person charged uses the poultry in accordance with the licence and approval; and
- (e) the person charged uses the poultry in a humane manner.

29. Person responsible not in actual control of poultry

It is a defence to a charge for an offence against these regulations that —

- (a) the person responsible for poultry who is charged either —
 - (i) owns the poultry; or
 - (ii) owns, uses, manages or controls the place or vehicle where the poultry are located;and
- (b) another person has care, supervision, custody or control of the poultry when the act or omission alleged to have constituted the offence occurs; and

- (c) the person charged takes reasonable steps to ensure that the poultry are properly treated and cared for when the other person has the care, supervision, custody or control of the poultry.

30. Offence against Parts 2 and 3 during particular periods

- (1) It is a defence to a charge of an offence against Part 2 that an act or omission constituting the offence did not occur during the Part 2 operative period for the laying shed to which the charge relates.
- (2) It is a defence to a charge of an offence against Part 3 that —
 - (a) the shed where the laying hen to which the charge relates is housed is a laying shed; and
 - (b) an act or omission constituting the offence occurs during the Part 2 operative period for the laying shed.

Part 7 — Repeal

31. Regulations repealed

The *Animal Welfare (Commercial Poultry) Regulations 2008* are repealed.

Notes

This is a compilation of the *Animal Welfare (Poultry) Regulations 2024*. For provisions that have come into operation see the compilation table. For provisions that have not yet come into operation see the uncommenced provisions table.

Compilation table

Citation	Published	Commencement
<i>Animal Welfare (Poultry) Regulations 2024</i> (other than Pt. 5)	SL 2024/266 11 Dec 2024	Pt. 1: 11 Dec 2024 (see r. 2(a)); Regulations other than Pt. 1 and 5: 12 Dec 2024 (see r. 2(c))

Uncommenced provisions table

To view the text of the uncommenced provisions see *Subsidiary legislation as made* on the WA Legislation website.

Citation	Published	Commencement
<i>Animal Welfare (Poultry) Regulations 2024</i> Pt. 5	SL 2024/266 11 Dec 2024	1 Jul 2025 (see r. 2(b))

Defined terms

[This is a list of terms defined and the provisions where they are defined.

The list is not part of the law.]

Defined term	Provision(s)
appropriate	3, 4
bird level	3
breeding	3
brooder	3
captive poultry	3
chicken	3
commercial egg production.....	3
commercial poultry production.....	3
controller.....	6
cup drinker	8(1)
floor area.....	6
laying hen.....	3
laying shed	3
nest area	3
nipple drinker.....	6
non-compliant cage.....	7(1)
Part 2 operative period.....	3
person responsible.....	3
pick up	3
point of lay	16(1)
poultry.....	3
publication day.....	2
shed	3
substrate	3
usable space	15(1)

© State of Western Australia 2024.

This work is licensed under a Creative Commons Attribution 4.0 International Licence (CC BY 4.0).

To view relevant information and for a link to a copy of the licence, visit www.legislation.wa.gov.au.

Attribute work as: © State of Western Australia 2024.

By Authority: GEOFF O. LAWN, Government Printer