

Appendix 8 - Unresolved issues⁴

At the 6th meeting of the SRG, final preparations for releasing the Draft Land Transport Standards (the Standards) were made. A number of outstanding issues were identified, but for which consensus could not be reached. These issues will be of particular interest to AHA and DAFF when making final revisions to the document after the public consultation process. They are summarised below.

Time off water

Time off water limits the time that most species of livestock can be deprived of water while on a vehicle travelling by land or rail. Currently, some stakeholders believe the specifications in the Standards for the maximum time for livestock to be deprived of water is too long for some types of livestock (see Chapter B in the Standards). In particular, the animal welfare organisations feel that extra recognition is needed of the potential risk to the welfare of livestock on lengthy journeys. The Standards currently have extra planning and documentation requirements for journeys reasonably expected to exceed 24 hours (SA1.2). The vast majority of livestock journeys do not approach the maximum times permitted.

Some livestock industry stakeholders feel that the time permitted to keep livestock off water may be too short for contingency situations, such as when travelling sheep or goats must be delayed to avoid extreme cold. There are Guidelines that describe how these situations should be managed, but there are no standards that permit contingency actions to extend the time off water. The transporter must then rely upon compliance with the guidelines and the concept of ‘reasonableness’ as a defence against a prosecution of exceeding the permitted water deprivation times or cruelty. Some stakeholders are seeking greater certainty that would be provided by having an exemption for situations where there are unexpected, substantial delays.

Transport of Bobby Calves

The transport of Bobby calves to abattoirs (SB4.5 which applies in addition to the general fitness standard SA4.1) has raised particular challenges for the protection of calf welfare. There has been a call from the animal welfare organisations and the meat processing industry to extend the minimum age before transport from 5 days to 8 days, but this would result in significant additional cost to livestock producers. Stakeholder concerns from all sectors have included:

- Providing appropriate times between feeds (milk or milk replacement diet) both longer and shorter than the 18 hours proposed;
- Time and distance of transport;
- Reliable indicators of the welfare of bobby calves before welfare problems become apparent;
- Appropriate enforcement measures that are relevant and measurable. Proving age is a particular issue.

⁴ Prepared by Dr. Kevin de Witte, Animal Health Australia.

Specification for loading density of livestock

Loading density refers to the number of animals that can be loaded onto a vehicle travelling by road or rail. This specification is primarily provided for in Part A of the Standards (SA5.3). The more detailed data from the transport model codes is provided in the guidelines section of the Standards. Some industry and welfare organisation stakeholders would prefer to see this data as a standard. Other stakeholders believe that there are too many variable conditions and situations in Australia to develop fixed loading densities specifications that apply for all livestock species. This issue could be further addressed in part if additional guidelines are developed to suit common situations. In the event of a transport operator being charged with loading too many animals on a vehicle, the guidelines and expert industry opinion could be used as a defence against the prosecution. Some stakeholders feel that the final responsibility for determining loading density should be with the consignor and not with the driver.

In addition to the three issues discussed above, there are six further areas where members of the SRG were unable to reach consensus on, which are outlined below. These issues did not generate as much disagreement.

Appropriate interpretation of the standards and guidelines

Each chapter of the Draft Land Transport Standards includes objectives (intended outcomes), standards (minimum requirements), and guidelines (recommended practices). Some stakeholders have questioned how the role of the guidelines should be interpreted. Currently the guidelines are not meant to provide compliance specifications for the standards.

Some general, non prescriptive standards have been adopted. These seek to 'minimise the risk to the welfare of livestock'. While they are difficult to verify, some consider that they remain important in lieu of having more prescriptive standards. There is potential for all industries to develop further guidelines that will provide for a range of expected situations. In the event of a transport operator breaching a general standard, compliance with these guidelines and expert industry opinion could be used as a defence to a prosecution.

Humane destruction issues

Some industry stakeholders have questioned the need for the specific requirement in the Standards for humane destruction and guidelines for transport operators to have a specialist competency in humane destruction. Some stakeholders have also raised concerns about the potential Occupational Health & Safety issues associated with humanely destroying animals while they are still on board the vehicles. There is concern that it would be difficult to demonstrate such competencies in humane destruction, and therefore they should not be included in the current suite of competencies included in the guidelines.

Competency for operating vehicles

The need to include vehicle operation competency in the guidelines has been questioned on the basis that these kinds of competencies are already included in current road transport laws and arrangements.

Definitions of welfare risks

The 'risk to the welfare of livestock' definition currently used in the draft Standards is considered inadequate by animal welfare organisations because it does not explicitly mention 'pain' and 'suffering'. However, it is argued by others that the Standards' require the *prevention* of breaches of livestock welfare rather than providing action after an event to alleviate pain and suffering.

Definitions of positions of stance

There is still debate amongst government and animal welfare stakeholders about an appropriate definition of 'normal' or 'natural' standing positions of livestock during transport, namely whether an animal's head is best carried up or down. The optimal standing position for an animal has direct implications for specifying adequate vertical clearance inside vehicles. The Standards currently allow for some species to come in contact with hard structures above their heads and where there is an acknowledged risk to welfare, there is an appropriate standard in place. This allowance remains a concern for some stakeholders.

Additional issues associated with time-off water

Some stakeholders are concerned that 'the Standards' fail to mandate provision of water in saleyards and transit yards. Some stakeholders are concerned that the Standards fail to secure effective transfer of information on water deprivation for all journeys for the adequate management of the welfare of livestock. Animal welfare organisations consider a recommended 4 hour minimum for voluntary in-transit spells is too short for water provision and rest in a mid journey contingency situation. There are some that feel the threshold for a permitted spell should be 6, 10 or 12 hours as currently specified as Option E and E1 in the Regulatory Impact Statement (RIS). While there are guidelines for pre-transport spelling in part A (GA4.6) and the species chapters of the Standards, some are concerned that there are no *specific* mandate for these conditions.

Issues associated with the handling of livestock

Some are concerned about a number of perceived inadequacies in the specification of handling issues in 'the Standards'. These issues are as follows:

- There are no standards forbidding the dragging of livestock - offences are restricted to lifting, throwing and dropping. There is a particular issue with moribund, 'downer' livestock and the lack of requirements for mechanical lifting prior to humane destruction that has become apparent recently. Government stakeholders are considering further standards.
- The restrictions on the use of electric prodders are considered insufficient by animal welfare organisations and they prefer that they be totally banned from use.
- The restrictions on the use of dogs are considered inadequate by animal welfare organisations who prefer a total ban on any form of biting and/or putting muzzles on all dogs at all times. Others argue this is unnecessary given market demand for the absence of bite marks on livestock.