Department of
Primary Industries and
Regional Development

GOVERNMENT OF
WESTERN AUSTRALIA

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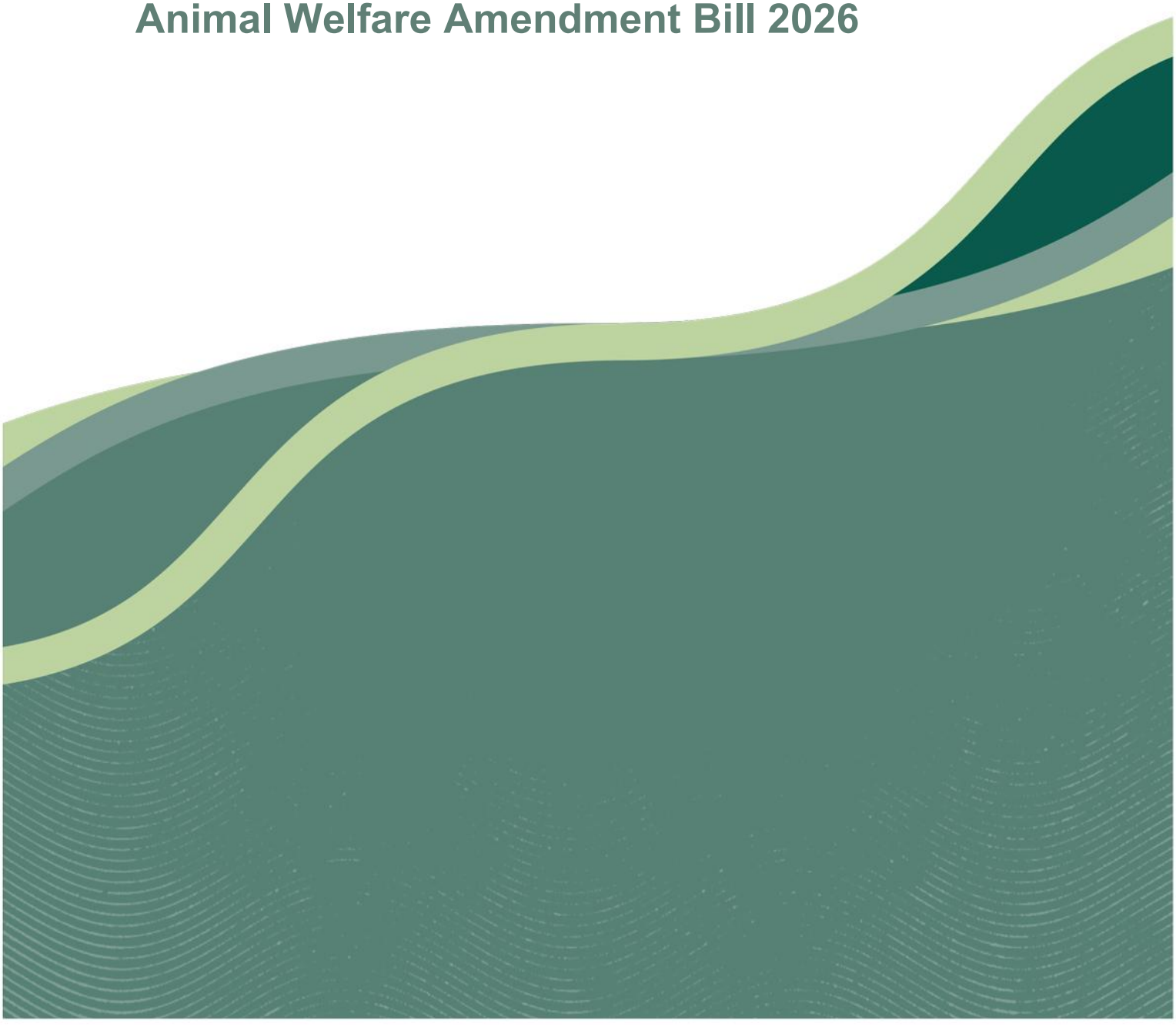
Information Paper

Animal Welfare Amendment Bill 2026



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Introduction

Background

In May 2019, the Western Australian Government appointed an Independent Panel to review the *Animal Welfare Act 2002* (Act). The review involved extensive consultation with industries, animal welfare organisations, government agencies and members of the public.

The panel's report was published in 2020, followed by the Government's response in 2021 and identified a range of opportunities to modernise Western Australia's animal welfare laws. For more information about the review and the consultation that took place visit www.dpird.wa.gov.au/animalwelfarereform.

The Bill implements many of the recommendations made by the panel and includes additional reforms informed by operational experience, developments in animal welfare science, evolving community expectations and advice provided to Government.

The Act has remained largely unchanged for more than 20 years. Community expectations about animal welfare have evolved significantly during that time, as has contemporary understanding of animal welfare science. The reforms in the Bill seek to modernise the Act, strengthen protections for animals, and provide inspectors and the courts with more effective tools to prevent and address animal welfare concerns.

Not all animal welfare concerns involve deliberate cruelty. The reforms support a proportionate response that includes education, advice, early intervention and, where necessary, enforcement action to protect animal welfare.

The reforms are designed to:

- modernise Western Australia's animal welfare framework
- improve animal welfare outcomes
- strengthen inspector powers
- improve enforcement of animal welfare laws; and
- promote animal welfare and responsible animal care.

The reforms seek to improve animal welfare outcomes while recognising the important role responsible animal owners, carers and industries play in supporting animal welfare across Western Australia.

The reforms place greater emphasis on preventing welfare issues before animals suffer significant harm, while ensuring strong enforcement measures remain available for serious cases of cruelty.

This information paper provides an overview of the key reforms contained in the Bill and explains what they mean for animal owners, animal industries, veterinarians, researchers and the wider community.

About the Bill

In November 2026 the Bill was introduced into the Western Australian Parliament.

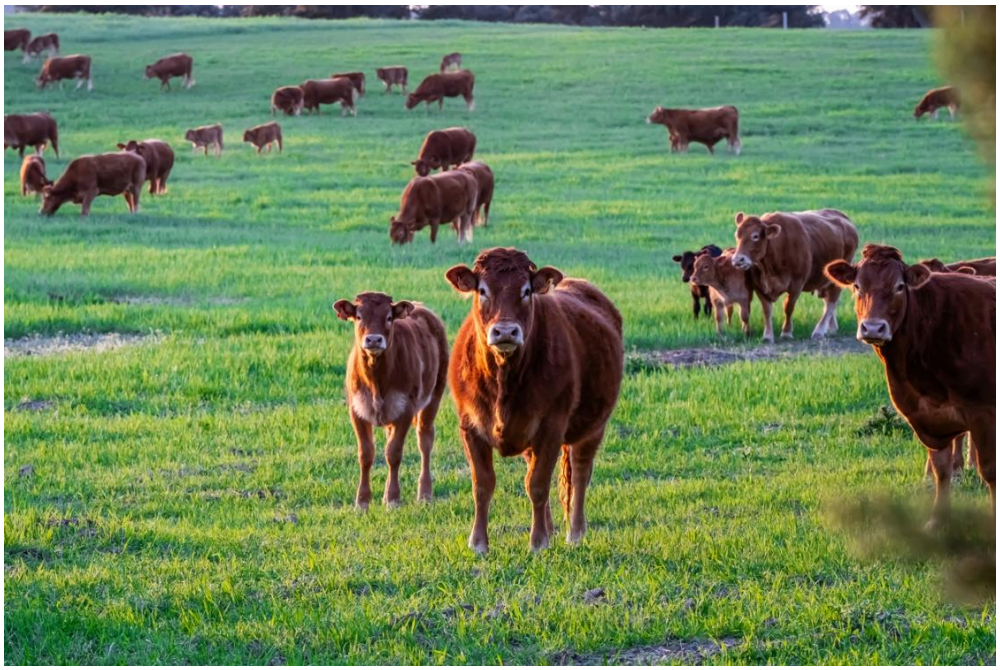
This paper provides a general overview of the reforms contained in the Bill. It should be read alongside the Bill and the Explanatory Memorandum, which provide further detail on the proposed amendments. Information about how a Bill progresses through Parliament can be found at Parliament of WA Web - Bill to an Act.

Key reforms at a glance

The Bill proposes to:

- recognise the concept of animal sentience in the objects of the Act
- prohibit certain scientific procedures
- introduce a minimum standard of care for animals
- introduce a new serious animal cruelty offence for the most egregious cases
- improve inspectors' entry powers, including providing them with the ability to respond to animals at risk by entering a property in an emergency
- provide for the seizure and forfeiture of animals owned in contravention of a prohibition order
- introduce new prohibition orders that the courts can make to prohibit contact with animals
- giving effect to interstate prohibition orders so action can be taken if offenders relocate to Western Australia to carry out activities that would be prohibited by the order in another Australian state or territory
- improve information sharing between inspectors and regulators
- create an Animal Welfare Account to support animal welfare initiatives.

Together, these reforms are intended to support the prevention of animal welfare issues, improve responses to welfare concerns when they arise, and strengthen protections for animals across Western Australia.



What Happens Next?

Before the Bill becomes law, it must be considered by Parliament. During the parliamentary process, the Bill may be debated and amended before being passed. Upon receiving Royal Assent from the Governor, the Bill will become an Act of Parliament. Once passed by Parliament and assented to, the reforms will not all commence at the same time.

A staged implementation approach has been proposed to ensure supporting regulations, guidance materials, training and communication activities can be completed before new requirements take effect.

Subject to Parliamentary approval and Government decisions about commencement, it is intended that:

- most reforms will commence approximately 18 months after Royal Assent
- reforms relating to the use of animals for scientific purposes will commence approximately two years after Royal Assent
- the new minimum level of care requirement will commence approximately three years after Royal Assent.

This staged approach is intended to provide animal owners, industry participants, researchers, regulators and the broader community with sufficient time to understand and prepare for the new requirements.



Part 1 – Preliminary

1. Objects of the Act

a. Animals are living beings

The Bill amends the objects of the Act to recognise that animals are able to feel and perceive their environment, and to have positive and negative experiences.

While the Act already protects animals from cruelty and promotes their welfare, the amendment expressly recognises the scientific understanding that animals are capable of experiencing pain, distress, comfort and other positive and negative experiences. This helps explain why the law protects animals and promotes their welfare.

Recognising animals in this way provides a clear foundation for the Act and supports a modern, principles-based approach to animal welfare.

The long title of the Act has also been updated to better reflect the role of the legislation in protecting and promoting animal welfare. It helps to demonstrate Western Australia's animal welfare credentials to domestic and international markets.

It is important to note that the amendments do not:

- give individual animals legal rights
- prevent animals from being owned or used for lawful purposes, such as farming, racing, research or companion animal ownership
- prohibit accepted and lawful animal management practices.

b. Good welfare

The Bill adds an explanation of the meaning of good welfare to the objects of the Act. This reflects contemporary animal welfare science, which recognises that animal welfare is about more than simply preventing cruelty or suffering.

Good welfare involves meeting an animal's physical and behavioural needs and providing opportunities for positive experiences appropriate to the animal's species and circumstances. Contemporary animal welfare science recognises that an animal's experiences are influenced by factors such as its nutrition, environment, health and ability to express natural behaviours.

For example, good welfare may include providing animals with appropriate living conditions, social interaction and opportunities to engage in behaviours that are normal for their species.

Including the concept of good welfare in the Act helps explain the broader purpose of animal welfare legislation and provides guidance for future animal welfare education, research and policy development.

Importantly, this amendment does not create a new offence or require animal owners to provide an ideal or "best practice" level of care in all circumstances. Instead, it recognises that promoting positive welfare is an important part of improving animal welfare outcomes in Western Australia.

The concept may also inform initiatives funded through the new Animal Welfare Account (see Part 6), such as research, education and community awareness programs designed to improve animal welfare.

2. Terms used

Section 5 of the Act defines some of the terms used in the Act. The Bill includes proposed amendments to some of the defined terms to ensure consistent interpretation of the legislation.

a. Animal

The Bill updates the definition of animal for the purposes of regulating the use of animals in scientific research and teaching activities.

The amended definition, which is moved from section 5 to new section 5A, will include:

- vertebrate fish and, when the supporting regulations are made, cephalopods (such as octopus, squid and cuttlefish)
- animals at certain early stages of development.

These amendments are intended to ensure Western Australia's regulation of animals used for scientific purposes reflects contemporary scientific understanding and aligns more closely with the Australian code for the care and use of animals for scientific purposes (Scientific Use Code).

Importantly, these amendments apply only to the provisions of the Act dealing with the use of animals for scientific purposes. They do not extend animal welfare regulation to recreational fishing, commercial fishing, aquaculture activities or the keeping of fish as pets.

The inclusion of animals at certain early stages of development recognises that scientific understanding of animal development continues to evolve and helps ensure that appropriate animal welfare safeguards are applied where necessary in scientific research.

Further information about these amendments is provided in Part 2 of this paper.

b. Animal welfare standard

The Bill replaces the term *code of practice* with *animal welfare standard* throughout the Act. This reflects contemporary language and better describes documents that set out animal welfare requirements and expectations for particular animals, industries and activities.

The amendment is intended to improve clarity and does not alter the legal effect of existing codes of practice that have been adopted under the Act.

c. Harm

The Bill updates the definition of harm to better reflect current understanding of animal welfare and ensure that animal suffering can be appropriately recognised.

Under the current Act, an animal's distress is only recognised if it is associated with severe and abnormal physiological or behavioural reactions. However, animals may experience distress in different ways and may not always display these specific distress signs.

The Bill removes the requirement for distress to be demonstrated in a particular way and instead recognises distress more broadly.

This amendment does not mean that people will be liable to prosecution every time an animal experiences distress. It is normal for animals to experience some distress in everyday situations, such as transport, veterinary treatment or exposure to unfamiliar environments. To establish a cruelty offence, prosecutors will still need to prove beyond reasonable doubt that the relevant elements of the offence have been met.

The definition of harm is also expanded to expressly include emaciation, which is a recognised indicator of poor animal welfare in some circumstances.

d. Person in charge

The Act uses the term person in charge to identify who is responsible for an animal's welfare.

The Bill clarifies that this may include a person who exercises control over an animal or has authority to make decisions about its care and management, even if they do not have direct physical custody of the animal.

For example, a farm manager may be responsible for overseeing animal welfare on a property without handling the animals on a day-to-day basis. This amendment is intended to ensure that responsibility for animal welfare is appropriately assigned to those who have the authority to make decisions about an animal's care and management.

The amendment does not make every person associated with an animal responsible for its welfare, and existing legal defences continue to apply, including where the person took reasonable steps to ensure the animal was properly cared for and treated.

e. Scientific purposes

The proposed amendment to this definition is discussed in Part 2.

Part 2 – Use of animals and relevant fish for scientific purposes

Part 2 of the Act regulates the use of animals for scientific purposes, including research, product testing and teaching activities. Amendments to this part have been identified through consideration of the practical operation of the Act and recommendation of the panel.

In Western Australia, the use of animals for scientific purposes may only be carried out under a scientific use licence and generally requires approval from an Animal Ethics Committee (AEC). AECs provide ethical oversight of proposed scientific activities and help ensure that scientific activities involving animals are carried out responsibly and in accordance with accepted animal welfare standards.

1. Meaning of 'scientific purposes'

The Bill updates the definition of scientific purposes so that it more closely aligns with the Australian code for the care and use of animals for scientific purposes (Scientific Use Code) and approaches used in other Australian jurisdictions.

The updated definition clarifies that scientific purposes include activities such as:

- teaching
- field trials
- environmental studies
- research
- diagnosis
- product testing
- the production of biological products.

The Bill also clarifies that the use of animal remains may, in some circumstances, constitute scientific use and allows regulations to exclude specified activities from the definition where appropriate.

These amendments are intended to provide greater certainty to researchers, AECs, regulators and industry.

2. Licensing for animals at early stages of development

The current definition of animal does not clearly address embryos, fetuses and other animals at early stages of development.

The Bill updates the definition of animal for the purposes of scientific use regulation so that it aligns more closely with the Scientific Use Code. The amended definition includes pre-natal and pre-hatched animals in the last half of gestation or incubation.

This amendment reflects evolving scientific understanding and ensures that appropriate welfare protections apply where there is potential for animals at early developmental stages to experience harm.

Importantly, this amendment relates to the scientific use provisions of the Act and does not expand the application of the broader animal welfare offences in Part 3.

3. Licensing for fish and cephalopod research

The Bill expands the scientific use framework to include vertebrate fish and cephalopods, such as octopus, squid and cuttlefish.

These species are already covered by the Scientific Use Code and are regulated as animals used for scientific purposes in other Australian jurisdictions. However, the current Act does not clearly include them within the scientific licensing framework.

The amendment will ensure that people using these animals for scientific purposes are required to comply with the same licensing, ethical review and welfare requirements that apply to other animals used in research and teaching.

The amendment applies only to animals used for scientific purposes. It does not affect recreational fishing, commercial fishing, aquaculture activities or the keeping of fish as pets.

The Bill also allows regulations to exclude certain activities from the operation of Part 2 where regulation under the scientific use framework is not considered necessary or appropriate.

4. Scientific use licence conditions

The Bill changes the way the Scientific Use Code is applied through scientific use licences.

Currently, licences generally require compliance with the Scientific Use Code in its entirety. The Bill introduces a framework under which licences will contain a scientific use code condition specifying how the Scientific Use Code applies to the licensee.

For example, licence holders that exclusively access AECs established by another institution can be exempted from being required to establish their own policies, procedures and guidelines relevant to the operations of the AEC. Instead they would be required to follow the established AECs' policies, procedures and guidelines.

This approach allows licence conditions to better reflect the nature and scale of the scientific activities being undertaken while continuing to ensure appropriate animal welfare protections.

The reform is intended to provide greater flexibility while maintaining strong oversight of the use of animals for scientific purposes.

5. Prohibited scientific procedures

The Bill introduces new offences prohibiting certain scientific procedures that are considered to have significant animal welfare impacts.

Specifically, the Bill prohibits:

- forced swim tests
- forced smoke inhalation experiments

These procedures have been the subject of national and international concern due to their impacts on animal welfare. The National Health and Medical Research Council has recommended that these procedures are no longer undertaken in Australia.

The Bill also allows additional scientific procedures to be prescribed in the future if appropriate.

This reform ensures that Western Australia's scientific use framework can continue to respond to developments in animal welfare science and community expectations.

6. Licence forms

The Bill provides that applications for the issue or renewal of a scientific use licence will be made in a manner and form approved by the Chief Executive Officer (CEO) of the department that administers the Act, rather than through forms prescribed in regulations.

Application forms will be able to be drafted for key stakeholder groups such as schools, environmental practitioners, and universities, and have questions tailored to the activities undertaken by each group. This will enable management of applications in a manner that is fit for purpose and facilitates sound decision making.

The Bill also removes the requirement for the form of licences themselves to be prescribed in regulations. This will ensure that licences remain relevant and can clearly communicate regulatory expectations.

These amendments will make it easier to update forms over time and improve administrative efficiency.

7. Register of licences and recording of field work locations

The Act requires the CEO to maintain a register of scientific use licences.

The Bill removes the requirement for the public register to contain details of field sites where animals are used for scientific purposes. Instead, licensees may be required to provide information about field sites when requested by an inspector.

This amendment recognises that field locations can change regularly and that recording them on the register is not always practical or useful.

The Bill also updates the Act to reflect current practice by allowing copies or extracts of the licence register to be provided electronically.

Part 3 – Welfare, safety and health of animals

Currently, the Act relies heavily on the cruelty offences in section 19 to address a wide range of animal welfare concerns.

The Bill introduces a more graduated approach to regulating animal welfare and responding to animal cruelty. It introduces new offences and enforcement tools that allow regulators and courts to respond more appropriately to different levels of offending, from situations where an animal's basic needs are not being met through to the most serious acts of intentional or reckless cruelty.

This approach is intended to:

- encourage early action to address animal welfare concerns before they escalate
- provide stronger consequences for serious offending
- improve consistency in enforcement and prosecution decisions
- better reflect community expectations about the protection of animals.

Figure 1 illustrates the sliding scale of offences

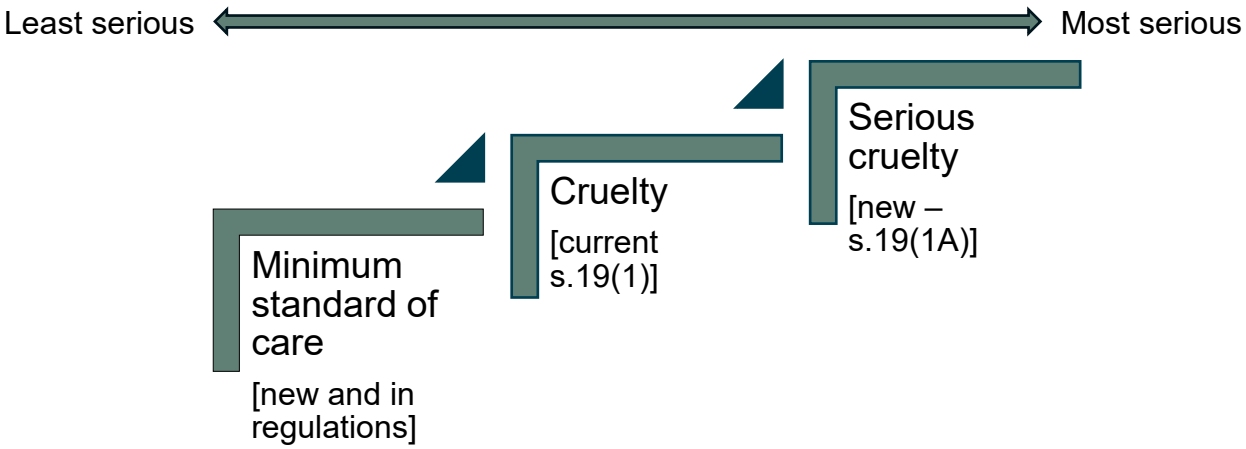


Figure 1: Sliding scale of offences for animal cruelty responses.

1. Minimum level of care requirement: new section 18C

For the first time, the Act will include a clear legal requirement for people to provide a minimum level of care for animals in their charge.

This includes taking reasonable steps to provide, for example:

- adequate food and water
- appropriate shelter and living conditions
- necessary treatment and care
- opportunities for animals to express normal behaviours.

The reform reflects community expectations that people who are responsible for animals should take reasonable steps to meet their animals' basic needs.

The new offence is designed to support early intervention before welfare concerns escalate into cruelty. It establishes a minimum standard that applies to all animal owners

and carers. It does not require best practice animal management, specialist husbandry techniques, or an ideal standard of care in every circumstance.

Where a failure to provide a minimum level of care results in harm to an animal, regulators may consider stronger charges, such as cruelty, depending on the circumstances of the case. This graduated approach enables enforcement action to be proportionate to the seriousness of the conduct and its impact on the animal.

Existing defences will continue to apply where relevant. For example, compliance with an applicable animal welfare standard may provide a defence in certain circumstances.

Minimum care requirements already exist in several other Australian jurisdictions, including Queensland, Tasmania, the Northern Territory and the Australian Capital Territory.

Examples of minimum level of care offence:

Neglected sheep: *Inspectors attend a property containing several hundred sheep. Many have not been shorn or crutched for several years and routine husbandry has largely ceased. At the time of inspection, many sheep are at increased risk of flystrike and other welfare problems, but widespread harm has not yet occurred.*

Dog without shelter: *A dog is kept chained outside for long periods without adequate shelter, shade or protection from the weather. While the dog has not yet suffered significant harm, its living conditions do not meet its basic welfare needs.*

In both cases inspectors may attempt to work with the owners to educate, assist or issue a direction to resolve the welfare issue. Where these attempts fail or are not appropriate, the owner may be prosecuted for failing to take reasonable steps to meet their animals' basic welfare needs.

The reform allows action to be taken before animals suffer significant harm such as the sheep going on to develop severe flystrike or the dog suffering or dying from heat stress.

What is the difference between the minimum level of care requirement in the Act and the care requirements set out in regulations and standards?

The minimum level of care requirement establishes a broad obligation that applies to all animals.

Animal welfare standards and some regulations provide more specific requirements for particular species, activities or circumstances. For example, a regulation may provide that an animal must not go without water for longer than a specified period or set minimum requirements for housing or management practices.

The minimum level of care requirement, regulations and animal welfare standards are intended to operate together. Compliance with a relevant standard or regulation may provide a defence to a minimum level of care offence or, if not a complete defence, will generally assist a person to demonstrate that they have met the minimum level of care required under the Act.

Animals left by owners without ensuring the animal will receive the minimum level of care

The Bill makes clear that a person in charge of an animal may commit the minimum level of care offence even if, unknown to them, another person steps in to provide the animal with the minimum level of care. Inspectors encounter cases where an owner of an animal goes away for a long period of time (for example, for a holiday) without making suitable arrangements for their animal's care. A person should not escape regulatory action merely because a neighbour or inspector steps in to care for the animal.

In serious cases where harm occurred or was likely to occur due to the circumstances in which the animal was left, it may remain appropriate for a person to be charged with a cruelty offence.

2. Cruelty

a. Current cruelty offence: section 19(1)

The cruelty offence in section 19(1) will continue to apply where an animal suffers unnecessary harm. It remains a key offence under the Act and may be used in more serious cases where a failure to provide appropriate care has resulted in harm to an animal.

The Bill makes minor amendments to clarify the difference between the new minimum level of care offence and the cruelty offence. It also inserts a new subclause that clarifies that a person abandons an animal if they relinquish the care or custody of the animal without ensuring that another person has, or will take, responsibility for the animal's care. This clarification of what it means to abandon an animal captures the different ways in which an animal may be abandoned, including leaving an animal at a place and not returning, intentionally allowing an animal to escape, or inappropriately releasing an animal into the wild.

b. New offence for intentional or reckless cruelty: section 19(1A)

The new offence is intended to address the most extreme cases of animal cruelty involving deliberate or reckless conduct that causes severe suffering or serious harm.

The Bill introduces a definition of serious harm to assist with interpretation of this new offence, which helps to distinguish the most serious cruelty offences from other animal welfare offences. Serious harm includes:

- life-threatening injuries
- permanent damage to health
- prolonged suffering
- the loss of an organ or body part
- or circumstances where an animal is so severely injured or diseased that euthanasia would be the humane outcome.

Western Australia is currently the only Australian jurisdiction that does not have a specific serious animal cruelty offence.

The reform recognises community expectations that the most serious acts of cruelty should attract appropriately serious consequences.

Example of serious cruelty offence

A person repeatedly beats and deliberately inflicts severe pain on a puppy over an extended period, causing multiple fractures and injuries that are capable of resulting in death.

This type of conduct goes well beyond a failure to provide appropriate care. The new serious animal cruelty offence is intended to capture the most egregious cases involving deliberate or reckless conduct that causes severe suffering or serious harm. Where proven, the offence carries significantly higher penalties and a permanent prohibition order.

The maximum penalty for the new serious cruelty offence is:

- imprisonment for up to 7 years
- and a fine of up to $100,000.

Unlike existing cruelty offences, which are dealt with in the Magistrates Court, the new offence will be an indictable offence. Indictable offences are reserved for more serious criminal conduct and are heard in the District or Supreme Court, with the potential for a jury trial. This reflects the serious nature of the conduct being targeted.

In addition, the Bill provides that a person convicted of the offence will be permanently prohibited from being in charge of, or having contact with, animals, unless the court is satisfied that the person is unlikely to commit another cruelty offence and exceptional circumstances justify not making the order.

Relevant existing defences will apply to this new offence.

3. Defences

The Bill makes amendments to the existing defences in the Act, mainly to clarify whether they apply to the new minimum level of care or serious cruelty offences. The Bill also makes amendments to three defences.

a. Normal animal husbandry defence

Section 23 of the Act provides legal protection for people carrying out generally accepted animal husbandry practices in specific circumstances such as farming or breeding animals.

Animal welfare standards set out generally accepted animal husbandry practices for specific types of animals. These standards are developed through consultative processes that consider stakeholder views and available scientific information, and some are adopted nationally to promote consistency across Australia. The animal welfare standards or regulations are made to provide certainty with respect to what is acceptable practice and may introduce a higher standard of animal welfare than what may previously have been ‘generally accepted animal husbandry practice’.

In Western Australia, standards can be adopted under the Act for the purposes of the animal welfare standard defence in section 25. Some requirements contained in those standards may also be incorporated into regulations made under section 18B of the Act.

The Bill clarifies the relationship between the normal animal husbandry defence and the animal welfare standards or regulations made under section 18B.

The intention of this amendment is to ensure that the highest standard of animal welfare is always applied. The normal animal husbandry defence will continue to apply where no relevant animal welfare standard or regulation exists.

b. Killing pests defence

Section 24 of the Act provides a defence for an act done while a person was attempting to kill an animal defined as a 'pest'. Under the current Act, the defence is limited to methods that are accepted as a usual and reasonable way of controlling the particular pest animal.

The panel noted that this approach may discourage the adoption of newer control methods that are more humane than existing methods simply because they are not yet widely used.

The Bill updates the defence to support the development and use of more humane pest control methods. A person will continue to be able to rely on the defence when using accepted pest control methods, but the defence will also be available where a person uses a method that is more humane than those generally in use.

The amendment is intended to encourage continuous improvement in animal welfare outcomes while maintaining the ability to control pest animals.

c. Removal of the stock fending for itself defence

The Act currently includes a defence that may apply where livestock (such as cattle) are ordinarily left to roam on a pastoral property and fend for themselves.

The panel received concerns from some community members that this defence did not adequately reflect modern expectations about livestock owners' responsibilities to plan for animal welfare, including ensuring access to adequate food and water.

This defence overlaps with other defences already available under the Act. Animal welfare standards and guidelines set out accepted requirements for livestock welfare, including the provision of food, water and shelter. Where a person is acting in accordance with an adopted animal welfare standard or normal animal husbandry, these defences are already available.

Removing the defence is not expected to affect appropriately managed pastoral operations that ensure livestock have adequate food and water. Other defences will continue to be available where appropriate.

4. Organised animal fights

Organised animal fighting and live baiting are serious animal welfare issues that can cause significant pain, injury, distress and suffering to animals.

The Act already prohibits animal fighting and other prohibited activities. The Bill strengthens these provisions by introducing additional measures to prevent these activities and support enforcement action against those involved.

a. Possession of animal fighting or live baiting implements: new section 31A

The Bill introduces a new offence for possessing items commonly used in animal fighting or live baiting. This includes items such as cockfighting spurs, equipment specifically designed for animal fighting, and substances administered to encourage animals to fight.

The offence recognises that organised animal fighting often involves specialised equipment and preparation before a fight takes place. By prohibiting possession of these items, the Bill aims to empower inspectors to disrupt animal fighting activities before animals are harmed.

The Bill includes exceptions to ensure that legitimate possession of an item is not inadvertently captured by the offence.

b. Attendance at prohibited activities

Section 32 of the Act already prohibits people from organising, facilitating or participating in prohibited activities, including animal fighting and live baiting.

The Bill strengthens these provisions by making it an offence for a person to be present at a place where a prohibited activity is occurring if they know, or reasonably should know, that the activity is taking place.

Organised animal fighting relies not only on organisers and participants, but also on people who attend and support these activities. The presence of spectators can encourage the continuation of illegal animal fighting and live baiting events. It is a defence if the person had a reasonable excuse for being present at the place. The amendment is intended to make it easier to take enforcement action against people who knowingly attend organised animal fighting or live baiting events, while protecting people who are at a location for legitimate reasons and are not involved in the activity.

5. Humane destruction of animal by veterinarians: new section 32A

The Act currently allows inspectors to humanely destroy an animal if the animal is suffering so severely that euthanasia is the most humane option.

Veterinarians may also encounter animals that are suffering severely and require immediate euthanasia, particularly following road accidents, natural disasters or other emergency situations. In some cases, the owner of the animal may be absent, unable to be contacted or unable to be identified, resulting in delays that can prolong the animal's suffering.

The Bill allows a veterinarian who reasonably believes an animal is suffering so severely that euthanasia is the most humane option to humanely destroy the animal.

This amendment is intended to ensure that severely suffering animals can receive timely and humane treatment without unnecessary delays. However, the power does not apply where the owner is known and has not given consent to the euthanasia of the animal.

A veterinarian also must take reasonable steps to contact an owner to ask for their consent before euthanising the animal. What is reasonable will depend on the condition of the animal.

The amendment also provides veterinarians with legal protection when acting appropriately to prevent ongoing suffering. Similar powers or protections for veterinarians already exist in other Australian states and territories.

The amendment does not change the existing expectation that euthanasia should only be carried out competently, humanely and when appropriate in the circumstances.



Part 4 – Inspectors

Inspectors play an important role in protecting animals and responding to animal welfare concerns.

The Bill modernises inspectors' powers to support earlier intervention where animals are at risk, improve compliance with animal welfare laws and help ensure that directions and court orders are effective.

Key reforms include:

- new power to enter a place in urgent situations to provide immediate assistance to an animal
- enhanced powers to issue directions to address animal welfare risks
- expanded powers to seize animals where their welfare, safety or health is at risk
- automatic forfeiture where a prohibited person is keeping animals against a court order

These amendments are intended to help inspectors respond more effectively to animal welfare concerns, take action before animals suffer serious harm and improve the overall protection of animals in Western Australia.

1. Entry powers

The amendments to these powers are explained below in terms of how they apply to all places, non-residential places and residential places.

Why are inspectors' entry powers changing?

The panel that reviewed the Act found that inspectors in Western Australia have more limited entry powers than inspectors operating under animal welfare laws in other Australian jurisdictions' and other Western Australian compliance laws (such as biosecurity, work health and safety and food safety laws). The panel concluded that inspectors often have limited ability to:

- respond rapidly when animals are at immediate risk
- check whether animal welfare directions are being followed
- verify compliance with court orders made to protect animals
- proactively monitor compliance before animal welfare issues become serious.

The Bill implements several recommendations of the panel and modernises entry powers so inspectors can prevent harm to animals, not just respond after harm has occurred.

Importantly, the reforms do not give inspectors unrestricted access to private property. Different rules continue to apply depending on whether the place is residential or non-residential, and inspectors remain subject to legal safeguards and accountability requirements.

Department of Primary Industries and Regional Development

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Use of entry powers

A **place** means anywhere at all, such as a home or business, but does not include a vehicle

Inspector can enter a place

- With consent of the occupier or person apparently in charge of the place
- Under the authority of a valid warrant issued under s. 59
- If it is a scientific establishment, at any time
- To exercise a power:
  - relating to the care and humane destruction of animals
  - to seize an animal who is at imminent risk of death or injury
  - to seize an animal who requires immediate veterinary care

  An inspector may only exercise this power if:
  - the circumstances are so serious and urgent
  - there is not enough time to obtain a warrant
  - considering the urgency, the inspector took reasonable steps to inform the owner of the intended entry or reasonably believes it is not practicable to inform the owner

A **non-residential place** means any place except where a person ordinarily lives and includes gardens, yards and sheds

Inspector can enter a non-residential place

- Note that all of the above regarding entry to a place apply to entry of a non-residential place
- At any time, if the inspector reasonably suspects a specified offence has been, or is being committed (including if an offence is likely to be committed)
- At any reasonable time, if the inspector reasonably believes entry is required to monitor compliance with the Act

  Note s. 39A provides for notification requirements for this power
- At any reasonable time, if the inspector reasonably believes entry is required to monitor compliance with an animal welfare direction or order

Note equivalent powers apply in relation to residential and non-residential vehicles. See s. 39.

a. Entry to any place to urgently assist an animal: section 38(3)

The Bill introduces a new power that allows inspectors to enter a place or vehicle in urgent circumstances to provide assistance to an animal that is at immediate risk.

This power is intended to allow inspectors to respond quickly where an animal requires urgent care or where the humane destruction of a severely suffering animal is necessary.

An inspector may only use this power if:

- the circumstances are so serious and urgent that immediate action is required
- it is not practical to obtain a warrant within a reasonable time; and
- the inspector has taken reasonable steps to notify the occupier or person in charge, unless the urgency of the situation makes notification not practical.

The power is limited to helping an animal in urgent circumstances. It cannot be used for other purposes, such as investigating a suspected offence.

For example, the power may be used where an animal is drowning, trapped, seriously injured, or otherwise in immediate danger and waiting to obtain a warrant could result in the animal’s unnecessary suffering.

Similar powers exist in most other Australian jurisdictions.

Why is this power being introduced?

The amendment implements recommendation 9 of the panel and is intended to ensure inspectors can act quickly to prevent unnecessary suffering where delays may place an animal's welfare at further risk.

b. Non-residential places and vehicles

The Bill modernises inspectors' powers to enter non-residential places and vehicles.

Non-residential places include places such as farms, feedlots, saleyards, kennels, animal shelters, livestock depots, abattoirs and other business premises where animals are kept, used or managed. A non-residential place also includes gardens, yards and sheds but does not include a person's home.

Under the current Act, inspectors can enter some places in limited circumstances, such as where they suspect an offence has occurred or where a warrant has been obtained. However, inspectors have limited ability to enter places to check whether a person is complying with the Act, an animal welfare direction, or a court order.

This means that even where concerns have already been identified, inspectors may not be able to verify whether corrective action has been taken until further welfare problems arise.

The Bill allows inspectors to enter a non-residential place or vehicle at a reasonable time to:

- monitor compliance with the Act and regulations
- monitor compliance with animal welfare directions and court orders

Monitoring compliance means checking whether a person is complying with legal requirements. Unlike an investigation, it does not require an inspector to first suspect that an offence has occurred.

Why is this change necessary?

The panel found that inspectors lacked practical powers to verify compliance with animal welfare laws and recommended that inspectors be given powers to monitor compliance with directions, court orders and the Act itself.

Animal welfare regulation is most effective when problems can be identified and addressed before animals suffer harm. The new monitoring powers support a preventative approach by allowing inspectors to confirm that required action has been taken, rather than waiting until new welfare concerns arise.

For example:

- If an inspector directs a livestock owner to provide additional access to water for animals during a period of drought, the inspector may later return to confirm the direction has been complied with.
- If a court prohibits a person from owning animals following an animal cruelty conviction, inspectors may enter a place to verify that the person is complying with the order.
- If a property has a history of recurring flystrike issues not being addressed, an inspector may wish to check sheep during a future high-risk period to verify compliance before animal welfare problems reoccur. Under the current Act, inspectors generally need evidence of a current issue before attending the property.

These powers are intended to protect animal welfare through early intervention and compliance monitoring, not to facilitate routine or unnecessary entry onto private land.

Notification requirements

The Bill includes safeguards for the exercise of monitoring powers.

Where inspectors enter a non-residential place or vehicle to monitor compliance with the Act or regulations, inspectors will generally be required to take reasonable steps to notify the occupier or person apparently in charge before entry.

This does not require advance notice in every circumstance. In some situations, advance warning may undermine the purpose of the inspection by allowing conditions to be temporarily altered before inspectors arrive. The requirement therefore focuses on notification rather than advance notice.

Notification is not required where:

- the place is open to the public;
- providing notification would undermine the purpose of the inspection.

Inspectors remain required to act lawfully and appropriately when exercising entry powers, including complying with relevant safety, biosecurity and animal welfare requirements.

Similar compliance monitoring powers exist under other Western Australian legislation, including biosecurity, biodiversity conservation and work health and safety laws. In many cases those powers permit entry at any time, whereas the Bill limits entry to monitor compliance to a reasonable time.

Replacing the designated inspector model

In 2023, amendments to the Act introduced a new category of designated inspector with powers to enter specific facilities such as intensive animal production facilities, abattoirs and knackeries.

Those powers were developed in response to concerns about unlawful trespass by activists and were limited to a small number of facility types.

The panel considered the issue from a broader animal welfare perspective and concluded that a more comprehensive compliance monitoring framework was required.

The panel found that animal welfare concerns can arise in many different settings where animals are kept, used or transported and that there was no clear animal welfare justification for compliance monitoring powers applying only to particular facility types.

The Bill implements the panel's recommendation by removing the designated inspector model and replacing it with a consistent set of monitoring powers that can be used across non-residential places and vehicles where animals are kept, used or transported.

This amendment creates a more practical and consistent approach to animal welfare regulation. Rather than having special powers that apply only to particular industries or facilities, inspectors will have a common set of powers that can be used wherever animals are kept in non-residential settings.

What does this mean for farmers?

For responsible livestock owners and producers, these changes are unlikely to result in any noticeable change to day-to-day interactions with inspectors.

Inspectors prioritise their activities according to identified animal welfare risks, complaints, directions previously issued, and court orders requiring monitoring.

The purpose of the reforms is not to increase unnecessary inspections. Rather, the reforms allow inspectors to confirm that animal welfare concerns have been addressed and that legal requirements designed to protect animals are being complied with.

In practice, compliance activities relating to livestock and other production animals are primarily undertaken by DPIRD inspectors, while the RSPCA's inspectorate primarily focuses on companion animal welfare matters. For most livestock producers, these reforms are unlikely to change the frequency of inspections, but will provide inspectors with improved powers to verify compliance where animal welfare concerns have previously been identified.

What does this mean for pet owners?

For most pet owners, these changes are unlikely to result in any noticeable change to their day-to-day interactions with animal welfare inspectors.

Inspectors will continue to prioritise activities based on animal welfare complaints, identified risks, and the need to monitor compliance with the Act, a direction or a court order. The reforms are not intended to increase routine inspections of pet owners, but to provide inspectors with more effective tools to follow up and verify compliance where genuine animal welfare concerns have been identified.

Compliance activities in relation to companion animals are primarily undertaken by RSPCA inspectors.

c. Residential places and vehicles: section 59

Unlike non-residential places and vehicles, entry into a residence to monitor compliance with a court order or direction requires independent authorisation by a justice through the warrant process. This provides an important safeguard for privacy while ensuring inspectors can verify compliance where necessary to protect animal welfare.

The Bill allows inspectors to apply for a warrant to enter a residential place or residential vehicle for the purpose of monitoring compliance with an animal welfare direction or court order.

Why are these powers being introduced?

The amendment implements recommendation 10 of the panel, which concluded that inspectors should have more effective tools to monitor compliance with animal welfare directions and court orders.

Under the current Act, inspectors have limited ability to verify whether a person living at a residential property has complied with an animal welfare direction or court order unless there is evidence of a new offence or welfare concern. This can make it difficult to confirm that required actions have been taken and that animals are receiving appropriate care, and considerably undermines the usefulness of directions and court orders.

The reforms support a more proactive compliance regime by enabling inspectors to verify compliance and address animal welfare risks before they escalate into more serious welfare concerns or offences. Importantly, entry to a residential place will continue to require a warrant issued by a justice, ensuring independent oversight before entry can occur.

Examples

Veterinary treatment direction: *A person who keeps dogs at their home is directed to obtain appropriate veterinary treatment for an animal. If concerns remain about whether the direction has been complied with, an inspector may apply to a justice for a warrant to verify compliance.*

Prohibition order check: *A court has convicted a puppy farmer of animal cruelty and prohibited them from owning dogs, inspectors may apply for a warrant to enter the person's residence where dogs are often hidden to verify compliance with that order.*

In both cases, an inspector cannot simply enter the home without independent authorisation through the warrant process.

2. Enhanced powers to give directions for the welfare, safety and health of animals

Directions are an important regulatory tool because they allow inspectors to work with animal owners and carers to address welfare concerns before more serious enforcement action is required. Many animal welfare concerns can be resolved through education, advice and early intervention, without the need for prosecution.

Section 40 of the Act already allows inspectors to direct a person to provide food, water, shelter, care or treatment to an animal, and a person who is given a direction must comply with it. If the person fails to comply, inspectors may consider further regulatory action.

The Bill expands and clarifies inspectors' powers to issue directions in response to animal welfare concerns.

The amendments include:

- Allowing inspectors to issue directions that apply to a single animal, a group of animals, or animals that the inspector reasonably believes are at a particular place or in a particular vehicle. This recognises that it may not always be practical to individually inspect every animal, particularly on large properties or where large numbers of animals are involved.
- Allowing inspectors to issue directions in relation to places, vehicles and objects that may create a risk to the welfare, safety or health of animals. This enables inspectors to address hazards before animals are harmed.

These amendments are intended to support earlier intervention, prevent welfare issues from escalating, and provide inspectors with practical tools to address risks affecting multiple animals at the same time.

Examples: How would these powers be used in practice?

- *If an inspector identifies that animals on a large property do not have access to adequate water, the inspector could issue a direction requiring water to be provided to all affected animals, even if every animal on the property has not been individually sighted.*
- *If an inspector observed that a dog was being housed in unhygienic accommodation, the inspector could issue a direction requiring the accommodation to be cleaned before any animal is kept there.*
- *If an inspector observed sheep being transported in a vehicle with hazardous defects that could cause injury, the inspector could issue a direction requiring the defects to be rectified before animals are transported in that vehicle.*

3. Seizure of animals

a. Power to seize

The power to seize an animal is an important tool that allows inspectors to protect animals that are at risk and to ensure the effective enforcement of the Act.

Section 42 of the Act currently allows inspectors to seize an animal in limited circumstances, primarily where an offence has been, is being, or is likely to be committed in relation to the animal.

The Bill expands and clarifies inspectors' powers to seize animals to better protect animal welfare and address situations where immediate action may be required.

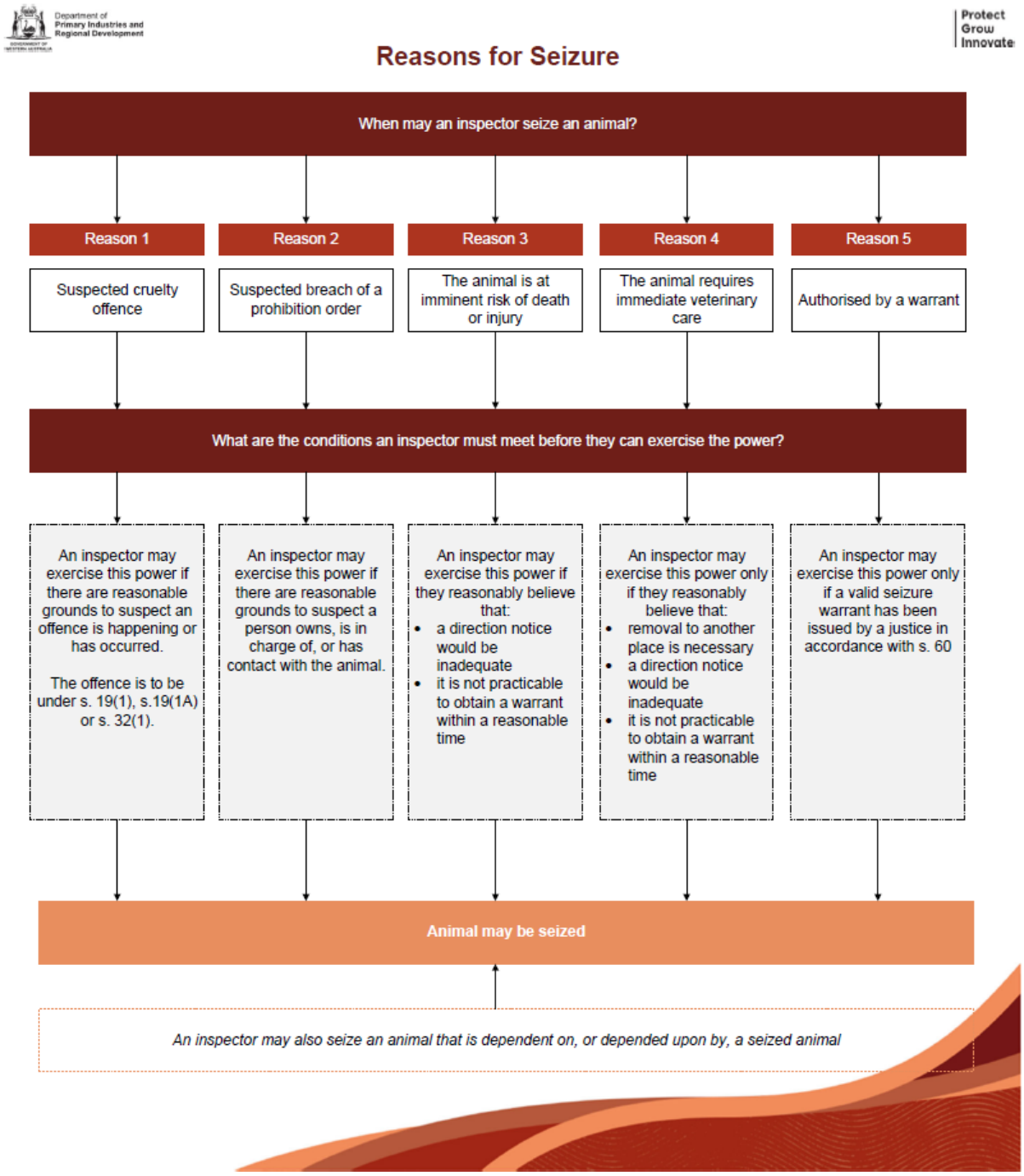
The Bill allows inspectors to seize an animal where:

- a person is keeping, owning or having contact with an animal in breach of a court prohibition order (*i.e.* a court order that prevents someone from owning, caring for or having contact with animals).
- there is an imminent risk of death or injury to the animal if it is not removed from the situation, a direction would not be adequate to protect the animal, and it is not practical to obtain a warrant (having regard to the urgency of the circumstances).
- the animal requires immediate veterinary treatment and it is necessary to seize and remove the animal to enable that treatment to be provided. The inspector must also reasonably believe that a direction would not be adequate to protect the animal, and that it is not practical to obtain a warrant (having regard to the urgency of the circumstances).

The Bill also expands the grounds on which an inspector may obtain a warrant to seize an animal under section 60. A justice may issue a warrant where:

- the animal's welfare, safety or health is under threat and a direction to the person in charge would not adequately protect the animal
- the animal’s welfare, safety or health is under threat and a person has repeatedly failed to comply with directions given under the Act in relation to the animal

These amendments are intended to allow action to be taken before an animal suffers serious harm and to strengthen inspectors' ability to protect animals where previous compliance measures have not been effective.



Dependent animals

The Bill allows inspectors to seize animals that are dependent on a seized animal, or animals on which a seized animal depends.

This amendment is intended to protect animal welfare by ensuring that animals are not separated from dependent offspring or mothers where separation could result in welfare problems. For example, inspectors may seize unweaned offspring together with a seized parent animal.

This amendment gives effect to recommendation 18 of the panel's report.

Offspring born to seized animals

The Bill also clarifies what happens if an animal gives birth or hatches offspring while under seizure.

Any offspring born to, or hatched from eggs laid by, a seized animal will automatically be treated as having been seized. This ensures that the same protections and processes apply to both the parent animal and its offspring and avoids uncertainty about their legal status.

This amendment gives effect to recommendation 19 of the panel's report.

Contravention of prohibition orders

The Bill strengthens inspectors' ability to enforce prohibition orders made by courts.

Inspectors will be able to seize an animal where they reasonably suspect that a person is owning, caring for, or having contact with an animal in breach of a prohibition order. This was recommended by the panel as a way to ensure that prohibition orders have real force and effect.

Example

A person is prohibited by a court order from owning or being in charge of horses following an animal cruelty conviction. Inspectors later observe the person keeping horses on a property and identify significant welfare concerns. Under the current Act, inspectors may need to investigate and rely on other powers before the animals can be removed.

The Bill allows inspectors to seize animals where they reasonably suspect they are being kept in contravention of a prohibition order, helping to ensure court orders are effective and animals are protected.

Affected persons will continue to have access to review and appeal processes in relation to seizure decisions.

b. Power to identify seized animals

The Bill allows regulations to be made authorising inspectors to identify seized animals using prescribed methods.

This reform is intended to improve the management of seized animals and reduce uncertainty about the identity of animals while they are under seizure or involved in legal proceedings, especially where large numbers of animals are involved.

For example, prescribed methods may include forms of permanent or temporary identification, such as micro-chipping, that assist inspectors to accurately track animals while they remain in care.

c. Time limit for retention of seized animals and other property

When an animal or other property is seized, inspectors may need to retain the animal or property while they investigate a suspected offence and determine whether legal proceedings should be commenced.

Under section 44 of the Act, seized property must generally be returned within four months if no person has been charged with a relevant offence. Some animal welfare investigations can be complex and may require veterinary reports, expert evidence or other enquiries that take considerable time to complete.

The Bill extends the period that seized property may be retained without a court application. If no person has been charged with a relevant offence, seized property must generally be returned within:

- 6 months for animals
- when the parent animal is returned for animals born to a seized animal while it is under seizure
- 2 years for other property

These amendments are intended to reduce the need for inspectors to make repeated court applications while investigations are ongoing, while continuing to balance the rights of animal owners and property owners with the practical needs of animal welfare investigations.

The Bill also clarifies that, once court proceedings have concluded and no order has been made for the return or forfeiture of seized property, the property must be returned to its owner as soon as practicable.

4. Forfeiture

a. Forfeiture of animals before court proceedings are finalised

When an animal is seized, it may remain in the care of the inspector for many months or years while investigations and court proceedings are underway.

Unlike inanimate property, decisions about seized animals must consider both the rights of the owner and the welfare of the animal.

In some cases, keeping an animal under seizure for an extended period may not be practical or in the animal's best interests. This can be particularly challenging where large numbers of animals have been seized, such as in animal hoarding or large-scale breeding (puppy farming) cases. Housing, feeding, treating and caring for seized animals over a long period can place significant pressure on animal welfare organisations and regulators.

Example: large-scale seizure of horses

Following serious welfare concerns, 65 horses are seized from a property. The regulator applies to the court for the seized horses to be forfeited to the State. The owner disputes the forfeiture and court proceedings continue for more than a year. During this time the animals require ongoing feeding, veterinary treatment and care at significant expense to the regulator that seized the animals.

In situations involving large numbers of animals, lengthy court proceedings can create uncertainty about the animals' long-term future and place substantial pressure on organisations responsible for their care. The Bill confirms the court's ability to order forfeiture before proceedings are finalised where it is unreasonable or impractical for the animals to remain under seizure.

This may allow animals to be rehomed sooner, improving animal welfare outcomes while court proceedings continue. The court must still consider the circumstances of the case, including the welfare of the animal, before making such an order.

b. Forfeiture of unclaimed seized property

Animals and other property seized under the Act must ultimately be returned to their owner or forfeited to the State.

Currently, forfeiture generally requires a court order, even where the owner has abandoned the property or failed to collect it after being notified that it can be returned. This can create unnecessary delays and costs.

The Bill introduces a simpler process for dealing with unclaimed seized property.

Where seized property can be returned:

- inspectors may notify the owner that the property can be collected
- if the owner cannot be identified or located, inspectors may publish a notice explaining how the property can be claimed

If the property is not collected or claimed within 21 days after notice is given or published, it will be forfeited to the State.

The amendment is intended to allow animals and other property to be managed more efficiently while still providing owners with an opportunity to recover their animal or other property.

c. Animals owned by prohibited persons

The Bill also introduces a streamlined process for the forfeiture of animals seized because of a contravention of a court prohibition order by the owner of the animal.

Where an inspector seizes an animal because they reasonably suspect the owner of the animal is contravening a prohibition order, the animal may be automatically forfeited to the State if the owner does not challenge the seizure within the relevant review period.

The streamlined process applies when a person who is suspected to have contravened a prohibition order is the owner of the relevant animal. For example, the process would apply where a prohibition order prohibits a person from having contact with any dog but the person owns a dog and has contact with it as the dog is kept at the person's property.

This amendment implements a recommendation of the panel and is intended to ensure animals are not left in prolonged uncertainty where a court has already determined that the person should be subject to a prohibition order that was being contravened. It also helps inspectors enforce prohibition orders more effectively and supports timely decisions about the long-term care and placement of seized animals.

5. Other powers

a. Power to obtain information

Currently, the Act does not empower inspectors to require a person to answer questions (beyond providing their name, residence or date of birth) or to produce documents during an investigation.

Animal welfare offences can be difficult to investigate because animals cannot explain what has happened to them. Like workplace health and safety investigations, animal welfare investigations may also involve witnesses who are unwilling or reluctant to provide information voluntarily, such as employees of a business being investigated.

As a result, inspectors often need to rely on their own observations or documentary evidence held by businesses or other persons involved in the matter. Where that information is not provided voluntarily, investigating suspected offences can be considerably more difficult.

The Bill introduces a new power that allows inspectors to require a person to provide information, answer questions, or produce documents when investigating a suspected offence that is alleged to have been committed in the course of carrying on a business or under a scientific licence issued under Part 2 of the Act.

Unlike some other legislation, the Bill does not take away the privilege against self-incrimination. A person may refuse to provide information or answer a question if doing so would incriminate them. Powers to obtain information already exist in a range of Western Australian legislation, including the:

- *Food Act 2008*
- *Biodiversity Conservation Act 2016*
- *Work Health and Safety Act 2020*
- *Mines Safety and Inspection Act 1994*

Similar powers are also included in animal welfare legislation in several other Australian jurisdictions, including Queensland, South Australia and Tasmania.

The new power to obtain information is intended to improve the ability of inspectors to investigate suspected offences and gather information relevant to the welfare of animals in the care of a business, while maintaining appropriate safeguards for individuals.

b. Power to stop and direct vehicles

The Bill expands inspectors' powers in relation to vehicles.

Inspectors will be able to direct a person apparently in charge of a vehicle to stop the vehicle or move it to a specified place for a specified period. This will assist inspectors to carry out inspections where animals are being transported and allow vehicles to be examined safely and efficiently.

For example, an inspector may direct a livestock transport vehicle to move to a designated inspection area so that the condition of the animals and vehicle can be assessed.

c. Powers relating to animal carcasses

Inspectors sometimes need to examine deceased animals as part of an animal welfare investigation.

The Bill clarifies that inspectors may:

- remove or retain parts of an animal carcass for investigation or testing purposes
- conduct a post-mortem examination of an animal carcass

These powers help inspectors gather evidence and determine the cause of injuries, illness or death where an offence may have occurred.

The Bill also enables inspectors to authorise veterinarians to conduct post-mortem examinations on their behalf.

Part 5 – Enforcement

1. Court prohibition orders

Prohibition orders are an important tool for protecting animals from people whose conduct demonstrates that they should not own, care for or have contact with animals. They are made by the courts after consideration of relevant factors. The Act only currently provides for the making of a prohibition order where a person has been convicted of an offence.

The Bill introduces new types of prohibition orders and strengthens existing arrangements to help prevent further animal welfare offences and improve protection for animals.

a. Interim prohibition orders: new section 54A

The Bill introduces a power for the courts to make interim prohibition orders.

An interim prohibition order may be made while court proceedings for a cruelty or serious cruelty offence are underway. The purpose of the order is to protect animals from the risk of further harm while the matter is before the courts.

A court may only make an interim prohibition order if it is satisfied that the person is likely to commit another animal welfare offence if allowed to own, be in charge of, or have contact with animals while proceedings are underway.

The court has discretion to determine whether an order should be made and the terms of any order.

b. Permanent prohibition orders: new section 55A

The Bill introduces a power for the court to make permanent prohibition orders for the most serious animal cruelty offences.

Where a person is convicted of the new serious animal cruelty offence, the court must make a permanent prohibition order unless it is satisfied that:

- the offender is unlikely to commit another cruelty offence
- and there are exceptional reasons why the order should not be made

A permanent prohibition order may prohibit a person from owning animals, being in charge of animals, or having contact with animals.

The reform recognises community expectations that people convicted of the most serious animal cruelty offences should generally be prevented from having future responsibility for animals. It was also a recommendation of the panel.

c. Special prohibition orders: new section 55B

The Bill introduces a new type of order called a special prohibition order.

These orders are intended for situations where there are serious concerns about a person's ability to care for animals (or a risk they otherwise pose to animals) but it is not appropriate or possible to proceed with a prosecution.

For example, there may be circumstances where:

- a person is believed to have committed a cruelty offence

- it is not in the public interest to commence or continue a prosecution
- and there is a risk that other animals may be harmed if the person continues to own or care for animals.

The court may make a special prohibition order if satisfied that the order is necessary to protect animal welfare.

In deciding whether to make an order, the court must consider:

- the welfare, safety and health of the animals involved
- the likelihood that the person has committed, or may commit, an offence under the Act
- and any other relevant matters.

These orders are intended to provide protection for animals in situations where ongoing animal welfare risks arise even where prosecution is not appropriate or possible.

Example: Animal hoarding

Animal hoarding occurs when a person compulsively acquires and keeps large numbers of animals but is unable to provide them with appropriate care. Inspectors may repeatedly attend a property where animals are not receiving adequate food, water, shelter or veterinary treatment and seize animals to protect their welfare.

Even after animals have been removed, the person may continue to acquire more animals, resulting in new welfare concerns. In some cases, a criminal prosecution may not be appropriate because the person's hoarding behaviour is linked to significant health or capacity issues.

A special prohibition order would allow a court to restrict the person's ability to acquire, own or care for animals where necessary to protect animal welfare, providing an alternative to repeated intervention and seizure of animals. If, despite the order, the person continues to acquire animals, the special prohibition order provides an opportunity to intervene earlier to protect the animals and a less burdensome seizure and forfeiture process.

d. Variation and revocation of prohibition orders: new section 55D

People and their circumstances may change over time, and a person who was convicted of a serious animal cruelty offence may change their behaviour and attitudes in such a way that they could be trusted with the care of animals.

The Bill allows a person, subject to a long-term prohibition order, to apply to a court to have the order varied or revoked after it has been in place for at least five years.

When considering such an application, the court must place primary importance on the welfare, safety and health of animals and must also consider matters such as:

- the nature of the original conduct
- the person's conduct since the order was made
- the likelihood of future offending

e. Interstate prohibition orders: new section 75

The Bill allows for the recognition and enforcement of animal welfare prohibition orders made in other Australian states and territories.

This means a person who is prohibited from owning, caring for, or having contact with animals in another Australian jurisdiction cannot simply move to Western Australia to avoid the order.

The reform helps improve consistency between jurisdictions and strengthens protections for animals across Australia.

6. Other amendments

a. Time for giving infringement notices

The Bill extends the period within which an infringement notice may be issued from 28 days to 45 days.

This amendment provides inspectors with a more practical timeframe to assess an alleged offence and complete any necessary approval processes before issuing an infringement notice.

The amended timeframe is consistent with similar provisions in legislation such as the *Fish Resources Management Act 1994*.

b. Obstruction of inspectors

Inspectors play an important role in protecting animals and enforcing animal welfare laws.

The Act currently makes it an offence to hinder, obstruct, abuse or threaten an inspector, or a person assisting an inspector, while they are performing functions under the Act. The Bill expands this offence to expressly include assaulting an inspector or a person assisting an inspector.

This amendment is intended to provide greater protection for inspectors when performing their functions under the Act.

c. Time limits for commencing prosecutions

The Act currently requires prosecutions to be commenced within two years of the alleged offence occurring.

In some cases, animal welfare offences may not be immediately detected or reported. This can make it difficult to properly investigate serious allegations before the limitation period expires.

The Bill provides that, for simple offences, proceedings may be commenced within two years after evidence of the alleged offence first comes to the attention of a person authorised to commence proceedings.

This amendment is intended to ensure regulators have sufficient time to investigate alleged offences that are identified sometime after they occurred.

The amendment does not affect serious indictable offences. As with other indictable offences in Western Australia, proceedings for those offences may be commenced at any time.



Part 5A – Disclosure of information

The Bill introduces a new framework to support the responsible sharing of information gathered under the Act. It is separate to the framework under the *Privacy and Responsible Information Sharing Act 2024*.

Effective animal welfare enforcement often involves multiple agencies. Information relevant to an animal welfare investigation may be held by another regulator or government agency. Sharing relevant information can help regulators identify risks, coordinate enforcement activities and protect animals more effectively.

The new framework is intended to improve collaboration while ensuring information sharing is limited to circumstances authorised by the Act and must occur in accordance with published guidelines.

The Bill allows relevant information to be shared between inspectors, information sharing officers and public sector bodies, including across different regulators, as well as with other government agencies where the information is relevant to law enforcement, licensing, registration or other regulatory functions. These amendments are intended to improve coordination between regulators, strengthen the enforcement of animal welfare laws and help ensure that animal welfare concerns identified by one agency can be addressed by the agency best placed to respond.

Part 6 – Miscellaneous

Part 6 contains a range of supporting reforms designed to strengthen the administration, enforcement and ongoing improvement of Western Australia's animal welfare framework. These include:

- establishment of the Animal Welfare Account
- administrative guidelines
- annual reporting on enforcement activities
- periodic review of the Act
- adoption of animal welfare standards.

1. Animal Welfare Account

The Bill establishes a dedicated Animal Welfare Account to support activities that protect and improve animal welfare in Western Australia. The Account will be established as an agency special purpose account and administered by the Minister.

The Account may receive money from a range of sources, including fines imposed under the Act and proceeds from forfeited property.

Money standing to the credit of the Account may be used for:

- research, publicity and educational programs that promote the welfare, safety and health of animals
- training of inspectors
- administration of the Account.

The Account is intended to provide a dedicated source of funding for animal welfare initiatives and will enable funds generated through the operation of the Act to be reinvested in activities that improve animal welfare outcomes across the State.

2. Administrative guidelines

The Bill allows the Minister to issue administrative guidelines about the administration and enforcement of the Act.

Administrative guidelines may be used to provide practical guidance for regulators, animal owners and others with responsibilities under the Act.

The guidelines must be published and will help promote consistency and transparency in how the Act is administered. However, administrative guidelines do not override the Act and cannot change legal requirements.

3. Annual reporting

The Bill introduces new reporting requirements for regulators involved in administering and enforcing the Act.

Each regulator will be required to provide information about:

- the number of inspectors it employs
- expenditure incurred in administering and enforcing the Act
- and trends, issues and challenges identified during the reporting period.

This information will be consolidated into an annual report provided to the Minister. The reporting framework is intended to improve transparency, assist with Government decision making on animal welfare resourcing, and provide a clearer picture of how the Act is being administered across Western Australia.

4. Animal welfare standards

The Bill strengthens the process for adopting animal welfare standards under regulations made under the Act.

Animal welfare standards provide guidance on acceptable animal management and welfare practices for particular species, industries and activities.

Before recommending that a new animal welfare standard be adopted under the regulations, the Minister must be satisfied that the standard is consistent with the objects and intent of the Act. This includes recognising animal sentience and promoting good animal welfare.

The amendment is intended to ensure that future animal welfare standards remain aligned with the principles and objectives of the Act.

5. Regular review of the Act

The Bill requires the Act to be reviewed at least every 10 years.

Regular reviews will help ensure that animal welfare laws continue to reflect contemporary community expectations, evolving scientific knowledge and emerging animal welfare issues.

Reports on these reviews must be tabled in Parliament.

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