

Western Australia

Animal Welfare Act 2002

Animal Welfare (Pig Industry) Regulations 2010

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Animal Welfare (Pig Industry) Regulations 2010

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Defined Terms

Animal Welfare (Pig Industry) Regulations 2010

Part 1 — Preliminary

1. Citation

These regulations are the *Animal Welfare (Pig Industry) Regulations 2010*¹.

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) regulations 6(4) and 8 — 1 March 2011;
- (c) regulation 11 — 1 July 2012;
- (d) regulation 13(4) — 20 April 2017;
- (e) the rest of the regulations — on the day after gazettal day.

3. Terms used

In these regulations —

boar means an uncastrated male pig over 9 months old;

creep area means that part of a farrowing pen —

- (a) that adjoins the farrowing crate; and
- (b) in which the piglets are protected from crushing and overlying by the sow;

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farrowing means giving birth to piglets;

farrowing crate means an enclosure for confining a sow —

- (a) individually during and after farrowing; and
- (b) that closely corresponds to the sow's body size;

farrowing pen means a pen for confining a sow and her piglets during and after farrowing;

herd health programme, in relation to a pig, means a programme in written or electronic form that is structured so that —

- (a) potential health and biosecurity risks to the pig are identified in a manner specified in the programme; and
- (b) the actions to be taken to prevent or minimise those risks are specified in the programme;

pen means an enclosure, other than a stall —

- (a) for confining a pig individually in which the pig is able to turn around; or
- (b) for confining pigs in groups;

pig means a pig of the species *Sus scrofa domesticus*;

sow means an adult female pig that has had one or more litters;

stall means an enclosure, other than a farrowing crate or a pen —

- (a) for confining a pig individually; and
- (b) that closely corresponds to the pig's body size;

suitably qualified person has the meaning given in regulation 4.

4. Term used: suitably qualified person

- (1) In these regulations —

suitably qualified person means a person who —

- (a) is a veterinary surgeon; or
- (b) holds a tertiary qualification in the field of agriculture or veterinary science; or

- (c) holds a Certificate III in Agriculture (Pork Production) from a college as defined in the *Vocational Education and Training Act 1996* section 5(1); or
 - (d) holds a qualification that in the opinion of the CEO is equivalent to the qualification referred to in paragraph (c); or
 - (e) has, during a period of at least 12 months, been responsible for the care of pigs in a business in which pigs are kept, or used, for commercial purposes and which has had in place during that period a herd health programme.
- (2) A person is to be taken to have been responsible for the care of pigs for the purposes of subregulation (1)(e) of the definition of ***suitably qualified person***, if the person has, during the period referred to in that paragraph, had training and experience in all of the following —
- (a) moving and handling pigs;
 - (b) inspecting and assessing the health and wellbeing of pigs;
 - (c) implementing a herd health programme in relation to pigs;
 - (d) keeping and maintaining records relating to the matters set out in paragraphs (b) and (c);
 - (e) all simple husbandry procedures, as defined in regulation 8(1);
 - (f) the destruction of a pig that was necessary in order to prevent undue suffering by the pig.

5. Application

These regulations apply in relation to a business in which pigs are kept, or used, for commercial purposes.

Part 2 — Pig husbandry and day-to-day care of pigs

6. Day-to-day care of pigs

- (1) A person in charge of a pig must ensure that the pig is provided with —

- (a) adequate food containing sufficient nutrients to ensure the pig's good health and wellbeing; and
- (b) adequate water (or another nutritious liquid) to meet the pig's physiological needs.

Penalty: a fine of \$2 500.

- (2) A person in charge of a pig must ensure that the pig is inspected at least once a day to assess the pig's health and wellbeing.

Penalty: a fine of \$2 500.

- (3) A person in charge of a pig must ensure that —

- (a) reasonable steps are taken —
 - (i) to avoid an unreasonable build-up of faeces and urine in the pig's enclosure, shed or other housing or shelter; and
 - (ii) to ensure that the pig has an area to lie in that is reasonably clear from faeces and urine;
- and
- (b) the pig is not tethered; and
- (c) the pig is not exposed to any dog, unless —
 - (i) the dog is under the effective control of a person who is responsible for the care of the pig; and
 - (ii) in the case of a dog that has a history of biting humans or other animals — the dog is wearing a muzzle.

Penalty: a fine of \$2 500.

- (4) A person in charge of a pig must ensure that —

- (a) each person responsible for the care of the pig is a suitably qualified person or a person acting under the supervision of a suitably qualified person; and
- (b) a herd health programme is in place in relation to the pig.

Penalty: a fine of \$2 500.

7. Additional care to be given to young pigs

- (1) Within 24 hours after a pig is born, the person in charge of the pig must ensure that —
 - (a) the pig has received colostrum or an appropriate substitute; or
 - (b) reasonable attempts have been made to ensure that the pig has received colostrum or an appropriate substitute.

Penalty: a fine of \$2 500.

- (2) A person in charge of a pig is to ensure that the pig is given access to food and water (or another nutritious liquid) on at least 2 occasions every day if the pig —
 - (a) has been weaned; but
 - (b) weighs less than 30 kilograms.

Penalty: a fine of \$2 500.

8. Pig husbandry

- (1) In this regulation —
significant husbandry procedure, in relation to a pig, means any of the following —
 - (a) any procedure that results in the sterilization of the pig, including vasectomy or castration;
 - (b) tusk trimming of the pig;
 - (c) nose ringing of the pig;
 - (d) destruction of the pig;

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simple husbandry procedure, in relation to a pig, means any of the following —

- (a) administration to the pig of a veterinary product (including a drug, vaccine or other substance) whether by injection, orally or topically;
- (b) diagnosis of pregnancy of the pig;
- (c) docking of the pig's tail;
- (d) clipping of the pig's needle teeth;
- (e) measurement of the pig's backfat;
- (f) application to the pig of identification marks, tags or chips.

(2) A person in charge of a pig must ensure that —

- (a) any significant husbandry procedure is carried out in relation to the pig only by a suitably qualified person or by a person acting under the direct supervision of a suitably qualified person; and
- (b) any simple husbandry procedure is carried out in relation to the pig only by a suitably qualified person or by a person acting under the supervision (whether or not direct supervision) of a suitably qualified person.

Penalty: a fine of \$2 500.

(3) However, subregulation (2) does not apply in relation to the destruction of a pig if, due to urgent circumstances —

- (a) the services of a suitably qualified person are not reasonably available; and
- (b) the destruction of the pig is necessary in order to prevent undue suffering by the pig.

(4) A person in charge of a pig must ensure that a vasectomy or surgical castration is not performed on a pig over 21 days of age unless —

- (a) the pig is anaesthetised; and
- (b) the procedure is carried out by a veterinary surgeon.

Penalty: a fine of \$2 500.

- (5) A person in charge of a pig must ensure that a pig with an incurable disease, an untreatable injury or a painful deformity is —
- (a) provided with care from a veterinary surgeon; or
 - (b) humanely destroyed.

Penalty: a fine of \$2 500.

- (6) For the purposes of subregulation (5)(b), the method by which a pig is humanely destroyed must cause the sudden unconsciousness of the pig with death occurring while the pig is unconscious.
- (7) This regulation is in addition to, and does not derogate from any of the following —
- (a) the *Veterinary Surgeons Act 1960*;
 - (b) the *Veterinary Chemical Control and Animal Feeding Stuffs Act 1976*;
 - (c) the *Biosecurity and Agriculture Management Act 2007*.

9. Pig to be protected from adverse weather, injuries and predators

A person in charge of a pig must ensure that the pig is provided with an enclosure that —

- (a) provides the pig with shade and protection from the elements, injuries, predators and any other threat to the welfare, safety or health of the pig; and
- (b) is located so that the pig is able to access it reasonably easily; and
- (c) is sufficiently large to accommodate the needs of all of the pigs that have access to it.

Penalty: a fine of \$2 500.

Part 3 — Enclosures for confining pigs

Division 1 — Minimum space requirements

10. Pigs confined in individual enclosures

- (1) The minimum floor space requirements set out in subregulation (2) apply only to a new enclosure, or to a substantial alteration to an existing enclosure, in respect of which the building work began after the commencement of this regulation.
- (2) A person in charge of a pig that is kept confined in an individual enclosure must ensure that —
 - (a) in the case of a sow kept in a stall — the floor space of the stall is not less than 0.6 metres wide and not less than 2.2 metres long; and
 - (b) in the case of a sow kept in a farrowing pen — the floor space of the pen is not less than 5.6 square metres; and
 - (c) in the case of a sow kept in a farrowing crate adjacent to a creep area (whether or not in a farrowing pen) —
 - (i) the floor space of the farrowing crate and creep area, when aggregated, is not less than 3.2 square metres; and
 - (ii) the floor space of the farrowing crate (which may include space occupied by a rear anti-crush rail, appropriately placed) is not less than 0.5 metres wide (when measured to within 450 millimetres of the floor of the crate) and not less than 2 metres long;and
 - (d) in the case of a boar kept in a stall — the floor space of the stall is not less than 0.7 metres wide and not less than 2.4 metres long; and
 - (e) in the case of a boar kept in a pen — the floor space of the pen is not less than 6 square metres.

- (3) A person who contravenes subregulation (2) is guilty of an offence and is liable to —
- (a) a fine of not more than \$2 500; and
 - (b) an additional fine of not more than \$100 in respect of each pig confined in contravention of subregulation (2), but the total fine is not to exceed \$5 000.

[11. *Has not come into operation*².]

12. Floor space does not include area occupied by fixtures and fittings

For the purposes of calculating the area of floor space for a pig under this Division, any area occupied by fixtures and fittings is not included as floor space, unless the regulation specifically provides otherwise.

Division 2 — Other requirements

13. Management of pigs in enclosures

- (1) A person in charge of a pig that is kept confined in an enclosure must ensure that —
- (a) the pig is managed in such a way as to avoid unnecessary harm to the pig from another pig that is —
 - (i) in the enclosure; or
 - (ii) in a nearby enclosure;and
 - (b) without being obstructed by fixtures and fittings, the pig is able to —
 - (i) get up; and
 - (ii) stand; and
 - (iii) lie down and extend its limbs freely.

Penalty: a fine of \$2 500.

- (2) A person in charge of a pig that is kept confined in a stall must ensure that —
- (a) the pig is able to get up, stand and lie down and extend its limbs freely without simultaneously touching opposite sides of the stall; and
 - (b) the pig is able to lie down without its snout and hindquarters simultaneously touching the ends of the stall; and
 - (c) the pig's back does not touch any bars along the top of the stall when standing or when it has its head down while feeding or drinking; and
 - (d) if the pig is a boar, the boar is released from the stall for mating or exercise at least twice a week.

Penalty: a fine of \$2 500.

- (3) A person in charge of a female pig that is kept confined in a farrowing crate must ensure that —
- (a) during and after farrowing, the pig and her piglets are provided with sufficient space to minimise the risk of the piglets being crushed, trapped or otherwise injured; and
 - (b) when lactating, the pig is able to lie and extend her limbs freely and position herself so that both sides of her udder are accessible to her piglets; and
 - (c) the pig is not confined in the farrowing crate for more than 6 weeks during any one reproductive cycle unless, due to exceptional circumstances, the pig is required to foster piglets in which case —
 - (i) the pig may not be confined for more than a further 6 weeks; and
 - (ii) during that time the pig must receive additional care.

Penalty: a fine of \$2 500.

[(4) *Has not come into operation*².]

- (5) In subregulations (3)(c)(ii) and (4)(b) —
additional care, in relation to a pig, means such extra care, including exercise and extra nutrition, and supervision by a suitably qualified person as is necessary to maintain the pig's good health and wellbeing.

14. Equipment in enclosures

- (1) A person in charge of a pig that is kept confined in an enclosure ventilated by an electronically controlled ventilation system must ensure —
- (a) that —
 - (i) inspections of the ventilation system are carried out at least twice a day; or
 - (ii) the enclosure is fitted with an alarm system, for the purpose of alerting a person responsible for the care of the pig to any failure or malfunction of the ventilation system;
 - and
 - (b) that the enclosure is provided with a backup system or equipment that may be relied on to ventilate the enclosure in the event of such failure or malfunction in order to maintain the health and wellbeing of the pig.
- Penalty: a fine of \$2 500.
- (2) A person in charge of a pig that is kept confined in an enclosure must ensure that electrical installation of mains voltage are properly earthed and inaccessible to the pig.
- Penalty: a fine of \$2 500.
- (3) A person in charge of a pig that is kept confined in an enclosure must ensure that the enclosure is equipped with —
- (a) a feeder and a waterer for the pig that —
 - (i) are kept in good working order; and

- (ii) are designed and positioned so as not to pose a risk of injury to the pig;

and

- (b) backup equipment or a system that may be relied on to provide feed or water (or another nutritious liquid) to the pig in the event of a failure or malfunction of a regular feeder or waterer.

Penalty: a fine of \$2 500.

- (4) A person in charge of a pig that is kept confined in an enclosure must ensure that each feeder, waterer and ventilation system in the enclosure and any equipment that is essential to the proper functioning of such a feeder, waterer or ventilation system is, unless otherwise specified in this regulation, inspected at least once a day.

Penalty: a fine of \$2 500.

- (5) In subregulations (3)(a) and (4) —

feeder means a trough, hopper or other equipment from which feed may be accessed by a pig;

waterer means a trough or other equipment from which drinking water (or another nutritious liquid) may be accessed by a pig.

Part 4 — Records

15. Records about herd health programmes to be available for inspection

- (1) In subregulation (2) —

record includes a document, tape, disk or other device or medium on which data is recorded or stored mechanically, photographically, electronically or otherwise.

- (2) A person in charge of a pig must ensure that any record relating to a herd health programme is available on request for inspection by an inspector.

Penalty: a fine of \$2 500.

Notes

- ¹ This is a compilation of the *Animal Welfare (Pig Industry) Regulations 2010* ^{1a}. The following table contains information about those regulations.

Compilation table

Citation	Gazettal	Commencement
<i>Animal Welfare (Pig Industry) Regulations 2010</i> r. 1, 2, 6(4) and 8	5 Nov 2010 p. 5525-43	r. 1 and 2: 5 Nov 2010 (see r. 2(a)); r. 6(4) and 8: 1 Mar 2011 (see r. 2(b))

- ^{1a} On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.

Provisions that have not come into operation

Citation	Gazettal	Commencement
<i>Animal Welfare (Pig Industry) Regulations 2010</i> r. 11 and 13(4) ²	5 Nov 2010 p. 5525-43	r. 11: 1 Jul 2012 (see r. 2(c)); r. 13(4): 20 Apr 2017 (see r. 2(d))

- ² On the date as at which this compilation was prepared, the *Animal Welfare (Pig Industry) Regulations 2010* r. 11 and 13(4) had not come into operation. They read as follows:

11. Pigs confined in group enclosures

A person in charge of a pig that is kept confined in a group enclosure must ensure that —

- (a) for each sow kept in the enclosure — the floor space of the enclosure is not less than 1.4 square metres; and
- (b) for each female pig, other than a sow, weighing more than 100 kilograms kept in the enclosure — the floor space is not less than one square metre; and
- (c) in any other case — for each pig kept in the enclosure, the floor space of the enclosure is not less than the number of square metres calculated in accordance with the following formula —
$$0.030 \times P^{0.67}$$
where —

P is the average weight in kilograms of each pig kept in the enclosure.

Penalty: a fine of \$2 500.

13. Management of pigs in enclosures

- (4) A person in charge of a female pig must ensure that the pig is not kept confined in a stall for more than 6 weeks of any gestation period unless the pig is —

- (a) under veterinary care; or
- (b) receiving additional care.

Penalty: a fine of \$2 500.

Defined Terms

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)
additional care	13(5)
boar	3
creep area	3
farrowing	3
farrowing crate	3
farrowing pen	3
feeder	14(5)
gazettal day	2
herd health programme	3
pen	3
person in charge	6(1), 6(2), 6(3), 7(1), 10(2), 13(3), 14(1), 14(2), 14(3), 14(4), 15(2)
pig	3
record	15(1)
sow	3
significant husbandry procedure	8
simple husbandry procedure	8
stall	3
suitably qualified person	3, 4(1)
waterer	14(5)