



Western Australia

Animal Welfare Act 2002

**Animal Welfare (Transport, Saleyards and  
Depots) (Cattle and Sheep) Regulations 2020**



# **Animal Welfare (Transport, Saleyards and Depots) (Cattle and Sheep) Regulations 2020**

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### **Defined terms**



# Animal Welfare (Transport, Saleyards and Depots) (Cattle and Sheep) Regulations 2020

## Part 1 — Preliminary

### 1. Citation

These regulations are the *Animal Welfare (Transport, Saleyards and Depots) (Cattle and Sheep) Regulations 2020*.

### 2. Commencement

These regulations come into operation as follows —

- (a) Part 1 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

### 3. Terms used

In these regulations —

***appropriate arrangements***, in relation to a livestock animal, means 1 or more of the following arrangements, depending on the condition of the animal —

- (a) separating the livestock animal from any other livestock animal and resting it until it has recovered;
- (b) treating the livestock animal as appropriate to its condition;
- (c) destroying the livestock animal using a method of humane destruction;

**assemble**, in relation to livestock —

- (a) means the process of bringing livestock together in a place such as a yard, shed or pen before loading; and
- (b) includes mustering, capturing, handling, restraining and any procedure used to prepare livestock for transport;

**bobby calf** means cattle that —

- (a) is under 30 days of age; and
- (b) is not accompanied by its mother; and
- (c) weighs less than 80 kg live weight;

**cattle** —

- (a) means an animal of the genus *Bos*; and
- (b) includes any hybrid of that genus;

**class**, in relation to livestock, means livestock by reference to any of the following —

- (a) age;
- (b) sex;
- (c) size;
- (d) whether it is lactating and with an unweaned calf or lamb;
- (e) whether it is lactating but without an unweaned calf or lamb;

**cold stress** has the meaning given in regulation 15(2);

**consignor**, in relation to a livestock animal, means a person who consigned the livestock animal to undertake a journey;

**depot** —

- (a) means —
  - (i) a facility or yard where livestock are rested between journeys; or

(ii) a holding facility where livestock are delivered from farms for assembly before a journey;

but

(b) does not include premises that are registered or approved premises (as defined in the publication titled “Australian Standards for the Export of Livestock (Version 2.3) 2011” published by the Australian Government Department of Agriculture, Fisheries and Forestry, April 2011, as amended from time to time) when the premises are being used to hold or assemble livestock for the purpose of export;

***emaciated***, in relation to a livestock animal, means —

- (a) in the case of cattle, other than a dairy cow — the livestock animal has a body condition score of 1 or less as described in the publication titled “A National Guide to Describing and Managing Beef Cattle in Low Body Condition” published by Meat & Livestock Australia Limited, 2013, as amended from time to time; and
- (b) in the case of a dairy cow — the livestock animal has a body condition score of less than 3 as described in the publication titled “Cow Body Condition Scoring Handbook” published by Dairy Australia, 2013, as amended from time to time; and
- (c) in the case of sheep — the livestock animal has a body condition score for sheep of 1.5 or less as described and published on the Department’s website;

***extreme weather conditions*** means temperature or climatic conditions that individually or in combination are likely to predispose livestock to heat stress or cold stress;

***heat stress*** has the meaning given in regulation 15(1);

***journey*** has the meaning given in regulation 5(1);

***journey time*** has the meaning given in regulation 5(2);

**lift**, in relation to a livestock animal, means to raise the entire weight of the livestock animal off the ground;

**liquid feed** means whole milk or whole milk replacer appropriate for feeding unweaned calves;

**livestock** means —

- (a) cattle; or
- (b) sheep;

**livestock animal** means an individual animal of a kind referred to in the definition of **livestock**;

**livestock handling facility** —

- (a) means a yard, raceway, ramp, crush, building, enclosure, saleyard, depot, lairage or other facility, (whether portable or fixed) used for, or in connection with, holding livestock —
  - (i) before they are loaded; or
  - (ii) during loading; or
  - (iii) during unloading; or
  - (iv) after they are unloaded;but
- (b) does not include a paddock or laneway with conventional wire fencing;

**livestock transporter** means —

- (a) a driver of a vehicle transporting livestock undertaking a journey by road; or
- (b) a rail operator transporting livestock undertaking a journey by rail;

**load**, in relation to a livestock animal, means —

- (a) to move the livestock animal onto a vehicle for the purpose of transport; and
- (b) includes a vehicle-to-vehicle transfer of the livestock animal;



***maximum time off water*** has the meaning given in regulation 12(3);

***method of humane destruction***, in relation to a livestock animal, has the meaning given in regulation 14;

***minimum spell period*** has the meaning given in regulation 13(3);

***nature of a journey*** includes the following —

- (a) the duration of the journey;
- (b) the distance of the journey;
- (c) the route of the journey;
- (d) the weather conditions during the journey;
- (e) the terrain during the journey;
- (f) in the case of a journey by road —
  - (i) the road conditions; and
  - (ii) the traffic conditions;
- (g) any other factor that may affect the journey for livestock;

***operator***, in relation to a saleyard, depot or other livestock handling facility, means a person who is —

- (a) responsible for the operation of the saleyard, depot or other livestock handling facility; or
- (b) the proprietor of the business, or a person concerned in the management of the business, who owns, uses or manages or controls the saleyard, depot or other livestock handling facility;

***pen*** means a stall or any other kind of enclosure for confining livestock as individuals or groups;

***person responsible***, in relation to a livestock animal, has the meaning given in regulation 6;

***prescribed condition***, in relation to a livestock animal, has the meaning given in regulation 11(2);

***prescribed service method***, in relation to giving a document to a person under these regulations, means any of the following —

- (a) personal service of the document on the person;
- (b) delivery of the document to an electronic address nominated by the person;
- (c) a service method approved by the CEO for the purposes of this definition and published on the Department's website;
- (d) a service method approved in writing by an inspector;

***rail operator***, in relation to a livestock animal undertaking a journey by rail, means a person who undertakes to be responsible, or is responsible, for —

- (a) the transport of the livestock animal by rail; or
- (b) the condition of a unit of rolling stock transporting the livestock animal;

***reasonable access to feed*** has the meaning given in regulation 7;

***reasonable access to water*** has the meaning given in regulation 8;

***risk to the welfare of livestock*** means the potential for the welfare of livestock to be affected in a way that causes pain, injury or distress to the livestock;

***sale*** includes offer for sale, make available for purchase, barter, exchange or give away;

***saleyard*** —

- (a) means any premises with permanent livestock delivery, holding and selling facilities that are used, or established for use, primarily for gathering livestock for exchange of ownership; but
- (b) does not include premises used for on-farm livestock sales or a market without permanent livestock handling facilities;

**selection**, in relation to a livestock animal, means —

- (a) the process of assessing the livestock animal to determine whether it is unfit to undertake a journey; and
- (b) any action taken during the assessment of the livestock animal to present it for loading and transport;

**sheep** —

- (a) means an animal of the genus *Ovis*; and
- (b) includes any hybrid of that genus;

**spell** has the meaning given in regulation 13(1);

**time off water** has the meaning given in regulation 12;

**transport**, in relation to a livestock animal, means to move the livestock animal from one place to another by means of a vehicle by road or rail;

**transport process** has the meaning given in regulation 4;

**unload**, in relation to a livestock animal, means to move livestock off a vehicle.

#### **4. Transport process**

- (1) A **transport process** is the entire process of moving a livestock animal from one place to another by means of a vehicle by road or rail.
- (2) The transport process is taken to commence from when the livestock animal is being assembled.
- (3) Until a transport process is taken to end under subregulation (4), the process includes the following stages —
  - (a) assembling the livestock animal;
  - (b) holding the livestock animal at a saleyard, depot or other livestock handling facility before loading;
  - (c) selecting the livestock animal;
  - (d) loading the livestock animal;

- (e) holding the livestock animal on a vehicle while the vehicle is stationary;
  - (f) transporting the livestock animal;
  - (g) unloading the livestock animal;
  - (h) a spell;
  - (i) holding the livestock animal at a saleyard, depot, or any other livestock handling facility after unloading.
- (4) The transport process is taken to end when whichever of the following happens first —
- (a) the livestock animal has reasonable access to water and reasonable access to feed at its final destination (such as a farm or a feedlot);
  - (b) the livestock animal is slaughtered.

## **5. Journey and journey times**

- (1) A *journey* is the following —
- (a) loading livestock onto a vehicle for the purposes of transporting the livestock;
  - (b) transporting the livestock on the vehicle;
  - (c) unloading the livestock from the vehicle at a destination.
- (2) The *journey time* for livestock is the period that —
- (a) commences when the livestock undertaking a journey are loaded onto the vehicle, whether in this State or elsewhere; and
  - (b) ends when all of the livestock undertaking the journey have been unloaded from the vehicle at a destination, whether in this State or elsewhere.

**6. Persons responsible**

- (1) A person is the *person responsible* for a livestock animal if the person is any of the following —
- (a) the owner of the livestock animal;
  - (b) an agent of the owner of the livestock animal who is involved in the buying or selling of the livestock;
  - (c) a person who has actual physical custody or control of the livestock animal;
  - (d) a person who is handling the livestock animal;
  - (e) if a person referred to in paragraph (c) or (d) is a member of staff of another person — that other person.
- (2) Without limiting subregulation (1), a person is also a *person responsible* for a livestock animal if the person is any of the following —
- (a) if the livestock animal is, or is being, assembled or is at a livestock handling facility before loading for a journey — a consignor of the livestock animal;
  - (b) if the livestock animal is undertaking a journey by road —
    - (i) the driver of the vehicle; and
    - (ii) the proprietor of the business, or a person concerned in the management of the business, that owns, uses or manages or controls the use of the vehicle;
  - (c) if the livestock animal is undertaking a journey by rail — the rail operator transporting the livestock animal;
  - (d) if the livestock animal is at a saleyard, depot or other livestock handling facility —
    - (i) the operator of the saleyard, depot or other livestock handling facility; and

- (ii) a person who is handling the livestock animal and employed by, or working for, the operator of the saleyard, depot or other livestock handling facility;
- (e) if the livestock animal is unloaded at a destination (including a saleyard, depot or any other livestock handling facility) —
  - (i) a person who receives the livestock animal at the destination; and
  - (ii) the operator of the saleyard, depot or other livestock handling facility (as is relevant); and
  - (iii) a person who is handling the livestock animal and employed by, or working for, the operator of the saleyard, depot or other livestock handling facility (as is relevant).

**7. Reasonable access to feed**

A livestock animal has *reasonable access to feed* if it has access to feed of a suitable quality and quantity, appropriate for its species and class, sufficient to maintain its health and wellbeing.

**8. Reasonable access to water**

A livestock animal has *reasonable access to water* if it has access to water of a suitable quality and quantity, appropriate for its species and class —

- (a) sufficient to maintain its hydration; and
- (b) for a continuous period of at least 4 hours.

**9. Unfit to undertake a journey**

- (1) A livestock animal is *unfit to undertake a journey* if any of the following apply to the animal —
  - (a) it is unable to walk independently by bearing weight on all hooves;

- (b) it is pregnant, unless —
    - (i) in the case of cattle — it is known to be, or visually assessed to be, less than 37 weeks pregnant; and
    - (ii) in the case of sheep — it is known to be, or visually assessed to be, less than 19 weeks pregnant;
  - (c) it is emaciated;
  - (d) it is visibly dehydrated;
  - (e) it shows visible signs of severe injury or distress;
  - (f) it is blind in both eyes;
  - (g) it has a prescribed condition;
  - (h) it has any other condition, injury or disease that is likely to result in an increase in pain or distress to the livestock animal during transport.
- (2) Subregulation (1)(b) does not apply if —
- (a) the livestock animal is being transported directly between 2 places, but not to an abattoir or saleyard; and
  - (b) the estimated journey time and time off water is likely to be less than 4 hours.

#### **10. Unfit for sale**

A livestock animal is *unfit for sale* if any of the following apply to the animal —

- (a) it is unable to walk independently by bearing weight on all hooves;
- (b) it is emaciated;
- (c) it is visibly dehydrated;
- (d) it shows visible signs of severe injury or distress;
- (e) it is blind in both eyes;
- (f) it has a prescribed condition;

- (g) it has any other condition, injury or disease that is likely to result in an increase in pain or distress to the livestock animal during transport.

**11. Prescribed conditions**

- (1) In this regulation —

***broken horn*** means a horn or pedicle with an injury that is bleeding or discharging;

***ingrown horn*** means a horn (other than its base) of a livestock animal that has penetrated, or is in contact with —

- (a) any part of the livestock animal's eyelid or eye; or
- (b) any other part of the livestock animal's body;

***lesion*** includes the following —

- (a) a wound;
- (b) an ulcer;
- (c) an abscess;
- (d) a sore;

***neurological dysfunction*** means an abnormality of the central nervous system which may include the following symptoms —

- (a) staggering;
- (b) stargazing;
- (c) convulsions;
- (d) paralysis.

- (2) Each of the following is a ***prescribed condition*** —

- (a) a broken horn or ingrown horn;
- (b) a broken leg;
- (c) a dropped udder or an engorged udder;
- (d) flystrike (myiasis);
- (e) a lesion of the pizzle (prepuce), penis, sheath or scrotum;



- (f) neurological dysfunction;
- (g) a tumour that is more than 3 cm in length in any direction;
- (h) an umbilical, abdominal, inguinal or scrotal hernia;
- (i) uterine, vaginal or rectal prolapse;
- (j) a visible lesion that —
  - (i) is discharging; and
  - (ii) is more than 3 cm in length in any direction.

**12. Calculating time off water and maximum time off water**

- (1) The *time off water* for a livestock animal undertaking a transport process is the total time period that the livestock animal does not have reasonable access to water calculated in accordance with subregulation (2).
- (2) The livestock animal's total period of time off water —
  - (a) is taken to commence from when the livestock animal last had reasonable access to water before undertaking the transport process, whether in this State or elsewhere; and
  - (b) until it is taken to end under paragraph (c), is taken to pause at the start of, and resume at the end of, any period of not more than 24 hours during which the livestock animal has reasonable access to water, whether in this State or elsewhere; and
  - (c) is taken to end when whichever of the following comes first —
    - (i) the livestock animal is given a spell for at least the minimum spell period for the livestock;
    - (ii) the livestock animal has reasonable access to water and reasonable access to feed at its final destination (such as a farm or feedlot); or

(iii) the livestock animal is slaughtered.

- (3) The *maximum time off water* for a livestock animal of a species and class specified in Column 2 of an item of Schedule 1 is the number of hours specified in Column 3 of the item.

**13. Calculating length of spell and minimum spell periods**

- (1) A livestock animal is given a *spell* if all of the following is done in relation to the livestock animal —
- (a) it is unloaded;
  - (b) it is provided with reasonable access to water;
  - (c) it is provided with reasonable access to feed;
  - (d) it is provided with sufficient space to lie down;
  - (e) it is not subject to handling other than that which is reasonably necessary.
- (2) A spell —
- (a) is taken to commence when all of the livestock on the vehicle on which the livestock animal is loaded have been unloaded; and
  - (b) is taken to end when the livestock commence to be reloaded.
- (3) The *minimum spell period* for a livestock animal of a species and class specified in Column 2 of an item of Schedule 1 is the number of continuous hours specified in Column 4 of the item.

**14. Method of humane destruction**

- (1) A method used to destroy a livestock animal is a *method of humane destruction* if, subject to subregulations (2) and (3), the method causes rapid unconsciousness and then the livestock animal's death while it is unconscious.

- (2) If the method used to destroy the livestock animal is the cutting of the major blood vessels in the neck, the method is not a ***method of humane destruction*** unless —
- (a) the livestock animal is a sheep; and
  - (b) the livestock animal is not at a saleyard or depot; and
  - (c) a firearm or captive bolt is not reasonably available for use to destroy the livestock animal.
- (3) If the method used to destroy the livestock animal is a blow to its head, the method is not a ***method of humane destruction*** unless —
- (a) it is a single blow to the forehead (other than from a projectile from a firearm or captive bolt) that causes immediate loss of consciousness to the livestock animal; and
  - (b) the livestock animal is under 24 hours of age; and
  - (c) the livestock animal is not at a saleyard.

**15. Heat stress and cold stress**

- (1) ***Heat stress*** occurs when the response by a livestock animal to hot conditions above its thermo-neutral zone exceeds the ability of its behavioural, physiological or psychological coping mechanisms.
- (2) ***Cold stress*** occurs when the response by a livestock animal to cold conditions below its thermo-neutral zone depletes its behavioural, physiological or psychological coping mechanisms.
- (3) For the purposes of this regulation, the thermo-neutral zone of a livestock animal is the range of environmental temperatures over which —
- (a) the heat produced by the livestock animal remains fairly constant; and

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- (b) the livestock animal does not have to generate extra heat to keep warm (such as shivering or huddling) nor expend energy on cooling mechanisms (such as panting).

*[Parts 2-5 have not come into operation.]*

*[Schedule 1 has not come into operation.]*

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## Notes

This is a compilation of the *Animal Welfare (Transport, Saleyards and Depots) (Cattle and Sheep) Regulations 2020* and includes amendments made by other written laws. 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

| <b>Citation</b>   | <b>Published</b>          | <b>Commencement</b>      |
|---|---------------------------|--------------------------|
| <i>Animal Welfare (Transport, Saleyards and Depots) (Cattle and Sheep) Regulations 2020 Pt. 1</i> | SL 2020/185<br>2 Oct 2020 | 2 Oct 2020 (see r. 2(a)) |

## Uncommenced provisions table

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

| <b>Citation</b>  | <b>Published</b>          | <b>Commencement</b>      |
|--|---------------------------|--------------------------|
| <i>Animal Welfare (Transport, Saleyards and Depots) (Cattle and Sheep) Regulations 2020 Pt. 2-5 and Sch. 1</i> | SL 2020/185<br>2 Oct 2020 | 3 Oct 2020 (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.]*

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