

BAAA SUBMISSION ON THE 2013 DRAFT ANIMAL WELFARE STANDARDS AND GUIDELINES ON CATTLE.

Abbreviations:

BAAA	=	Ballarat Animal Advocates Association
<i>Cattle S & G</i>	=	Australian Animal Welfare Standards and Guidelines. <i>Cattle</i> . Edition 1. 21 Feb. 2013
<i>G</i>	=	Guideline
<i>S</i>	=	Standard

A. Introduction

This short submission by BAAA is broken into *four* parts, namely:

Part A – the Introduction;

Part B - which contains comments by BAAA on aspects of the *Cattle S & G* that affect all, or most, of that document;

Part C - which consists of comments on specific cattle farming methods or practices in the *Cattle S & G* and, finally,

Part D - that briefly lists recommendations made by BAAA which hopefully will improve the welfare of cattle.

BAAA notes that some aspects of the welfare of cattle in Australia are **not** covered by the *Cattle S & G*, e.g. live export, transport, abattoirs, etc.

B. General Comments

B1. Better welfare aspects of *Cattle S & G*

There are some reasonable attempts in the *Cattle S & G* to protect the welfare of farmed cattle in Australia, for example: ensuring that these cattle (i) have reasonable access to adequate and appropriate feed and water [S2.1]; (ii) have appropriate treatment at the first reasonable opportunity when sick, injured or diseased [S3.3]; (iii) when tethered, are able to exercise daily [S5.6].

B2. Problems with the definition of a “reasonable action”.

According to Standard S1.1 of the *Cattle S & G*, a person must take “reasonable actions” to ensure the welfare of cattle under their care. According to the Interpretation part of the *Cattle S & G*, these “reasonable actions” are to be determined by (a) what an experienced person would reasonably do in the circumstances to address the particular problem, (b) current practice and (c) other similarly experienced persons¹. Amongst the shortcomings of this Standard are (i) the current practice involved within the action executed by the relevant person may be contrary to the best welfare of the cattle involved, (ii) the relevant person may be experienced in this current anti-welfare practice and (iii) those who determine, or make the judgment, as to whether the standard has been breached, may also be experienced in the same anti-welfare current practice. Therefore, it could be a defence to a breach of a Standard that the person involved was following a current practice which was not in the best welfare interests of the cattle involved.

B3. Standards are often too vague to be capable of enforcement.

The Preface and Purpose of the *Cattle S & G* state that these “standards provide a basis for developing and implementing consistent legislation and enforcement across Australia.”² However specificity is required in these standards to facilitate their enforcement by the relevant officers. For example, Standard S1.1 states that “a person must take reasonable action to ensure the welfare of cattle under their care”. However, if this Standard became part of the prevention of cruelty legislation of all Australian states and territories, how could an animal welfare inspector enforce this Standard because there is no detailed explanation of the key terms “reasonable action” and “welfare” in that Standard.

Admittedly the *Cattle S & G* do attempt to provide some assistance to overcome this major shortcoming by (a) defining “reasonable action” as “those actions regarded as reasonable to be done by an experienced person in the circumstances to address a problem as determined by accepted practice and by other similarly experienced people”³ and (b) listing some elements of responsibility for cattle management under Guidelines G.1.1.

Again though, this assistance is inadequate as regards enforcing the relevant Standard (in this case S1.1) because (i) the definition of “reasonable action” is far too general and prejudiced in favour of existing practices which may often be contrary to the best welfare interests of cattle [see B.2 above] and (ii) the Guidelines provided as examples will NOT be part of the law of the relevant jurisdiction because, according to the *Cattle S & G*, Guidelines are not intended to be part of the wording of the particular offence of that jurisdiction [see B.4 below].

B4. Guidelines concept is confusing.

According to the *Cattle S & G*, “[n]on compliance with one or more guidelines will not in itself constitute an offence under law”⁴. Surely this concept of the Guidelines is confusing, illogical and unsatisfactory, particularly as regards ensuring the welfare of Australian cattle through enforcement of non-compliance with legal offences. To explain, as partly stated in B.3 above, if the Guidelines are supposed to give specificity to the overly generalized Standards and these Standards are to be legally enforced to ensure the welfare of Australian cattle, surely these Guidelines must be part of the wording of the particular cattle/animal welfare offence under Australian state or territory law. Otherwise how can the particular Standard be effectively enforced to ensure the welfare of Australian cattle?

B5. No definition of “animal welfare”.

Whilst the *Cattle S & G* do provide a broad definition of the term “risk to welfare of cattle”, there is no specific stand alone definition of the key terms “animal welfare” or “welfare of cattle”. The closest the *Cattle S & G* comes to a definition of the latter term is a factor that “causes pain, injury or distress to cattle”⁵. Whilst the term “animal welfare” is capable of very wide interpretation, it certainly connotes far more phenomena than just pain, injury or distress and these phenomena include ensuring animals have adequate food, water and shelter; seeing that animals have the ability to freely express their species specific behavior; etc.. This failure to define the term “animal welfare” in a satisfactory way is more than a pedantic issue, because (a), the term “animal welfare” appears, or will appear, in the title of each of the Standards and Guidelines issued by the Australian Standing Council on Primary Industries for each species of farm animal or each form of

farming, and (b), if these Standards are to effectively and legally enforced to ensure the welfare of all Australian farm animals, specificity in terminology is essential [see B.3 above].

B6. Intensive or factory farming of cattle.

A broad range of different sources of information (including animal welfare literature or websites⁶, academic ethics journals⁷, animal science journals⁸, general science journals⁹, agricultural¹⁰ or rural literature¹¹, medical journals¹², daily newspapers¹³, comments from veterinarians¹⁴, etc.) often state that intensive or factory farming of animals are cruel or contrary to the best welfare interests of farm animals. Amongst the reasons given for these views are that the farm animals involved in factory farming are prevented from living their natural species specific life which involves being free to roam in large paddocks to graze, being able to easily socialize with their fellow species, living to a normal age, giving birth to baby animals in a natural and non-confined environment, being free to grow and develop in a natural way without the administration of unnatural supplements or genetic modification, etc..

To this extent the *Cattle S & G* is to be commended for setting some good animal husbandry principles that would rule out intensive farming methods with cattle, e.g social contact with other cattle; sufficient space to stand, lie and stretch their limbs and perform normal patterns of behavior, etc.¹⁵ Also, some of the Guidelines on Facilities and Equipment do have desirable examples, such as taking into account "space"¹⁶ and "cattle behavior"¹⁷, plus "cattle should have the opportunity for appropriate exercise each day".¹⁸ However none of these generalizations have the force of law because (i) only Standards "must be met under law for livestock welfare purposes"¹⁹ and (ii) these

examples immediately above are only part of Guidelines or Principles and are not set out in legally enforceable Standards.

Also the *Cattle S & G* implies that “intensive managed systems”²⁰ of cattle farming are part of acceptable practice. This can be seen in the definition of “housed cattle”²¹ in that document, plus Guidelines on housed systems²² and indoor cattle²³. Whilst some of these examples of intensive managed systems in the *Cattle S & G* involve only a very short period of confined living [e.g. showing cattle at rural shows], other examples are for much longer periods or even involve permanent confinement or restraint. Clearly, these longer periods of confinement or restraint are unacceptable in terms of the best welfare interests of the cattle involved.

B7. No definition of “pain” and no indication of how to assess pain in cattle and calves.

The short discussion of various aspects of pain and pain relief in cattle in the last paragraph²⁴ of the Principles for Cattle Welfare in the *Cattle S & G* are far too vague to protect the welfare of such animals. In addition, the *Cattle S & G* contains some generalizations about pain that not only lack supportive evidence, but could also lead to a rationalization for failing to effectively deal with preventing pain in farm animals, e.g. statements such as “assessment of pain is an inexact science”²⁵ and also the “types of pain and their perception are often not understood”²⁶. More importantly, these broad generalizations do not mean that the *Cattle S & G* can validly make the vague and potentially anti-welfare statement that “in considering the use of pain relief, cattle should be given the benefit of the doubt”²⁷. Again, what does this vague statement mean?

Therefore, BAAA suggests that to ensure greater protection of the welfare of cattle, the *Cattle S & G* ought to adopt some of the basic

premises about pain and its assessment that currently exist in the NHMRC Code of Practice on animal experimentation²⁸ regarding limiting pain and distress in animals [in this case, in cattle]. These premises include the following:

- (a) Persons working with animals [in this case, cattle] “must assume that animals experience pain in a manner similar to humans unless there is evidence to the contrary”²⁹.
- (b) Pain and distress in animals [i.e. cattle in this instance] must be alleviated promptly³⁰;
- (c) Alleviation of pain and distress must take precedence over all other considerations³¹;
- (d) Pain management must be appropriate to the species of animal involved [in this case, cattle]³².

Also, the *Cattle S & G* does not define the term “pain” in its Glossary, so the inadequacy of the discussion of pain relief in that document is even more unsatisfactory. For example, how can the Standards in the *Cattle S & G* in relation to the prevention of pain in cattle and calves be enforced if there are no stated definitions of pain against which the existing treatment of cattle and calves be can measured to see if the particular Standard is being breached?

C. Comments on Specific Cattle Farming Methods

C1. The farming and slaughter of calves for food production (including veal production).

The farming and slaughtering of calves for food production must be prohibited because it (i) usually involves intensive forms of farming whereby the calves are confined to small pens that restrict their

species specific behaviour, (ii) means a premature death for the animal, (iii) often involves transporting the calves in cruel circumstances, (iv) often involves an unbalanced diet in order to meet the demand for paler meat³³ and (v) has long³⁴ been recognized as an exceptionally cruel form of animal farming.

It is admitted that Standards S8.1 to S84 attempt to lessen³⁵ some of the cruelty involved with this form of farming, as do Guidelines G8.1 to G8.15. However this farming practice is so contrary to reasonable animal welfare levels, that it must be banned completely.

C2. Hot iron branding upon the skin of cattle.

Whilst G5.24 does state that hot iron branding of wet cattle should be avoided and S5.10 does state that a person must not place a permanent brand on the head of cattle, the *Cattle S & G* still permits hot iron branding upon the skin of cattle, other than the head. The literature³⁶ and even the more conservative animal welfare groups³⁷ state that hot iron branding of cattle is cruel and unacceptable, so it should be banned completely.

C3. Permanent tethering of cattle or tethering for long periods.

Tethering of cattle and calves for long periods, or permanently, is certainly unacceptable on the grounds of animal cruelty. Existing animal cruelty legislation and codes of practice³⁸ supports this view. Daily exercise is suggested by S5.6 as a remedy to long periods of tethering of cattle, but whilst this is preferable to the permanent tethering, it is not the optimum alternative to ensuring the best

welfare interests of cattle and calves. The drafters of the *Cattle S & G* may argue G5.14 states that permanent tethering of cattle and calves should be avoided but, as with all Guidelines in the *Cattle S & G*, it does “not in itself constitute an offence under law”.

C4. The use of electronic prodders for handling cattle.

Whilst S5.3 does set many restrictions on the use of electronic prodders on cattle and calves, the fact that there are so many restrictions on this particular cattle management tool indicates that to ensure the best welfare interests of such animals, these prodders should be banned³⁹ altogether.

C5. Dehorning and disbudding of cattle and calves.

There seems little doubt⁴⁰ that dehorning and disbudding of cattle and calves are very painful processes. Whilst there are good animal welfare reasons for completely banning these types of procedures, it is realized that horned cattle create some risk of injury to other cattle in the herd and to human handlers⁴¹. Some argue⁴² that poorer farmers cannot afford to have veterinarians carry out these procedures using pain relief. However, we argue that if these procedures must be carried out, they must be done effectively by trained, experienced and appropriately qualified persons using effective pain relief⁴³. Standards S6.4, S6.5 and S6.6 go some way in meeting our recommendation, but there are still exceptions to these Standards⁴⁴. These exceptions are unacceptable.

C6. Slaughtering cattle.

Whilst Standards S11.1 to S11.4 have made a reasonable attempt at ensuring less cruelty in the methods of humane killing of cattle, there is a need for greater specificity in those Standards. For example, the key term "rapid loss of consciousness" needs elaboration into a stated maximum time period for that loss to occur as a result of some stunning method. Similarly a maximum period from stunning to killing needs to be stated in the relevant Standard to ensure humane killing. Finally, a complete prohibition on killing without prior effective rendering of the animal unconscious needs to be stated in a Standard.

D. List of Recommendations

BAAA recommends that the *Cattle S & G* **prohibit** the following cattle farming practices:

- (i) Veal production using calves;
- (ii) Slaughtering of cattle without first effectively rendering each animal unconscious;
- (iii) Slaughtering cattle by exsanguination without first rendering each animal effectively unconscious and ensuring the animal is already dead;
- (iv) All forms of intensive farming of cattle and calves unless extreme climatic conditions require indoor housing of these animals to ensure their adequate welfare, etc.
- (v) No dehorning or disbudding of cattle or calves unless carried out by a trained, experienced and qualified veterinarian using adequate pain relief.
- (vi) The use of electric prodders on cattle for any reason.

- (vii) Hot branding of cattle or calves.
- (viii) Permanent or long term tethering of calves and cattle.
- (ix) Electro-immobilisation of cattle and calves.⁴⁵

BAAA recommends that the following matters be **included** in the final version of the *Cattle S & G*:

- (a) A clear and comprehensive definition of "pain" in farm animals, particularly in cattle and calves.
- (b) A clear indication as to how pain is to be effectively assessed in cattle and calves.
- (c) A clear and comprehensive definition of "animal welfare".

BAAA recommends that the following matters be **altered** in the final version of the *Cattle S & G*:

- (1) The wording of each Standard be expanded to include those particular Guidelines which are necessary to enable effective enforcement of each Standard.
- (2) The concept of Guidelines be abandoned.
- (3) The definition of "reasonable action" be expanded to include clear references to better animal welfare.

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¹ *Cattle S & G* pp. 6-7.

² *Cattle S & G* Preface p. 3, Purpose p. 4.

³ Principles for Cattle Welfare. *Cattle S & G* pp 7-8.

⁴ *Cattle S & G* p. 6.

⁵ Interpretation. *Cattle S & G* p. 6.

⁶ Voiceless, *Factory Farming*, <http://www.voiceless.org.au/the-issues/factory-farming>; World Farm Animal Day, *Factory Farming*, <http://www.wfad.org/treatment.htm>; O. Sharman, "The secret lives of animals: why we never see photographs of factory farming", (2007) no 79 *Photofile* 80; Animal Liberation Queensland. "What is Factory Farming", http://www.humanesociety.org/issues/campaigns/factory_farming/; Animals Australia Unleashed, *Factory Farming*, http://www.animalliberationqld.org.au/Factory_Farming.htm; <http://www.unleashed.org.au/blog/factory-farming>; M. Morris, *Factory Farming and Animal Liberation in New Zealand*, (Wellington NZ, 2011)

⁷ E.B. Pluhar, "Meat and Morality: alternatives to factory farming", (2010) 23(5) *Journal of Agricultural and Environmental Ethics* 455-68; N. Williams, "Affected Ignorance and Animal Suffering: why our failure to debate factory farming puts us at moral risk", (2008) 21(4) *Journal of Agricultural and Environmental Ethics* 371-84.

⁸ J. Balcombe, "Animal Pleasure and Moral Significance", (2009) 118 *Applied Animal Behaviour Science* 208, 214;

⁹ S. Fraser, "Free Range", (Feb 26, 2010), 95 (12) *Current Science* 3-4.

¹⁰ T. Centner, "Limitation on the Confinement of Food Animals in the USA", (2010) 23 *J of Agricultural and Environmental Ethics* 469-486; P. Thompson, "Animal Welfare and Livestock Production in a Post Industrial Milieu", (2001) 4(3) *Journal of Applied Animal Welfare Science* 20-191;

¹¹ A. Juska, "Profits for the Danes – for us Hog Stench"; The campaign against Danish swine CAFOs [concentrated animal feeding operations] in rural Lithuania", (2010) *Journal of Rural Studies* 250; C. Johnsen, *Raising a Stink: the struggle over factory hog farms in Nebraska*, University of Nebraska Press, 2003.

¹² P. Webster, "Crackdown on factory farm drug use urged", (2012), 184(1) *Canadian Medical Association Journal* E23-E24.

¹³ AAP General News Wire, "NSW: Pigs kicked and bludgeoned at NSW Piggery" Aug 4 2012.; AAP General News Wire, "FED: Follow NZ and ban battery cages: Greens", 7 Dec. 2012;

¹⁴ Consume With Care, "Celebrity Interview: Katrina Warren", <http://consumewithcare.org/celebrity-interview-katrina-warren> "Katrina: When I was studying veterinary science, I spent time on factory farms and was horrified by the conditions that the animals were kept in. If more people personally witnessed the horrendous life these animals live, they would choose not to consume them. Factory farmed animals have no quality of life – they live a life of torture, unable to exhibit their natural behaviours."

¹⁵ *Cattle S & G* p. 7.

¹⁶ G8.12, *Cattle S & G* p. 26.

¹⁷ G4.1; *Cattle S & G* p. 14.

¹⁸ G4.9, *Cattle S & G* p. 15.

¹⁹ Interpretation, *Cattle S & G* p.6

²⁰ *Cattle S & G* p. 7.

²¹ *Cattle S & G* p. 14.

²² G4.7; *Cattle S & G* p. 15.

²³ G4.8; *Cattle S & G* p. 15.

²⁴ *Cattle S & G* p. 8.

²⁵ *Cattle S & G* p. 8. There is some scientific literature available on how to assess pain in farm animals, e.g. K.A. Walker, et al, "Identifying and preventing pain before and after surgery in farm animals", (2011) 135 *Applied Animal Behaviour Science* 259-265.

²⁶ *Cattle S & G* p. 8.

²⁷ *Cattle S & G* p. 8.

²⁸ *Australian Code of Practice for the Care and Use of Animals for Scientific Purposes*. 7th ed. 2004,

²⁹ *Australian Code of Practice for the Care and Use of Animals for Scientific Purposes*. 7th ed. 2004, clause 3.3.4.

³⁰ *Australian Code of Practice for the Care and Use of Animals for Scientific Purposes*. 7th ed. 2004, clause 1.21.

³¹ *Australian Code of Practice for the Care and Use of Animals for Scientific Purposes*. 7th ed. 2004, clause 1.21.

³² *Australian Code of Practice for the Care and Use of Animals for Scientific Purposes*. 7th ed. 2004, clause 1.25.

³³ L. Webb et al, "Behaviour and Welfare of Veal Calves Fed Different Amounts of Solid Feed Supplemented to a Milk Replacer Ration Adjusted to Similar Growth", (2012) 136 *Applied Animal Behaviour Science* 108.

³⁴ D. Broom, Needs and Welfare of Housed Calves, in *New Trends in Veal Calf Production*, (Wageningen, EAAP, 1991) 23-31.

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- ³⁵ The European Union attempted to improve the welfare of farmed calves at least a decade ago with various legal reforms such as lowering stock density levels in pens, enlarging minimum pen sizes, etc. . Xiccato et al, "Rearing Veal Calves with Respect to Animal Welfare", (2002) 75 *Livestock Production Science* 269.
- ³⁶ H. Kokranoglu and T Akuni, "Animal Welfare: an animal science approach", (2013) *Meat Science* (in press, but discussion of hot iron branding and its associated cruelty is on page 4 of this soon to published article).
- ³⁷ RSPCA, *Policy B4 Farm Animal Husbandry and Management*. Para. 4.5.2. http://kb.rspca.org.au/RSPCA-Policy-B4-Farm-animal-husbandry-and-management_167.html
- ³⁸ In Victoria there are at least two Codes of Practice which set minimum standards relating to the prohibition and restricting of tethering of certain species of farm and domestic animals. Both these Codes comply with the procedures necessary to make a particular Code part of the law of Victoria under s. 7 of the *Prevention of Cruelty to Animals Act 1986*. See the Victorian *Code of Practice for the Tethering of Animals* Revision 1. (2007) clauses 2.3 [Animals should not be tethered unless they are of placid temperament], 2.6 [All animals must be taken off fixed tethers and be exercised at least daily]; 3.1 [working farm dogs should be let off tethers at least two hours per day during daylight hours. It is recommended that wherever possible all other dogs that are tethered should be released under supervision for 2 hours in every 12 hours]; 3.2 [The temperament and exercise needs of cattle, goats and sheep are such that they should not be tethered if under six months of age. Young animals need more exercise than a tether would permit and they are likely to resist the tether and sustain injuries]. See also the Victorian *Code of Practice for the Keeping of Dogs* 2007 clause 12 [Dogs less than four months old, bitches in season and bitches about to give birth must not be tethered.]
- ³⁹ RSPCA, *Policy B4 Farm Animal Husbandry and Management*. Para. 4.10.1. http://kb.rspca.org.au/RSPCA-Policy-B4-Farm-animal-husbandry-and-management_167.html
- ⁴⁰ K. Stafford and D. Mellor, "Assessing the Pain Associated with Disbudding and Dehorning in Cattle", (2011) 135(3) *Applied Animal Behaviour Science* 226 at 229-230. K Stafford and D Mellor, "Dehorning and Disbudding Distress and Its Alleviation in Calves ", (2005) 169 (3) *The Veterinary Journal* 337
- ⁴¹ The RSPCA is against invasive procedures being conducted on farm animals if they only benefit the human handler. *Policy B4 Farm Animal Husbandry and Management*. Para. 4.6.1. http://kb.rspca.org.au/RSPCA-Policy-B4-Farm-animal-husbandry-and-management_167.html
- ⁴² K. Stafford and D. Mellor, "Assessing the Pain Associated with Disbudding and Dehorning in Cattle", (2011) 135(3) *Applied Animal Behaviour Science* 226 at 230.
- ⁴³ RSPCA, *Policy B4 Farm Animal Husbandry and Management*. Para. 4.6.2. http://kb.rspca.org.au/RSPCA-Policy-B4-Farm-animal-husbandry-and-management_167.html
- ⁴⁴ See SS6.4(1) & (2) and S6.5 (1) to (4).
- ⁴⁵ RSPCA, *Policy B4 Farm Animal Husbandry and Management*. Para. 4.7.1. http://kb.rspca.org.au/RSPCA-Policy-B4-Farm-animal-husbandry-and-management_167.html