

PRIMARY INDUSTRIES MINISTERIAL COUNCIL

Australian standards and guidelines for the welfare of animals

Land transport of livestock

Regulatory Impact Statement – Abridged

March, 2008

A key aspect of creating new animal welfare standards is to identify the costs and benefits that they will have for a wide range of stakeholders. This is typically done by preparing a Regulatory Impact Statement (RIS). The RIS formalises and documents how those costs and benefits have been assessed. In addition to seeking comments on the Draft Land Transport Standard, the committee is required to seek feedback through public consultation in order to determine the degree of support for the RIS. Eventually, when the RIS is assessed by the government, it will include a statement that shows how consultation was undertaken, who was consulted and a summary of their views. It also affirms that those views were considered.

This document is a summary of the 272 page Regulatory Impact Statement (RIS). It includes the basic findings of the RIS, as well as the Table of Contents of the full version. The full version of the RIS can be accessed at:
www.animalwelfarestandards.net.au.

You can use this summary document or the full version of the RIS when preparing your submission.

Written submissions addressing the standards can be forwarded to:

Land Transport RIS Submissions
PO Box 196
DICKSON ACT 2602

Comments must be received by 27 May 2008 for consideration.

This document forms part of the *Australian Standards and Guidelines for the Welfare of Animals*. This report is a stand-alone document:

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Summary

Introduction

This regulatory impact statement (RIS) assesses the proposed Australian Standards and Guidelines for the Welfare of Animals - Land Transport of Livestock (the proposed standards) as set out in Appendix 9 to the RIS.

The proposed standards are the first Australian welfare standards to be developed under a new system stemming from the Australian Animal Welfare Strategy (AAWS) as outlined in Part 1.2.3 of the RIS. They are intended to replace the various existing land transport model codes of practice and include new standards for species and classes of livestock that are not covered by the existing model codes.

The stated purpose of the proposed standards is to set standards that ensure the welfare of livestock during land transport, including both road and rail. The standards are intended to establish the basis for developing and implementing consistent legislation and enforcement across Australia, and provide guidance for all those responsible for livestock during land transport. They are distilled from a blend of scientific knowledge, recommended industry practice and community expectations.

The scope of the standards and guidelines covers the transport of livestock by road, rail and livestock transport vehicle aboard a ship. The standards apply to the major commercial livestock industries in Australia; that is, to alpacas, buffalo, camels, cattle, deer, emus, goats, horses, ostriches, pigs, poultry and sheep.

The standards apply to all those responsible for the care and management of transported livestock. Those responsible include drivers; transport companies; consigners; agents; and livestock handlers at farming enterprises, depots, saleyards, feedlots and livestock-processing plants. An explanatory guide to the proposed standards is provided in Appendix 1.

State and territory governments have the main responsibility for implementing animal welfare law. Through the Australian Animal Welfare Strategy, ministers have agreed that endorsed standards will be consistently implemented under animal welfare regulatory systems of the jurisdictional governments. The guidelines will not be regulated.

While the document assessed by this RIS is a proposed set of national standards and guidelines rather than regulations, it is envisaged that the standards, if endorsed by the Primary Industries Ministerial Council (PIMC), will be adopted or incorporated into regulations by the various jurisdictions, after which compliance with the standards will become mandatory. For this reason, the RIS treats the standards and their alternatives as if they are mandatory, and will use the existing model codes of practice

(MCOPs) as the base case for assessment of costs and benefits (refer to Part 5.2 of this RIS).

The RIS is required to comply with the *‘Principles and Guidelines for National Standard Setting and Regulatory Action by Ministerial Councils and Standard-Setting Bodies’* endorsed by the Council of Australian Governments as amended in June 2004.

The livestock transport industry

Livestock transport is a crucial link in the supply chain that brings together all aspects of the meat and livestock industries. The livestock transport industry provides the key service of transporting livestock between farms and stations, as well as transport to and from saleyards, feedlots, processing establishments and live export ports across the country.

While a large component of livestock transport is for purposes of slaughter, there is also considerable movement of animals from one location to another for purposes of management (e.g. lack of local pasture/fodder) or for resale and relocation as live animals.

The value of livestock transported in Australia is estimated to be around \$12 billion per year. An estimated 969.4 million animals are transported 142 million kilometres, taking 1.84 million hours per year. Of the total number of animals transported, most are transported by road and roughly 600,000 head of cattle and roughly 900 head of horses are transported by rail in a typical year in Queensland. The estimated total annual cost of transporting livestock for slaughter, export/import and other purposes by road (excluding rail and the cost of horse transport for recreational purposes) is between approximately \$606.8m and \$672.7m.

The issues

Animal welfare concerns are becoming increasingly important for the farming and transport of livestock, both in Australia and internationally. Practices which may have once been deemed acceptable are now being reassessed in light of new knowledge and changing attitudes.

‘Animal welfare’ is an elusive concept which has many dimensions including: mental and physical aspects of the animal’s well-being, as well as people’s subjective ethical preferences. The variation in the definition of animal welfare in science, philosophy and the general community has created much confusion and controversy.

Where an animal is failing to cope with a problem, it is said to be stressed. Stress is a physiological response by the individual in the attempt to cope with factors causing the stress. Stress can be objectively measured in animals using indicators such as the level of cortisol in the blood. If stress factors are minimised, poor welfare outcomes can be prevented or made less likely.

Transportation can be a major stressor for farm animals and can have deleterious effects on health, well-being, productivity and ultimately, product quality.

Animals being transported by road and rail are subject to a number of stress factors throughout the journey, including handling, loading, transporting, mixing of unfamiliar animals, unloading and total time without water or food. These risk factors can be cumulative and apply across all phases of land transport, from assembly and handling before the journey, to unloading at the destination.

Animal welfare is now recognised as a characteristic of product quality and customer requirements in some industry sectors. There is increasing recognition by livestock industries that animal welfare is an integral part of good animal husbandry. In the past few years, several food safety-based quality assurance schemes have been implemented either within businesses and/or across industries and these may include animal welfare components. The Quality Assurance (QA) scheme most relevant to animal welfare issues in regard to transport is the Australian Livestock Transport Association's 'TruckCare' program.

Process and consultation

Extensive consultation has taken place with government agencies, researchers, industry and animal welfare organisations in the development of the proposed standards and their predecessors.

The standards were developed under the auspices of the Animal Welfare Working Group (AWWG), which is ultimately responsible to the Primary Industries Ministerial Council (PIMC). Membership of AWWG comprises representatives from each of the State and Territory departments with responsibility for animal welfare, CSIRO, and the Commonwealth Department of Agriculture, Fisheries and Forestry - Australia.

The standards development process was managed by Animal Health Australia (AHA) and was initially undertaken by a small writing group comprising research, government and industry representatives; supported by a widely representative Standards Reference Group (SRG). Further drafts of the standards were developed by AHA in consultation with the SRG and smaller working groups covering each species or issue. The SRG was comprised of representatives of the livestock transport industry, the production, saleyard, feedlot and processing sectors of industry for all the animal species involved, animal welfare organisations, state and federal regulators, policy specialists and other technical experts from the veterinary, teaching and research fields.

A summary of outstanding issues where no agreement could be reached between the above stakeholder organisations is given in Appendix 8 to this RIS.

The problems

The problems that the proposed standards are endeavouring to address include the need:

- for greater national consistency in livestock welfare standards;
- to ‘fill in gaps’ in current standards;
- to update current model codes of practice;
- to minimise risks to livestock welfare;
- for clear, essential and verifiable standards;
- to ensure that the benefits justify the costs of standards;
- for standards to be considered within an international context; and
- to meet community expectations.

Market forces alone would not be expected to solve these problems and intervention in the form of regulated standards is necessary.

The policy objective

In relation to the proposed standards and possible alternatives, the following overarching policy objective is identified:

To ensure that the conditions under which livestock are transported on land are consistent with reasonable animal welfare outcomes.

Assessment of costs and benefits

Because compliance with the guidelines is voluntary, costs are imposed by the proposed standards rather than by the guidelines. Most of the proposed standards are consistent with the requirements of existing national model codes of practice, where they exist, as listed under the base case in Part 5.2 of the RIS. The main overall difference is that proposed standards are not explicitly stated in the existing model codes. The proposed standards make more verifiable the unverifiable guidelines in the existing model codes, to facilitate incorporation into state and territory regulations and the auditing of compliance with such regulations. In many cases, the proposed standards increase the coverage of livestock species, minimise risks to livestock welfare and reduce unnecessary costs to industry.

The term ‘base case’ means the situation that would exist if the proposed standards were not adopted. The base case provides the benchmark for measuring the incremental costs and benefits of the proposed standards and the other options. The base case includes the relevant state and territory animal welfare legislation but this has not been reviewed in detail for this study. It also includes all relevant existing model codes of practice.

Relative to the base case, the proposed standards would impose minimal to minor incremental costs or savings per journey in the following areas:

- transport costs and savings
- training costs
- veterinary/pathology costs
- verification/auditing/enforcement costs

No costs to livestock welfare have been identified. In other words, no species or class of animal is likely to incur a reduction in its welfare, compared to the existing codes of practice. On the contrary, there is likely to be a net benefit to livestock welfare as a result of the implementation of the proposed standards.

Veterinary and pathology costs will be directly incurred by the relevant livestock owners. The transport costs/savings and the training costs will be incurred initially by livestock transporters, but costs are in most cases likely to be passed on to livestock owners and possibly consumers of meat and other livestock products, depending on whether or not stock are auctioned and on consumer price sensitivities.

Verification, auditing and enforcement costs will be incurred by the relevant government agencies if and when the proposed standards are adopted by regulations or the appropriate legal mechanism. However, most state and territory departments advise that there is unlikely to be any significant increase in enforcement costs of the proposed standards relative to the base case. Some industry associations may choose to develop or modify their own quality assurance programs to encourage compliance with the proposed standards. However, any such costs would be voluntarily incurred, rather than imposed by the proposed standards. It is recognised that industry and industry QA can make an important contribution to livestock welfare practices but this is not considered as a regulatory cost in this study.

A comparison of the proposed standards with the relevant World Organisation for Animal Health (OIE) guidelines shows that there are no significant differences between the proposed Australian standards and the relevant equivalent international standards, except in relation to a few proposed standards as discussed in Part 3.3 of the RIS. These differences are considered reasonable and justified.

The proposed standards would result in a *net incremental cost* to the livestock industry, relative to the base case, estimated to be between approximately **\$31.0m** and **\$33.5m** per annum or approximately **\$145.0m** and **\$156.4m** over 5 years, in present value terms (2008 dollars). There are also some relatively minor unquantifiable costs and savings, as set out in Part 5.3.2 of the RIS.

The quantifiable cost over 5 years (in present value terms) represents between 4.97% and 5.11% of the total cost of livestock transport of approximately \$2.84b and \$3.14b. The estimated change in retail meat prices would entail approximately a 1% increase for beef, a 2% increase for lamb, a 0.3% reduction for pork and a 4.8% increase for chicken.

If and when incorporated into regulations, the proposed standards are expected to result in the following benefits:

- improved livestock welfare outcomes – risks to welfare will be minimised and no species or class will be worse off;
- greater national consistency in the setting of standards;
- clear and verifiable standards, differentiated from guidelines, that are capable of being incorporated into regulations;
- the gaps that exist in the current model codes of practice will be filled in, including coverage of all livestock transported by land;
- the updates to current model codes of practice are reflected in the new standards and guidelines, in the light of new knowledge and circumstances, including industry best practice;
- the proposed standards have been reviewed to ensure that their benefits justify their costs, and that they meet the expectations of the Australian community, which is likely to improve community confidence and implementation of the standards.
- an enhanced international reputation (from providing clear statements of Australia's livestock welfare standards to the international community, especially our trading partners).

Alternatives considered

In the case of national standards, practical alternatives are limited to alternative standards that are relevant and could be applied in all jurisdictions. Having no standards at all is not a practical alternative, because the 'base case' is that the existing model codes will remain in place, and can be incorporated by states and territories in regulations at any time, as some already have. The 'base case' is used as

a point of reference for comparison of the proposed standards and the practical alternatives.

The practicable alternatives together with the proposed standards will from here on be referred to as ‘options’. As discussed in Part 4.0 of the RIS, the options assessed in terms of costs and benefits were:

- **Option A:** Encourage the development of industry codes, QA programs etc (i.e. the minimum intervention option);
- **Option B:** the proposed standards;
- **Option B1:** the proposed standards with a variation to standard SB4.5 changing the minimum age for transport of calves for slaughter (other than to a calf-rearing facility) to 8 days rather than 5 days;
- **Option C:** more outcome-based and less prescriptive standards leading to possibly greater choice in ways to satisfy the standards;
- **Option D:** less expensive standards i.e. the most costly standards to become voluntary guidelines;
- **Option E:** more effective standards for livestock welfare that will incur a higher cost to livestock industries i.e. higher standards relating to maximum time off water for particular species/class of species and a minimum voluntary spell of 6 hours to allow recognition of the spell period as a credit in the total water deprivation time calculation; and
- **Option E1:** more effective standards for livestock welfare that will incur a higher cost to livestock industries s i.e. higher standards relating to maximum time off water for particular species/class of species and a minimum voluntary spell of 12 hours to allow recognition of the spell period as a credit in the total water deprivation time calculation.

A comparison of quantifiable annual and five year incremental costs or savings for all options is given in the following table.

Option	Annual value min	Annual value max	Present value over 5 years min	Present value over 5 years max
A	+\$0.9m	+\$0.9m	+\$0.9m	+\$0.9m
B	+\$31.0m	+\$33.5m	+\$145.0m	+\$156.4m
B1	+\$43.7m	+\$46.2m	+\$204.4m	+\$215.8m
C	Not quantifiable but likely more costly than Option B	Not quantifiable but likely more costly than Option B	Not quantifiable but likely more costly than Option B	Not quantifiable but likely more costly than Option B
D	-\$1.1m	-\$1.3m	-\$5.3m	-\$6.3m

E	+\$118.1m	+\$132.2m	+\$552m	+\$617.9m
E1	+\$133.9m	+\$150.2m	+\$652.8m	+\$701.8m

A weighted criteria decision analysis was used to compare the relative costs and benefits of various options (refer to Part 5.4 of the RIS). Option B (the proposed standards) provides the highest weighted score of **+1.4** with Option C (more outcome-based and less prescriptive standards) providing the lowest weighted score of **-0.4**. **The proposed standards are therefore the preferred option, in which the expected costs are considered to be outweighed by the expected benefits.**

National competition policy test

To the extent that the standards impact on livestock transporters and other businesses, such businesses would be equally affected by the same regulatory environment. The likely incremental costs of the proposed standards are not so high as to constitute a barrier to entry for such businesses. Thus the proposed regulations are unlikely to restrict competition.

Implementation

All jurisdictions can make regulations to require compliance with the proposed standards, and all regulations except those in New South Wales and the Northern Territory can adopt the standards by reference. (New South Wales and the Northern Territory would have to make regulations using similar wordings as the standards).

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(Entries without page numbers are not included in this version)

Appendix 1 - Guide to the Australian Animal Welfare Standards for the Land Transport of Livestock.¹

Scope

The standards and guidelines cover the transport of livestock by road, rail and livestock transport vehicle aboard a ship. They apply to the major commercial livestock industries in Australia; that is, to alpacas, buffalo, camels, cattle, deer, emus, goats, horses, ostriches, pigs, poultry (broilers, ducks, geese, guinea fowl, layers, partridge, pheasants, pigeons, quail and turkeys) and sheep.

The document contains general standards that apply to all species (Part A), and standards for each industry (Part B).

The standards apply to all those responsible for the care and management of transported livestock. Those responsible include drivers; transport companies; owners; agents; and livestock handlers at farming enterprises, depots, saleyards, feedlots and livestock-processing plants.

Livestock transport begins when livestock is loaded into a container or onto a vehicle, and ends when the livestock is unloaded at the final destination. The chain of responsibility for the welfare of livestock begins with the owner or their agent, and extends to the final receiver of the livestock.

Water provision is an important consideration in livestock welfare. From a livestock welfare perspective, the whole process of moving livestock includes activities from the time that animals are first mustered and deprived of water before loading, until the time that livestock have access to water at the final completion of the journey. Activities important in the three phases of the movement process and those primarily responsible for livestock welfare include:

- mustering, assembly;
- handling and waiting periods before loading (consignor);
- loading, transport, and unloading including spelling periods (transporter)²; and
- holding time after unloading (receiver).

The standards attempt to cover most ordinary situations and contingencies. There are unusual circumstances (including accidents) that are not directly mentioned in the document but are addressed by standards in part A.

¹ Prepared by Dr. Kevin De Witte, Animal Health Australia.

² The term spell defines a period when livestock have access to water and space for all livestock to lie down, on or off the vehicle (SA5.1, SA5.2 and Part B standards) for their recovery

The standards and guidelines should be considered in conjunction with other requirements for the transport of livestock, and with related Commonwealth, state and territory legislation, including

- for transport — the *Australian Standards for the Export of Livestock*³, animal health and biosecurity requirements, regulated livestock loading schemes and driver regulations
- for other enterprises — model codes of practice or future standards and guidelines for livestock species, saleyards, livestock processing (slaughter) establishments and the *Australian Standards for the Export of Livestock*.

Where other legislation requires a higher standard than this standard, the higher standard will apply. Where there is a conflict with another standard in meeting the animal welfare standards, the welfare of animals must be the first consideration, unless there is an occupational health and safety requirement.

The standards document has two parts:

- *Part A* — six chapters of standards and guidelines that apply to all livestock species
- *Part B* — eleven chapters of standards and guidelines, each of which applies to a particular livestock industry (also referred to as the ‘species chapters’); the standards in Part B apply in addition to, or by exception to, the Part A standards.

The standards aim to make the key requirements consistent between species, where appropriate. For example, some key requirements that occur in both Parts A and B, and that have been made consistent between species are; water provision times, spelling (resting) arrangements or times, and pregnancy provisions. Definitions that are relied upon are defined in the glossary.

Comparison of standards and guidelines and intended use.

Although often referred to as a single entity — ‘the standards’ — each chapter of the document contains both standards and guidelines. Both the standards and the guidelines are intended to achieve good outcomes for livestock welfare, but they have different functions:

From the pre-public consultation version of the document:

***Standards* — The acceptable animal welfare requirements designated in this document. The requirements that must be met under law for livestock welfare purposes.**

³ <<http://www.daffa.gov.au/animal-plant-health/welfare/export-trade/v2-1>>

The standards are intended to be clear, essential and verifiable statements; however, not all issues are able to be well defined by scientific research or are able to be quantified. Standards use the word ‘must’.

***Guidelines* — The recommended practices to achieve desirable animal welfare outcomes. The guidelines complement the standards. They should be used as guidance. Guidelines use the word ‘should’. Non-compliance with one or more guidelines will not in itself constitute an offence under law.**

The guidelines are not written to be underpinning, compliance guidelines that serve to explain the standards. The relative welfare position presented by the guidelines does vary and is not meant to be ‘best practice’. This relationship is open to debate but the guidelines are regarded to be a better welfare position than described by the standards. The standards represent the accepted minimum level of welfare to be provided. Compliance with the relevant guidelines will serve as a defence against a charge of non-compliance with a standard. Conversely, non-compliance with one or more guidelines will not in itself constitute an offence under law, remembering that the standards must be achieved. This concept in relation to regulation is an important principal in the document.

Types of standards

Where possible, the standards are supported by scientific research or are based on industry-recommended practice. However, some issues are not well defined by scientific research, cannot be defined clearly or are not measurable. As a result, simple written standards that focus on broad outcomes are necessary for some of the important livestock welfare issues in Part A.

Standards can be classified as follows:

- prescriptive or non-prescriptive
- proactive or reactive
- related to inputs or to outputs.

Each of these types of classification is discussed below. The classification of standards does not suggest anything about their intended use by governments — all standards are to be adopted. Thus all standards are considered equal, despite their different constructions and issues associated with interpretation. The land transport standards document does not make any distinction based on categories of standards. The standards are written in plain English, which is appropriate for contemporary legislative use, but have not been subjected to expert legal analysis.

Prescriptive or non-prescriptive standards

Prescriptive standards

Prescriptive standards are narrowly focused on a specific issue, and meet the characteristics of being clear, essential and verifiable. Examples of these are all standards found in the species chapters of Part B.

Non-prescriptive standards

Non-prescriptive standards are more broadly focused on a wider issue, and are subject to interpretation in everyday use and by the regulatory legal system. They are more difficult than prescriptive standards to verify, they allow some flexibility and they require judgements to be made in everyday use by persons involved in livestock movement and by regulators. For example, the general standards that seek to “minimise the risk to the welfare of livestock” are non-prescriptive, and include those applying to stock handling competency, vehicles and facilities, fitness to load, time off-water, loading density and segregation. These general standards may contain some supporting elements under the standard, but the points are generally not defined in a prescriptive manner.

Risk to welfare of livestock is an important concept that is defined as the potential for a factor to affect the welfare of livestock in a way that causes pain, injury or distress to livestock. The outcome could include sunburn, hypothermia, heat stress, dehydration, exhaustion, abortion, injury, metabolic disease or death. These risks can be managed by undertaking reasonable actions to prevent or reduce the risk.

Use of prescriptive and non-prescriptive standards

Both prescriptive and non-prescriptive standards are expected to be used. There are 14 standards in Part A that are classified as wholly or partly non-prescriptive. The general standards may be difficult to regulate efficiently but are regarded as conveying an important welfare message that is difficult to prescribe in detail.

Proactive and reactive standards

Proactive standards

Proactive standards precede an event; they prevent harm by requiring preventative actions. They may use words such as ‘minimises the risk to the welfare of livestock’. This wording is part of non-prescriptive standards directed towards preventing a number of possible poor outcomes. In general, this type of standard is intended to manage the risk of poor outcomes before they happen.

Reactive standards

Reactive standards follow an event; they address livestock welfare issues after they have occurred; for example, directing what must happen to an injured or distressed animal after it has been identified. They are necessary to prevent further suffering, and appear less frequently than lead standards. It is expected that further corrective action to address recognised problems that can be managed will take place as a part of normal good business practice.

Inputs and outputs

Input standards

Inputs (e.g. requirements) include factors such as water, feed, and inspection requirements. Most standards are directed towards inputs in a risk management, preventative sense.

Output standards

Outputs (e.g. actions to deal with problems) include factors such as documentation and communication requirements (see Chapter 1) and humane destruction (see SA6.1). A further application could be to specify a minimum acceptable level of a problem produced by transportation, such as lameness or bruising. In general, this approach is not used for the land transport standards for livestock welfare, partly because of a lack of consensus about what constitutes an appropriate, measurable welfare measure.

Major topics covered by the standards

Responsibility

Transport usually involves the process of ‘change in ownership’ and the ‘transfer of responsibility’; the chain of responsibility is integral to making sure that outcomes are consistent with livestock welfare. The central idea is that the person in charge is responsible for the welfare of livestock at each stage of the journey and has a duty of care to ensure the welfare of livestock under their control and to communicate vital information (see SA1.1, SA1.2).

Three categories of people are defined as responsible for livestock welfare:

- consignors (most often the owner) at the origin;
- drivers or the transport company; and
- receivers at the destination.

Where the livestock owner or their direct employee is transporting their livestock between home properties, they are the person responsible in the three phases of transport (SA1.1). In most cases the consignor will be the owner. Further discussion is in the sections on fitness assessment and provision of water.

Responsibilities are defined for;

- Person in charge / duty of care – SA1.1
- Documentation for journeys over 24 hours – SA1.2

- Competency – SA2.1
- Fit for the intended journey – SA1.1, SA4.2, SA4.3
- Care, treatment or humane destruction – SA4.4, SA5.12, SA5.13
- Loading density – SA5.4
- Ramp alignment – SA5.8
- Inspections – SA5.10, SA5.11
- Humane destruction – SA6.4

Transport by rail takes place only in Queensland. There are no separate railroad standards for livestock welfare in the standards document because the proposed standards deal adequately with all of the issues for rail transport.

Stock-handling and competency

Stock-handling competency is required by SA2.1, and means that any person must be competent in the task that they are performing for livestock transport. These tasks include handling; inspecting; assessing; loading; transporting and unloading; and humane destruction. People must also understand their responsibilities, maintain records, and be able to plan transport and contingency procedures.

People who are not yet competent must be supervised by a competent person. Competency standards are difficult to define at the present time. Like many agricultural sectors, the whole livestock transport industry relies on skills and knowledge gained on the job under appropriate supervision.

The standards detail specific requirements for handling (SA5.6); use of electric prodders (SA5.7); control when using working dogs (SA5.8); inspections (SA5.10, SA5.11); treatments (SA5.12, SA5.13); and humane destruction (Chapter 6). Further references to stock handling and use of dogs and electric prodders are contained in the species chapters. Handling standards (SA5.6 & SBs) are directed against; lifting, throwing, dropping and striking livestock. Dragging is considered to be of a lesser impact and is not covered. Handling of poultry and ratites is further covered by specific standards (SB6.5, SB6.6, SB10.4, & SB10.6).

Whilst mentioned, the competent operation of a vehicle is considered to be appropriately dealt with by transport arrangements. SA5.8 requires accurate alignment of the vehicle and the loading ramp.

Fitness including care and treatment

Livestock must be assessed by a competent stockperson to be fit for the intended journey before every loading according to various visible criteria (SA4.1) that are either general or specific. This standard attempts to protect livestock welfare against all the common issues that may cause further risk to the welfare of the animal during transport and is based on the international OIE transport standards.

Any livestock judged as not fit for the intended journey must only be transported under specific veterinary advice (SA4.2). This standard permits a degree of flexibility relating to the ‘intended journey’ and the use of expert advice to manage livestock for the best welfare outcomes under a wide variety of circumstances. The primary responsibility for first selecting livestock to be ‘fit for the intended journey’ lies with the consignor, which will be the owner in most cases. The driver also has a responsibility for final selection. Additional specific fitness standards exist for horse lameness (SB8.7) and poultry (SB10.5).

Effective arrangements for the care, appropriate treatment or humane destruction of weak, ill or injured livestock must be made at the first opportunity by the person in charge before loading (SA4.4), by the driver during transport (SA5.12), and the receiver after unloading (SA5.13).

Pregnancy

A major issue with managing pregnant animals for transport is knowing exactly at what stage of pregnancy livestock might be, especially for livestock from larger pastoral enterprises — hence the inclusion of the words ‘known to be’. It is difficult to match stage of pregnancy with appropriate management strategies. However, the use of the words ‘under specific veterinary advice’ allows appropriate management strategies to be used with a degree of flexibility based on factors such as local knowledge, veterinary competency and responsibility.

The pregnancy issue is complex with a series of species-based, overlapping standards that assume ascendancy based on the increasing risk associated with advancing pregnancy, culminating in SA4.1 vi). This standard permits the transport of livestock for up to four hours during the last two weeks of pregnancy, to allow them to be moved to better circumstances for livestock welfare, including closer supervision of parturition.

Pregnancy standards generally relate to the last trimester of pregnancy and include alpacas (SB1.1), buffalo (SB2.1, SB2.2), camels (SB3.1, SB3.3), cattle (SB4.1, SB4.2), deer (SB5.1, SB5.2), goats (SB7.1, SB7.2), horses (SB8.1, SB8.3) and sheep (SB11.1, SB11.2). Pigs are not included because pregnant sows are moved infrequently or only for short journeys that are less than four hours.

Species that are given a further risk category in addition to the last trimester, if they are known to be in the last month of pregnancy, are; alpacas (SB1.4), buffalo (SB2.3), camels (SB3.4), cattle (SB4.3), deer (SB5.3) and horses (SB8.4). Sheep, goats and pigs are not included due to the shorter gestation periods, as detailed in the relevant appendix. The deer chapter is based on the Sambar species of deer, recognising that there is a large variation among deer species. Pregnancy standards are not relevant for poultry, emus and ostriches.

Body condition score

Body condition score (BCS) is only mentioned for horse guidelines. For all other livestock species, the use of BCS is less useful as an indicator of fitness for transport, especially as there are other fitness criteria in the standards that are to be used. In general it was felt that the use of BCS did not help to minimise the risk to the welfare of livestock in transport, partly because of a lack of standardisation.

Inspections

Livestock must be inspected before loading, within the first hour of the journey and then every 3 hours and at unloading (SA5.11). Vehicles and facilities must also be inspected before use (SA5.10). The driver must provide assistance at the first available opportunity if a distressed animal is identified (SA5.12). The person receiving the livestock must provide an appropriate response to deal with weak, ill or injured livestock (SA5.13). Caged poultry are an exception to the in-transit inspections, because it is usually better to keep travelling for reasons of ventilation and temperature control. Documentation of inspections is required for journeys reasonably expected to exceed 24 hours (SA1.2).

Journey times

Journey times are restricted by the times that livestock may be permitted off-water and by the ability to provide water and other requirements on the vehicle. Journey times are directly mentioned for:

- late stages of pregnancy (SA4.1, Part B standards)
- calves (SB4.4, 4.5)
- those species that are commonly catered for:
 - on a specialised, self-contained vehicle, including alpacas (SB1.2), camels (SB3.2), horses (SB8.2) and pigs (SB9.2);
 - in containers, including poultry (SB10.3) and emus or ostriches (SB6.2, SB6.3).

Specialised transports that are self contained and deliver a high standard of livestock welfare are not common, except in the commercial horse transport sector. All mammalian livestock species have a standard that permits a lengthy time off-water if conditions are met for the safe transport of the livestock. Documentation is required for journeys reasonably expected to exceed 24 hours (SA1.2).

Long-distance transport is not defined, but special mention is directed to additional assessments of livestock fitness and transport conditions when extended trips are undertaken (SA1.2, SA5.2, SA5.3, SA5.14). The standards for water provision permit long journeys for some livestock but most trips are far less than these limits. The person in charge (the driver) has a duty of care to assess the fitness of the livestock for

the rest of the journey, within the first hour of the journey and then every three hours or at any stop (SA5.11). See the section on spells and rest below.

Water

Water provision is a key determinant for the welfare of livestock — it extends across all persons in charge at various times during the movement process. For many livestock it is impractical to provide water on the vehicle during transport. The species that are often given access to water on a specialised vehicle during long trips includes; alpacas, camels, horses and pigs.

Livestock may be subjected to longer periods of water deprivation during transport than those permitted in normal management situations, where the livestock are capable of tolerating this stress. For certain species there are water provision standards that apply to special categories defined by age, lactation and pregnancy; these include standards in Part B that restrict travel times, as well as a direct restriction for pregnancy (SA4.1 vi). The maximum permissible times that livestock are without water specified in Part B do not diminish the responsibility of the person in charge to assess livestock as being fit for the intended journey at various times (SA4.3, SA5.2 and SBs) and to provide a spell or access to water as considered appropriate to minimise the risk to the welfare of livestock.

Communication of times when water has been provided is an important management issue at all times, but especially for long-distance transport when records must accompany the livestock for journeys reasonable expected to exceed 24 hours (SA1.2). The responsibility for livestock water management begins with the consignor during preparation for transport.

Spells and rest.

The standards refer to ‘spells’ for livestock. This term includes the notion of rest but also food and water. Livestock can travel for a time period up to the limits specified in the species chapters, and then they must be given a spell with access to water, food and sufficient space to all lie down. This is known as a mandatory spell and it may be performed on a stationary vehicle or off a vehicle. When maximum time off-water is reached, a spell is a mandatory requirement before starting a further journey, as defined by standards for each species. Where animals are unloaded, a spell starts from the time all animals are unloaded and ends when animals are handled for reloading. Water and space to lie down are the critical elements of rest that are provided for in a spell. There are no mandatory spells for water deprivation of less than 12 hours. The relationship between time off water and mandatory spell length is as presented in the table below.

Table A1. Relationship between maximum permitted time off water and mandatory spell time

Maximum permitted time off water	Mandatory spell time
Up to 12 hours	nil

Maximum permitted time off water	Mandatory spell time
12 hours	12 hours
24 hours	12 hours
36 hours	24 hours
48 hours	36 hours

The relationship between maximum permitted time off water and the requirement for a mandatory spell and the use of voluntary spelling in transit, governs how a multi sector journey is undertaken in relation to the welfare requirements for the livestock.

Spelling after journeys of less than 24 hours is generally required only for special categories. Emus, ostriches and poultry do not travel longer than 24 hours. Spelling after journeys of less than 24 hours is necessary for defined special categories of livestock, based on age, lactation status and pregnancy status for various species.

The species that are often given water access and space to lie down on a vehicle during long trips include alpacas, camels, horses and pigs. Space allowance must be made for all young stock travelling with their mothers, so that the animals have space to lie down. All other species are off loaded when a spell is required, which is usually at the end of a journey. Spells are necessary (mandatory) for livestock after they have undertaken long journeys and reached the maximum permitted time off-water.

A spell may occur voluntarily before loading, mid-journey or at the completion of a journey. Unloading en route can be counterproductive to livestock welfare, due to the extra handling, unfamiliar surroundings and new social interactions between livestock. To reinforce this fact, four hours is the minimum time for a non-mandatory spell. This time is necessary to permit livestock to drink and rest. As a contingency measure, spells longer than four hours can be deducted from the total time off-water up to a spell time of 24 hours, after which a new period (journey) can commence. A spell of less than four hours duration is not recommended or recognised for water deprivation time calculation for any species, but can be undertaken as necessary.

During a voluntary spell, water and space to lie down must be provided to all livestock, either on a stationary vehicle or off a vehicle. Food and shelter may also be provided. When the maximum permitted time off-water is reached (chapter B standards), livestock must be spelled for a nominated period as a mandatory requirement, and this spell includes provision of food.

Pre-transport spells are not mandated except for horses (SB8.5) but the consideration arises in the context of managing total time off-water and the fitness of all categories of livestock, particularly the weak, pregnant, recently given birth, lactating or immature (SA5.2iv).

During a driver rest stop, where the vehicle is stationary and animals usually remain on the vehicle, livestock are inspected on the vehicle but it is not recognised as a spell or rest for livestock.

There are no standards for curfews. Curfews are sometimes important for livestock welfare in transport, as indicated in the species guidelines. Time spent in curfew, or on a stationary vehicle when water is not provided, does not count as a spell.

Food

Food provision is a lesser consideration than water for the relatively short times involved in transport. The standards for feeding that are proposed are those for:

- calves (SB4.4, SB4.5), emus and ostriches (SB6.2, SB6.3), and poultry (SB10.2, SB10.3).
- species that can be fed on the vehicle, including alpacas (SB1.2), camels (SB3.2), horses (SB8.2) and pigs (SB9.2).
- ratites (SB6.2, SB6.3), horses (SB8.5) and poultry (SB10.2, SB10.3).

When the maximum permitted time off-water is reached, all livestock must be spelled with access to food, water and space to lie down (SA5.1 and standards from Part B). Other arrangements from livestock welfare codes for saleyards, feedlots and livestock processing establishments also specify the provision of food before or after a journey on a daily basis. There is more discussion on feeding practice in the guidelines.

The issue of bobby calf transport, which is mostly to abattoirs, has received a lot of discussion and has been particularly difficult to write agreed standards for (SB4.5).

Planning

Planning is an integral part of the transport of livestock that occurs in the ordinary course of activities and does not require a standard for livestock welfare. Similarly, vehicle maintenance and contingency matters are more appropriately covered by other processes in the ordinary course of transport business. The standard for contingency planning (SA1.2) requires details of appropriate emergency contacts to be carried in the vehicle for journeys in excess of 24 hours.

There is a general guideline (GA5.46) that describes how an unexpected substantial delay should be managed for the best livestock welfare outcome possible and as a defence to a charge of cruelty or exceeding the water deprivation times under these standards.

Vehicles and facilities

Vehicles and facilities are covered by the standard SA3.1, which requires construction, maintenance and operation to be conducted in a way that minimises the risk to the welfare of livestock. The non-prescriptive elements relating to containment, ventilation, flooring, internal protrusions and vertical clearance are mentioned in the guidelines.

Additional requirements relating to some of these six elements are given in the species chapters for; camels, cattle (calves), emus, horses, ostriches and poultry. Other considerations relating to vehicle management and design considered to be issues of relevance to livestock welfare — such as container or crate cleaning, exhaust gas pollution, limb protrusion, bedding, partitioning, distractions and ramp design — are mentioned in the general and species guidelines.

The issue of height clearance and ‘normal’ or ‘natural’ positions for head carriage has received some discussion and has been addressed specifically in the standards for the taller species being; camels (SB3.5) and horses (SB8.10).

Heat and cold stress

Heat and cold stress are addressed directly by standard SA5.14 and as components of time off-water (SA5.2) and loading density (SA5.3). The actions and arrangements by the driver can include temporary structures or actions to manage hot and cold conditions. Standards that specifically require protection are in place for calves (SB4.4, SB4.5) and chicks (SB6.3, SB10.3). There are also provisions for buffalo (SB2.6) in relation to heat stress. There are guideline provisions that suggest how an extension of time off-water or of journey times under emergency cold conditions for goats (GB7.11) and sheep (GB11.7) should be managed as a defence against prosecution.

Young livestock

Bobby calves and poultry chicks are the only category of young livestock that are transported in large numbers without the protection of their mothers. Additional standards are in place for feeding of calves (SB4.4, SB4.5), poultry chicks (SB 10.3) and also ratite chicks (SB6.3) and foals (SB8.7).

Loading density

The standard (SA5.3) for loading density is a non-prescriptive standard directed to the management of the number of animals that can be loaded for a journey. Material from existing model codes is contained in the guidelines of the species chapters. The difficulty of defining all the factors affecting loading density makes it difficult to construct a meaningful standard without multiple exemptions or variations. Loading rates may be raised or lowered in relation to the elements described in SA5.3. In general terms, overloading can be a more significant risk factor to livestock welfare than under loading, depending on journey length and conditions. The final decision on the loading density rests with the driver under SA5.4, except for poultry, where the decisions are made by the pick-up crew that loads the crates.

The standard for segregation or penning of livestock (SA5.4) is also non-prescriptive, to enable decisions to be made on an individual transport consignment basis. For example, livestock observed to be behaving aggressively must be segregated, or smaller livestock may be segregated from larger livestock. However, this may not be

necessary for each journey, and will depend on the species, age, class and condition of livestock to be transported.

Electric prodders

Electric prodders are restricted by SA5.7, which prohibits use on genital, anal or facial areas; on livestock under 3 months old; on livestock that are clearly unable to move away, or excessively on an animal. In the species chapters in Part B, the use of prodders is prohibited on alpacas, horses, pigs, poultry and ratites; consistent with current industry practice. Prodder use is not really a relevant issue for emus, ostriches and poultry. Use on buffalo, camels and deer is an option of last resort.

Dogs

Dog use on livestock is considered in the context of mustering from home ranges and in livestock handling facilities. Dogs must be under control at all times during loading, transport and unloading of livestock, and must not be transported in the same pen as livestock (SA5.8). Dogs must not be used on alpacas, buffalo, camels and horses in livestock handling facilities. Dog that habitually bite deer, goats, pigs, poultry sheep, and ratites are not permitted by industry and must be muzzled or not used. The requirement to be ‘under control at all times’ is thought to achieve a positive result for dogs and livestock without the mandate for a muzzling requirement at all times.

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.