



Western Australia

Animal Welfare (General) Regulations 2003

Compare between:

[01 May 2013, 01-e0-07] and [03 Oct 2020, 01-f0-00]

Western Australia

Animal Welfare Act 2002

Animal Welfare (General) Regulations 2003

Part 1 — Preliminary

1. Citation

These regulations may be cited as the *Animal Welfare (General) Regulations 2003*⁺.

2. Commencement

These regulations come into operation on the day of their publication in the *Gazette* or the day on which the *Animal Welfare Act 2002* comes into operation, whichever is the later⁺.

Part 2 — Offences against animals

3. Inhumane devices (s. 19(2)(b))

For the purposes of section 19(2)(b) of the Act, the following devices are prescribed as inhumane —

- (a) a device, other than an electric fence, that is designed or modified to deliver an electric shock to an animal;
- (b) jawed traps;
- (c) spurs that have sharpened or fully-fixed rowels;
- (d) spurs that are reasonably capable of penetrating the skin of the animal on which they are intended to be used.

4. Prescribed acts (s. 19(2)(d) and (3)(b)(i))

The administration of an electric shock to an animal in a manner that is not set out in regulation 7 is a prescribed act for the purposes of section 19(2)(d) and (3)(b)(i) of the Act.

5. Pests (s. 24(2))

- (1) In this regulation —

BAM Act means the *Biosecurity and Agriculture Management Act 2007*;

BAM Act list means either of following lists established and maintained under the BAM Act section 158 —

- (a) the list of all organisms for which a declaration under the BAM Act section 12 (prohibited organisms) is in force;
 - (b) the list of all organisms for which a declaration under the BAM Act section 22(2) (declared pests) is in force.
- (2) An animal set out in a BAM Act list is prescribed as a pest under section 24(2) of the Act, if —
- (a) the animal is not being kept as a domestic pet;

- (b) the animal is not being kept for the purposes of racing, riding or harnessing;
- (c) the animal is not being kept for the purpose of confined display or entertainment;
- (d) the animal is not being kept as a form of livestock; and
- (e) at the time a person attempts to kill the animal, it is not under effective control of an owner.

[Regulation 5 amended: Gazette 5 Feb 2013 p. 826-7.]

6. Codes of practice adopted ~~as defences~~ (s. ~~25 and~~ 94(2)(d))

~~The~~(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 ~~set out in Schedule 1~~ are adopted, as they are amended from time to time, ~~under section 94(2)(d) of the Act,~~ —

- (a) ~~Australian Animal Welfare Standards and each is a~~ ~~relevant~~ [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;

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- (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 practice²² ~~that can be used as a defence under section 25 of the Act~~ 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.

~~7. Use of devices — electric shock (s. 29)~~

~~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 the device used is one set out in the Table to this regulation, and the device is used on an animal for the purpose, and in accordance with the conditions, set out next to that device in that Table.~~

Table

<u>Column 1</u>		<u>Column 2</u>	<u>Column 3</u>
<u>Device</u>	<u>Purpose</u>	<u>TypeCode of animalpractice</u>	<u>Manner-of useModification</u>
Electric stock prod.	Driving, herding, mustering	Cattle, sheep, pigs, goats, buffalo or camels <u>Code of practice for goats in Western Australia</u> , first published	Must not be applied to the face, udder or genital

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<u>Column 1</u>		<u>Column 2</u>		<u>Column 3</u>
<u>Device</u>	<u>Purpose</u>	<u>TypeCode of animal practice</u>		<u>Manner of useModification</u>
	or controlling animals	by the Department of Local Government and Regional Development in March 2003		organs of an animal. 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 20 12), published by Animal Health Australia (AHA), Canberra, as it is amended from time to time.
Electric stock prod		Controlling animals at a	Horses or cattle	Must not be applied to the face.

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<u>Column 1</u>		<u>Column 2</u>	<u>Column 3</u>
<u>Devie</u> <u>eItem</u>	<u>Purpose</u>	<u>TypeCode of animal</u> <u>practice</u>	<u>Manner of</u> <u>use</u> <u>Modification</u>
		rodeo	udder or genital organs of an animal.

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<u>Column 1</u>		<u>Column 2</u>		<u>Column 3</u>
<u>Device</u>	<u>Purpose</u>	<u>TypeCode of animal practice</u>		<u>Manner of useModification</u>
Electric stunning device ² .		Electrical stunning of animals in an abattoir	Cattle, sheep, goats or pigs	<p>Must be used in accordance with the relevant code of practice for the particular animal (set out under regulation 6). In the Introduction clause 1.1 after the 2nd paragraph insert:</p> <p>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.</p>
Compare 01 May 2013		[01-e0-07] / 03 Oct 2020 [01-f0-00]		page 7
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<u>Column 1</u>		<u>Column 2</u>		<u>Column 3</u>
<u>Device</u>	<u>Purpose</u>	<u>Type</u>	<u>Code of animal practice</u>	<u>Manner of use</u>
Electro-ejector ³ .	Collecting semen from conscious animals	Cattle or sheep	Code of practice for farming deer in Western Australia, first published by the Department of Local Government and Regional Development in March 2003	<p>Must be used in accordance with any relevant code of practice for the particular animal (set out under regulation 6). In the Introduction after the 2nd paragraph insert:</p> <p>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 Australian Animal Welfare Standards and Guidelines — Land Transport of Livestock (Edition 1, Version 1.1, 21 September 2012), published by Animal Health Australia (AHA).</p>

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<u>Column 1</u>		<u>Column 2</u>		<u>Column 3</u>
<u>Devie</u>	<u>Purpose</u>	<u>TypeCode of animalpractice</u>		<u>Manner of</u>
<u>eltem</u>				<u>useModification</u>
				<u>Canberra, as it is amended from time to time.</u>

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<u>Column 1</u>		<u>Column 2</u>	<u>Column 3</u>
<u>Device</u>	<u>Purpose</u>	<u>TypeCode of animalpractice</u>	<u>Manner of useModification</u>
Electro - ejaculator ⁴ .	Collecting semen from tranquilised or anaesthetised animals	All species of animal, including cattle and sheep <u>Code of practice for pigeon keeping and racing in Western Australia</u> , first published by the Department of Local Government and Regional Development in March 2003	Must be used in accordance with any relevant code of practice for the particular animal (set out under regulation 6). 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 <u>Australian Animal Welfare Standards and Guidelines — Land Transport of Livestock (Edition 1, Version 1.1, 21 September 2012)</u> , published by Animal Health Australia (AHA), Canberra, as it is amended from time to time.

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<u>Column 1</u>		<u>Column 2</u>		<u>Column 3</u>
<u>Device</u>	<u>Purpose</u>	<u>TypeCode of animalpractice</u>		<u>Manner of useModification</u>
<u>5.</u>		Electric training collar activated by the animal or a person in the course of training an animal	Training of animals	Dogs
		<i>Code of practice for poultry in Western Australia, first published by the Department of Local Government and Regional Development in March 2003</i>		Must be used in accordance with the generally accepted method of usage for the type of collar. 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 (Edition 1, Version 1.1, 21 September 2012)</i> , published by Animal Health Australia (AHA), Canberra, as it is

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<u>Column 1</u>		<u>Column 2</u>		<u>Column 3</u>
<u>Device</u>	<u>Purpose</u>	<u>TypeCode of animalpractice</u>		<u>Manner of useModification</u>
				<p><u>amended from time to time.</u></p> <p><u>Delete Part 15 titled "Transport of Poultry".</u></p>
<p>Electrical device known as the "invisible fence"<u>6.</u></p>	<p>Containment and training of animals<u>Code of practice for sheep in Western Australia, first published by the Department of Local Government and Regional Development in March 2003</u></p>	<p>Dogs</p>		<p>Must be used in accordance with the generally accepted method of usage for the type of "invisible fence".<u>In the Introduction after the 2nd paragraph insert:</u></p> <p><u>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 the Australian Animal Welfare Standards and Guidelines — Land Transport</u></p>

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<u>Column 1</u>		<u>Column 2</u>		<u>Column 3</u>
<u>Device</u>	<u>Purpose</u>	<u>TypeCode of animalpractice</u>		<u>Manner of useModification</u>
				<i>of Livestock (Edition 1, Version 1.1, 21 September 2012), published by Animal Health Australia (AHA), Canberra, as it is amended from time to time.</i>
<u>Electro-immobiliser</u> ^{7.}		<u>Restraining animals</u>	<u>Cattle</u>	<i>Must be used in accordance with the generally accepted method of usage for the type of device. In the Introduction after the 1st paragraph insert: 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 Australian Animal Welfare</i>

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<u>Column 1</u>		<u>Column 2</u>		<u>Column 3</u>
<u>Devi</u> <u>eItem</u>	<u>Purpose</u>	<u>TypeCode of animalpractice</u>		<u>Manner of</u> <u>useModification</u>
				<p><u>Standards and Guidelines — Land Transport of Livestock (Edition 1, Version 1.1, 21 September 2012), published by Animal Health Australia (AHA), Canberra, as it is amended from time to time.</u></p> <p><u>In Part B under the heading “Transportation” delete “Operators should refer to other relevant State Codes of Practice for specific guidelines on transport.”.</u></p>
8.		<p><u>Model Code of Practice for the Welfare of Animals: Husbandry of Captive-Bred Emus (2nd edition), first published by the Primary Industries Ministerial Council in 2006</u></p>		<p><u>In the Introduction after clause 1.1 insert:</u></p> <p><u>1.1A To the extent</u></p>

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<u>Column 1</u>		<u>Column 2</u>	<u>Column 3</u>
<u>Devie</u> <u>eItem</u>	<u>Purpose</u>	<u>TypeCode of animal</u> <u>practice</u>	<u>Manner-of</u> <u>useModification</u>
			that the Code applies to the transport process for emus in Western Australia. the transport process is to be undertaken in accordance with the Australian Animal Welfare Standards and Guidelines — Land Transport of Livestock (Edition 1, Version 1.1, 21 September 2012), published

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<u>Column 1</u>		<u>Column 2</u>	<u>Column 3</u>
<u>Devie</u> <u>eItem</u>	<u>Purpose</u>	<u>TypeCode of animal</u> <u>practice</u>	<u>Manner of</u> <u>use</u> <u>Modification</u>
			by Animal Health Australia (AHA), Canberra, as it is amended from time to time.

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<u>Column 1</u>		<u>Column 2</u>	<u>Column 3</u>
<u>Devie</u>	<u>Purpose</u>	<u>TypeCode of animalpractice</u>	<u>Manner-of useModification</u>
9.		<u>Model Code of Practice for the Welfare of Animals: Livestock at Slaughtering Establishments, first published in 2001 (paperback) and 2002 (online) by CSIRO publishing, acting on behalf of the Primary Industries Ministerial Council</u>	In the Introduction delete clause 1.3 and insert: <u>1.3</u> 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 <u>Australian Animal Welfare Standards and Guidelines — Land</u>
Compare 01 May 2013	[01-e0-07] / 03 Oct 2020 [01-f0-00]	Published on www.legislation.wa.gov.au	page 17 <u>Tragedy of Livestock (Edition 1, Version 1.1, 21 September 2012), published by Animal Health Australia (AHA), Canberra,</u>

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<u>Column 1</u>		<u>Column 2</u>	<u>Column 3</u>
<u>Devi-</u> <u>eltem</u>	<u>Purpose</u>	<u>TypeCode of animal</u> <u>practice</u>	<u>Manner-of</u> <u>useModification</u>
10.		<u>Model Code of Practice for the Welfare of Animals: Pigs (3rd edition), first published by the Primary Industries Ministerial Council in 2008</u>	<u>In the Introduction after clause 1.1 insert:</u> <u>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 Australian Animal Welfare Standards and Guidelines — Land Transport of Livestock (Edition</u>

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<u>Column 1</u>		<u>Column 2</u>	<u>Column 3</u>
<u>Devie</u> <u>eItem</u>	<u>Purpose</u>	<u>TypeCode of animal</u> <u>practice</u>	<u>Manner of</u> <u>use</u> <u>Modification</u>
			<u>1. Version</u> <u>1.1.</u> <u>21 Septe</u> <u>mber 201</u> <u>2).</u> <u>published</u> <u>by</u> <u>Animal</u> <u>Health</u> <u>Australia</u> <u>(AHA).</u> <u>Canberra.</u> <u>as it is</u> <u>amended</u> <u>from time</u> <u>to time.</u>
<u>11.</u>		<u>Model Code of Practice for the</u> <u>Welfare of Animals: The Camel</u> <u>(2nd edition), first published by the</u> <u>Primary Industries</u> <u>Ministerial Council in 2006</u>	<u>In the</u> <u>Introduction</u> <u>after the</u> <u>1st paragraph</u> <u>insert:</u> <u>To the extent</u> <u>that the Code</u> <u>applies to the</u> <u>transport process</u> <u>for camels in</u> <u>Western</u> <u>Australia, the</u> <u>transport process</u> <u>is to be</u> <u>undertaken in</u> <u>accordance with</u> <u>the Australian</u> <u>Animal Welfare</u>

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<u>Column 1</u>		<u>Column 2</u>	<u>Column 3</u>
<u>Device</u>	<u>Purpose</u>	<u>TypeCode of animal practice</u>	<u>Manner of useModification</u>
			<u>Standards and Guidelines — Land Transport of Livestock (Edition 1, Version 1.1, 21 September 2012), published by Animal Health Australia (AHA), Canberra, as it is amended from time to time.</u>

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[Regulation 6 inserted: SL 2020/161 r. 4.]

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.

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Table

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

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<u>Column 1</u> <u>Item</u>	<u>Column 2</u> <u>Device</u>	<u>Column 3</u> <u>Activity</u>	<u>Column 4</u> <u>Kind of animal</u>	<u>Column 5</u> <u>Manner of use</u>
				<u>particular animal</u>
6.	<u>Electro-ejaculator</u>	<u>Collecting semen from a conscious animal</u>	<u>Cattle or sheep</u>	<u>Must be used in accordance with any relevant code of practice for the particular animal</u>
7.	<u>Electro-ejaculator</u>	<u>Collecting semen from a tranquillised or anaesthetised animal</u>	<u>All species of animal, including cattle and sheep</u>	<u>Must be used in accordance with any relevant code of practice for the particular animal</u>
8.	<u>Electric training collar activated by the animal or a person in the course of training an animal</u>	<u>Training an animal</u>	<u>Dog</u>	<u>Must be used in accordance with the generally accepted method of usage for the type of collar</u>
9.	<u>Electrical device known as the "invisible fence"</u>	<u>Containment and training of an animal</u>	<u>Dog</u>	<u>Must be used in accordance with the generally accepted method of usage for the type of "invisible fence"</u>

(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.

[Regulation 7 inserted: SL 2020/161 r. 5.]

8. Use of devices — metal-jawed traps (s. 29)

- (1) 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

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circumstances described in section 19(2)(b) of the Act, if a metal-jawed leghold trap is used by —

- (a) the owner or leasee of an agricultural or pastoral property, or their authorised agent; or
- (b) an officer of a Commonwealth, State or local government agency, who is responsible for wild dog control,

for the purpose of wild dog control.

- (2) The person using a metal-jawed leghold trap in circumstances described in subregulation (1) must ensure that the jaws of the trap are bound with cloth containing sufficient strychnine to ensure a rapid death for any animal likely to be caught in the trap.
- (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 a metal-jawed leghold trap is used by a person participating in a research program, approved by an animal ethics committee, for the purpose of carrying out research under that program.
- (4) The person using a metal-jawed leghold trap in circumstances described in subregulation (3) must ensure that the jaws of the trap are sufficiently padded, or the trap has otherwise been modified, so that any animal caught in the trap is unlikely to suffer significant injury.
- (5) 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 metal-jawed leghold trap is used by —
 - (a) the owner of land or the owner's agent on the relevant land; or
 - (b) a licensed pest control operator,

for the purpose of fox control.

- (6) The person using a metal-jawed leghold trap in circumstances described in subregulation (5) must ensure that —
- (a) the jaws of the trap are sufficiently padded, or the trap has otherwise been modified, so that any animal caught in the trap is unlikely to suffer significant injury; and
 - (b) any permit to set the trap required under the *Biosecurity and Agriculture Management Regulations 2013* has first been obtained.

[Regulation 8 amended: Gazette 5 Feb 2013 p. 827.]

Part 3 — Enforcement

9. Warrant (s. 61)

The form of a warrant is Form 1 in Schedule 2.

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.

[Regulation 9A inserted: SL 2020/161 r. 6.]

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.

[Regulation 9B inserted: SL 2020/161 r. 6.]

10. Objections (s. 72)

An objection under section 72 of the Act is to be made by completing Form 2 in Schedule 2 and lodging that completed form with the Minister within the time period set out in the Act.

[11. Deleted: Gazette 30 Dec 2004 p. 7010.]

Part 4 — Miscellaneous

12. Disposal of forfeited property (s. 87)

- (1) If property forfeited to the Crown under the Act is fauna, that fauna is to be sold, destroyed or otherwise disposed of in accordance with the instructions of the Executive Director of CALM.
- (2) If property forfeited to the Crown under the Act is an animal that is not within the definition of “fauna”, that animal is to be sold, destroyed or otherwise disposed of in accordance with the instructions of the prosecuting authority.
- (3) If property forfeited to the Crown under the Act is not an animal, that property is to be sold by auction or private treaty by the prosecuting authority.

13. Claim for compensation (s. 93)

A claim for compensation under section 93 of the Act is to be made by completing Form 4 in Schedule 2 and lodging that completed form with the Minister within the time period set out in the Act.

14. Further offences (s. 94) — tail docking

- (1) In this regulation *tail docking* means the removal of one or more of the coccygeal vertebrae, whether by cutting, ablation, elastration or any other means.
- (2) A person who is not a registered veterinary surgeon shall not carry out tail docking of a dog.
Penalty: \$2 000.

Animal Welfare (General) Regulations 2003

Part 4 Miscellaneous

r. 14

- (3) A registered veterinary surgeon shall not carry out tail docking of a dog except where the tail docking is clinically indicated for the purpose of curing or alleviating a disease or injury from which the dog suffers.

Penalty: \$2 000.

[Regulation 14 amended: Gazette 16 Mar 2010 p. 978.]

Animal Welfare (General) Regulations 2003

Codes of practice Prescribed offences and modified penalties **Schedule 1**

Schedule 1 — ~~Codes of practice~~ Prescribed offences and modified penalties

[r. ~~69A~~]

Table

Codes of practice

~~1.~~ **Australian Rules of Racing**

<u>Item</u>	<i>Last consolidated and published 3 February 2003 by the Australian Racing Board</i> Offence under the Animal Welfare (Transport, Saleyards and Depots) (Cattle and Sheep) Regulations 2020	<u>Modified penalty</u>
<u>1.</u>	<u>r. 17(3)</u>	<u>\$750</u>
2.	Buffalo — Code of practice for farmed buffalo in Western Australia <u>r. 18(1)</u>	<u>\$750</u>
<u>3.</u>	<i>First published by the Department in March 2003</i> <u>r. 18(3)</u>	<u>\$750</u>
3. 4.	<u>r. 19(1)</u>	<u>\$750</u>
5.	Cattle Transportation — Code of practice for the transportation of cattle in Western Australia <u>r. 19(2)</u>	<u>\$750</u>
<i>First published by the Department in March 2003</i>		
6.	Circuses — Code of practice for the conduct of circuses in Western Australia <u>r. 19(3)</u>	<u>\$750</u>
<i>First published by the Department in March 2003</i>		
7.	Deer — Code of practice for farming deer in Western Australia <u>r. 20</u> , but only in relation to an offence committed in circumstances referred to in paragraphs (a), (b), (c) or (e)	<u>\$750</u>

First published by the Department in March 2003

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Animal Welfare (General) Regulations 2003

Schedule 1 Codes of practice Prescribed offences and modified penalties

Codes of practice

8.	r. 21(1)	\$500
9.	Exhibited Animals — Code of practice for exhibited animals in Western Australia r. 22(3)	\$750

First published by the Department in March 2003

10.	Feral Animals — Code of practice for the capture and marketing of feral animals in Western Australia r. 23(1)	\$750
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First published by the Department in March 2003

11.	Goats — Code of practice for goats in Western Australia r. 23(3)	\$750
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First published by the Department in March 2003

12.	Horse Transportation — Code of practice for the transportation of horses in Western Australia r. 24(1)	\$500
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First published by the Department in March 2003

~~12A.~~ Model Code of Practice for the Welfare of Animals: Cattle (2nd Edition)

First published by the Primary Industries Ministerial Council in 2004

~~12B.~~ Model Code of Practice for the Welfare of Animals: Husbandry of Captive Bred Emus (2nd Edition)

First published by the Primary Industries Ministerial Council in 2006

~~12C.~~ Model Code of Practice for the Welfare of Animals: Land Transport of Poultry (2nd Edition)

First published by the Primary Industries Ministerial Council in 2006

~~12DA.~~ Model Code of Practice for the Welfare of Animals: Livestock

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Animal Welfare (General) Regulations 2003

Codes of practice Prescribed offences and modified penalties **Schedule 1**

Codes of practice		
<i>at Slaughtering Establishments</i>		
<i>First published in 2001 (paperback) and 2002 (on line) by CSIRO publishing, acting on behalf of the Agriculture and Resource Management Council of Australia and New Zealand.</i>		
12D. <i>Model Code of Practice for the Welfare of Animals: The Camel (2nd Edition)</i>		
<i>First published by the Primary Industries Ministerial Council in 2006</i>		
13.	<i>Model Code of Practice for the Welfare of Animals: Pigs (3rd Edition)</i> <i>— First published by the Primary Industries Ministerial Council in 2008. r. 24(3)</i>	\$500
14.	<i>Pig Transportation — Code of practice for the transportation of pigs in Western Australia. r. 24(4)</i>	\$500
<i>First published by the Department in March 2003</i>		
15.	<i>Pigeons — Code of practice for pigeon keeping and racing in Western Australia. r. 25(1)</i>	\$500
<i>First published by the Department in March 2003</i>		
16.	<i>Poultry — Code of practice for poultry in Western Australia. r. 25(2)</i>	\$500
<i>First published by the Department in March 2003</i>		
17.	<i>r. 26(2)</i>	\$500
18.	<i>Rabbits — Code of practice for keeping rabbits in Western Australia. r. 28</i>	\$500
<i>First published by the Department in March 2003</i>		
19.	<i>Rodeos — Code of practice for the conduct of rodeos in Western Australia. r. 29(1)</i>	\$500

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Animal Welfare (General) Regulations 2003

Schedule 1 Codes of practice Prescribed offences and modified penalties

Codes of practice

First published by the Department in March 2003

20.	<i>Rules of Harness Racing 1999</i> r. 30(1)	\$500
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Made under the Western Australian Trotting Association Act 1946 and published in the Gazette

21.	<i>Saleyards</i> — Code of practice for animals at saleyards in Western Australia r. 30(2)	\$500
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Inserted Cells

First published by the Department in March 2003

22.	<i>Sheep</i> — Code of practice for sheep in Western Australia r. 31(1)	\$500
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Inserted Cells

First published by the Department in March 2003

23.	<i>Sheep Transportation</i> — Code of practice for the transportation of sheep in Western Australia r. 32(1)	\$750
24.	<i>First published by the Department in March 2003</i> 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
32.	r. 44	\$750
33.	r. 45	\$750

Inserted Cells

Animal Welfare (General) Regulations 2003

Codes of practice Prescribed offences and modified penalties **Schedule 1**

Codes of practice		
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

Animal Welfare (General) Regulations 2003

Schedule 1 Codes of practice Prescribed offences and modified penalties

Codes of practice

53.	r. 65(1)	\$500
54.	r. 65(3)	\$500
55.	r. 67(2)	\$500
56.	r. 68(1)	\$750

~~[Schedule 1 amended: Gazette 23 Jun 2006 p. 2193; 12 Jun 2007 p. 2720-1; 20 Jun 2008 p. 2719; 16 Feb 2010 p. 645.]~~

[\[Schedule 1 inserted: SL 2020/161 r. 7.\]](#)

Schedule 2 — Forms

Form 1

[r. 9]

Animal Welfare Act 2002

Part 5 Division 2

Warrant to Enter, Search and Seize

THIS IS A WARRANT authorising an inspector under the *Animal Welfare Act 2002* to enter and search:

Place
(*may be, or include, a vehicle*)

Date
(*this can include a period of time*)

Time
(*specific hours or at any time*)

and to seize —

- any animals;
- any of the following types of animals —
.....
.....
- any animals in the following circumstances —
.....
.....

THIS WARRANT CEASES to have effect:

Date

Time

I, Justice of the Peace of

..... am satisfied,

by an application supported by evidence on oath, that —

Animal Welfare (General) Regulations 2003
Schedule 2 Forms

Form 1

- there are reasonable grounds for suspecting that there is, at the place, or in the vehicle —
 - (a) an animal, the safety or welfare of which is under threat; or
 - (b) something that may afford evidence of the commission of an offence under the Act;
 - entry onto the place or into the vehicle is reasonably required to investigate a suspected offence against the Act;
- OR
- there are reasonable grounds for suspecting that an offence under Part 3 of the Act is likely be committed in respect of the animal if it is not seized.

I authorise, an inspector, to exercise the entry, search, and seizure powers set out in the *Animal Welfare Act 2002* in relation to the premises set out in this warrant, with such assistance, and using such force, as is reasonably necessary during the time referred to in this warrant.

Signed
(Justice of the Peace)

Dated

[Form 1 amended: Gazette 20 Jun 2008 p. 2719; 18 Jul 2008 p. 3330.]

Form 1A — Infringement notice

[r. 9B(1)]

<u>Animal Welfare Act 2002</u>		<u>Infringement notice no.</u>
<u>Infringement Notice</u>		
<u>Alleged offender</u>	<u>Name</u>	
	<u>Address</u>	
<u>Alleged offence</u>	<u>Date or period</u>	
	<u>Place</u>	
	<u>Written law contravened</u>	
	<u>Details of offence</u>	
<u>Date</u>	<u>Date of notice</u>	
<u>Inspector</u>	<u>Name</u>	
	<u>Office</u>	
	<u>Signature</u>	
<u>Modified penalty</u>	\$ _____	
<u>TAKE NOTICE</u>	<p><u>It is alleged that you have committed the above offence.</u></p> <p><u>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.</u></p>	

Animal Welfare (General) Regulations 2003
Schedule 2 Forms

Form 1A

	<p><u>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, 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.</u></p> <p><u>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.</u></p> <p><u>Paying the modified penalty is not regarded as an admission for the purposes of any civil or criminal proceedings.</u></p> <p><u>If you want this matter to be dealt with by prosecution in court, sign and date here:</u></p> <p>_____ / ____ /20</p> <p><u>and post this notice to the Authorised Person at the address below within 28 days after the date of this notice.</u></p>	
How to pay	<u>In person</u>	<u>[Insert details for paying in person]</u>
	<u>By post</u>	<u>[Insert details for paying by post]</u>
	<u>Online</u>	<u>[Insert details for paying online]</u>
	<u>By telephone</u>	<u>[Insert details for paying by telephone]</u>

[Form 1A inserted: SL 2020/161 r. 8; amended: SL 2020/161 r. 9.]

Form 1B — Withdrawal of infringement notice

[r. 9B(2)]

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

Animal Welfare (General) Regulations 2003
Schedule 2 Forms

Form 1B

	<p><u>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:</u></p> <p><u>Authorised Person — Animal Welfare Act 2002</u></p> <p><u>[Insert address]</u></p>		
<u>Your signature</u>		<u>Date</u>	

[Form 1B inserted: SL 2020/161 r. 8.]

Form 2

[r. 10]

Animal Welfare Act 2002

Section 72

Objection

To the Minister:

I,

of

.....

object to the decision of
(date)

The details of that decision are

.....

.....

The grounds of my objection are (*details of grounds*)

.....

.....

In support of my objection I attach the following information (*list attachments*):

.....

.....

Dated the day of 20.....

.....
(*signature of person objecting*)

Contact Phone No.

Animal Welfare (General) Regulations 2003
Schedule 2 Forms

Form 2

Note: Section 72(2) of the Act requires an objection to be made within
 28 days after the right to object arose, or such further time as the
 Minister may allow.

-[Form 3 deleted: Gazette 30 Dec 2004 p. 7010.]

Form 4

[r. 13]

Animal Welfare Act 2002

Section 93

Claim for Compensation

To the Minister:

I,

of

.....

apply for payment of compensation for the injury to*/death of* my animal(s),
caused by the negligent or malicious performance of a function, by a scientific
officer, under the *Animal Welfare Act 2002*.

(* *Delete as appropriate*)

Particulars of the animal(s) subject to the claim are
(*to be completed for each animal - attach additional sheets if required*)

Breed:

Age (*years*):

Sex:

Valuation:

I, the claimant, declare that I am the owner of the animal(s) described in this
claim and that the information provided is, to the best of my knowledge, correct.

Signature of owner:

Date:

Animal Welfare (General) Regulations 2003
Schedule 2 Forms

Form 4

I certify that the statements made in this claim are, to the best of my knowledge, correct.

Signature of inspector or
other authorised person:

Date:

Note: Section 93(2) of the Act requires claims to be made within one year
 of the injury or death.

[Schedule 3 deleted: Gazette 30 Dec 2004 p. 7010.]

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Animal Welfare (General) Regulations 2003

Notes

[†] This is a compilation of the *Animal Welfare (General) Regulations 2003* and includes the amendments made by the other written laws referred to in the following table. The table also contains, for provisions that have come into operation, and for information about any reprint, reprints, see the compilation table.

Compilation table

Citation	Gazette Publi shed	Commencement
<i>Animal Welfare (General) Regulations 2003</i>	4 Apr 2003 p. 1077-96	4 Apr 2003 (see r. 2 and <i>Gazette</i> 4 Apr 2003 p. 1023)
<i>Animal Welfare (General) Amendment Regulations 2004</i>	30 Dec 2004 p. 7010	1 Jan 2005 (see r. 2 and <i>Gazette</i> 31 Dec 2004 p. 7130)
<i>Animal Welfare (General) Amendment Regulations 2006</i>	23 Jun 2006 p. 2192-3	23 Jun 2006
<i>Animal Welfare (General) Amendment Regulations 2007</i>	12 Jun 2007 p. 2720-1	r. 1 and 2: 12 Jun 2007 (see r. 2(a)); Regulations other than 1 and 2: 13 Jun 2007 (see r. 2(b))
<i>Animal Welfare (General) Amendment Regulations (No. 2) 2008</i>	20 Jun 2008 p. 2719	r. 1 and 2: 20 Jun 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 21 Jun 2008 (see r. 2(b))
<i>Animal Welfare (General) Amendment Regulations (No. 3) 2008</i>	18 Jul 2008 p. 3330	r. 1 and 2: 18 Jul 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 19 Jul 2008 (see r. 2(b))
Reprint 1: The <i>Animal Welfare (General) Regulations 2003</i> as at 21 Jul 2008 (includes amendments listed above)		
<i>Animal Welfare (General) Amendment Regulations (No. 2) 2010</i>	16 Feb 2010 p. 644-5	r. 1 and 2: 16 Feb 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 17 Feb 2010 (see r. 2(b))
<i>Animal Welfare (General) Amendment Regulations 2010</i>	16 Mar 2010 p. 977-8	r. 1 and 2: 16 Mar 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 17 Mar 2010 (see r. 2(b))
<i>Animal Welfare (General) Amendment Regulations 2013</i>	5 Feb 2013 p. 826-7	r. 1 and 2: 5 Feb 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 1 May 2013 (see r. 2(b) and

Animal Welfare (General) Regulations 2003

Citation	GazettaPubli	Commencement
	shed	
<i>Gazette 5 Feb 2013 p. 823)</i>		

Animal Welfare (General) Regulations 2003

Compilation table **Notes**

Animal Welfare (General) Amendment Regulations 2020	SL 2020/161 2 Oct 2020	r. 1 and 2: 2 Oct 2020 (see r. 2(a)); Regulations other than r. 1 and 2: 3 Oct 2020 (see r. 2(b)(i) and (c) and SL 2020/159 cl. 2(a))
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