



5 August 2013

Animal Welfare Standards Public Consultation

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Dear Sir/Madam

**RE: DRAFT CATTLE WELFARE STANDARDS & GUIDELINES AND
ASSOCIATED REGULATORY IMPACT STATEMENT**

Cattle Council of Australia Inc is the peak national body for the Australian grass-fed cattle sector. Its membership comprises all State Farmer Organisations; the Australian Registered Cattle Breeders' Association and the Australian Cattle Veterinarians' Association are Associate Members.

Cattle Council's policy development is informed through specific policy sub-committees that draw on a wide range of expertise from within and outside Cattle Council membership. The relevant sub-committee for the Cattle Welfare Standards and Guidelines (S&Gs) is Cattle Council's Animal Health, Welfare and Biosecurity Sub-Committee.

The Sub-committee has reviewed the S&Gs and associated Regulatory Impact Statement. I've attached Cattle Council's formal submission that is based on advice from the Sub-committee.

Yours faithfully



Mr Jed Matz

Chief Executive Officer

Att (1)

Cattle Council of Australia

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Submission in Response to the Draft Cattle Welfare Standards and Guidelines and Associated Regulatory Impact Statement

Introduction

Cattle Council of Australia has maintained a close interest in the development of the Cattle Welfare Standards and Guidelines (S&Gs) and the associated Regulatory Impact Statement (RIS): the Council's constituents will be directly affected by any new laws relating to the management of their animals.

Cattle Council has been co-operative throughout the drafting process and has accepted the reasoning behind this initiative as enunciated in the opening paragraphs of the Preface to the S&Gs:

The Australian Animal Welfare Standards and Guidelines for Cattle are an important component of the Australian Animal Welfare Strategy (AAWS) — an Australian Government initiative that guides the development of new, nationally consistent policies to enhance animal welfare arrangements in all Australian states and territories.

The standards provide a basis for developing and implementing consistent legislation and enforcement across Australia, and provide guidance for all people responsible for cattle. They are based on current scientific knowledge, recommended industry practice and community expectations.

Under Cattle Council's guidance, the cattle industry provides significant funding for research projects managed by Meat and Livestock Australia (MLA) to improve industry's understanding of welfare-related management techniques and any pain felt by the animal as a result of these techniques. Significant R&D funding is also being directed at finding feasible and affordable techniques to replace painful procedures currently in use or to lessen the pain associated with these procedures.

Importantly, animal welfare is a major priority for the Council, hence its support for ongoing research into improvements and its direction of producer levies to help fund the S&G/RIS process. At the same time, Cattle Council values the financial viability of its members' businesses and, through its input to the development of the S&Gs, has attempted to strike a balance between these two aspects. In so doing, it is recognised that poor animal-welfare practice leads to poor-quality product, a fact that has had a bearing on the Council's acceptance of the principles behind the S&Gs.

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General Comments – S&Gs

Cattle Council has provided a technical representative to the S&G Writing Group and has direct membership of the Reference Group. The following points therefore reflect feedback provided by its SFO members and a number of individual producers who have responded to the Public Consultation Version of the S&Gs and the RIS.

1. Voluntary versus mandatory Standards

Cattle Council has consistently understood governments' intention, as announced by the Primary Industries Standing Committee in 2006, that animal welfare 'rules' across Australia be formalised and, where possible, harmonised. Cattle Council supports underpinning legislation being put in place provided:

- a. the Guidelines remain voluntary and well away from being referenced in any legislation;
- b. new laws are practical and impose no additional financial burden on producers who are operating in a manner compliant with sound, scientifically justified animal-welfare practices; and
- c. jurisdictions are committed to providing adequate resources to support their expectations of producer compliance.

2. 'Guidelines' as a separate document

Cattle Council requests consideration of having the 'Standards' component of the S&Gs separated from the 'Guidelines' component and of industry being granted custodianship of the latter. The following reasons are given:

- a. In other S&Gs (e.g., the Livestock Transport S&Gs and the recently drafted Saleyard S&Gs), the Guidelines have been written to 'inform' the Standard, that is, to add explanation as to how compliance with the Standard should or could be achieved. In the case of the Cattle S&Gs, a number of the Guidelines provide additional 'reach' for producers, that is, go beyond the Standard in 'raising the welfare bar' for producers. While Cattle Council supports this approach, it should be up to the industry as to how it might utilise and/or amend these Guidelines and whether they best be utilised through quality assurance schemes. Custodianship would make this easier.
- b. Given the situation described under (a), there is a greater risk of the Guidelines, although presented as voluntary, becoming a backdrop for legal adjudication over potential non-compliance claims. While this possibility has been denied, the following extract from the Tasmanian Farmers' and Graziers' Association's submission is noted:

The Animal Welfare Act [of Tasmania] also provides for 'animal welfare guidelines' to be approved under the Act... As official advisory documents they have been used by courts and others to help determine whether a particular action or inaction is a breach of the animal welfare legislation (p. 3).



The important point in this quote is that the Guidelines are considered in Tasmania as “official advisory documents”, presumably made so through recognition in legislation. Cattle Council believes separating the documents and handing the Guidelines to industry would avoid this risk. It would be totally unreasonable and unacceptable for the Guidelines in their current form to be imposed on producers through legislation or reference in legislation.

General Comments – RIS

Cattle Council has been involved in the S&G drafting process to date; it opposes any additions that could rightfully be seen as unnecessary impositions on grass-fed beef-cattle producers. The seven options (C1-C7) in the RIS are seen as this, and hence are opposed. To be more specific:

1. Requiring pain relief for all spaying (C1) will remove or severely restrict the capacity for lay spayers to conduct the Dropped Ovary Technique (because lay spayers will be unlikely to access necessary pain-relief drugs). Cattle Council has sponsored the creation of a Unit of Competency for lay spayers to allow their continued operation under the new Standards; this initiative would become redundant were C1 to be adopted.
2. Banning flank spaying (C2) will prevent essential spaying of female animals for which only flank spaying is available. Cattle Council supports flank spaying provided it is done with pain relief.
3. C3, C4, C5 and C6 are considered irrelevant for beef-cattle production.
4. Banning electro-immobilisers (C7) in jurisdictions where use is currently permitted will remove an important tool for handling animals that might otherwise endanger themselves or the operator(s). Nevertheless, it is important for operators to be instructed on proper use.

Specific Issues – S&Gs

Standard/Guideline	Comment	CCA position
G3.12, Predator control programs...	<ul style="list-style-type: none"> • predation is becoming a major issue throughout pastoral Australia. • many producers live on the perimeter of, or close to, national parks and the like where predator control is sub-optimal. 	Care should be taken that courts do not use this Guideline as a means of prosecuting producers found to be unable to control predators in such circumstances and through no fault of their own.
S4, Facilities and equipment...	<ul style="list-style-type: none"> • This section would benefit from a new Guideline relating to operators of cattle facilities and equipment having the relevant knowledge, experience and skills to do so. 	Consider adding a new Guideline: <i>A person operating facilities and equipment should have the relevant knowledge, experience and skills, or be under the *direct supervision* of a person who has the relevant knowledge, experience and skills.</i>



S5.5, Muzzling of dogs...	<ul style="list-style-type: none"> While it's accepted this Standard has little relevance for the beef cattle sector, its presence has caused consternation. 	Consider moving this Standard to section 9, Dairy Management.
S5.7 (2), Electro-immobilisation on cattle older than 6mths...	<ul style="list-style-type: none"> This standard is arbitrary and unenforceable. The age of cattle is often difficult to measure. 	Consider converting this Standard to a Guideline.
S5.7 (3), Electro-immobilisation...	<ul style="list-style-type: none"> The requirement for operators to be trained was included when it was thought a training program could be designed and implemented; this is now not the case. 	Delete reference to 'training'.
S6, Castration, dehorning and spaying...	<ul style="list-style-type: none"> This section would benefit from a new Guideline relating to prevention of infection; G6.7 in the Sheep S&Gs offers appropriate wording. 	<p>Consider adding a new Guideline:</p> <p><i>Operators should adopt appropriate strategies to minimise the risk and impact of common infections, such as by Clostridium tetani, through vaccination of calves and/or their mothers.</i></p>
S6.2 & S6.4, Pain relief...	<ul style="list-style-type: none"> Lay operators have limited or no access to appropriate pain-relief (particularly S4) compounds. Requiring lay operators to use pain relief when it is not readily available effectively bans the procedure. Having vets perform all the functions listed under these Standards is totally impractical and unaffordable. 	No prosecutions should be considered under this Standard until such time as pain-relief compounds are readily available to lay operators at an affordable rate.
S6.8, Flank spaying...	<ul style="list-style-type: none"> This is recognised as an operation best performed by veterinarians. 	The pain-relief requirement is acceptable in the case of flank spaying.
S11.5, Blow to the head of a calf...	<ul style="list-style-type: none"> Adequately covered by S11.1. 	Consider deletion or, at the very least, its conversion to a Guideline.
G6.14 & G6.15, Castration...	<ul style="list-style-type: none"> While current science appears to support the age guidelines provided here for the use of rubber-ring (less than 2wks old) and cutting (more than 2wks old) methods, these Guidelines appear unnecessarily prescriptive. 	It's understood these are only voluntary Guidelines, but their inclusion is unlikely to have any practical impact and their deletion should be considered.
In numerous Standards, the words "reasonable" and "unreasonable".	<ul style="list-style-type: none"> It is difficult to define "reasonable" and "unreasonable", but a fair attempt has been made on p. 6-7 under Interpretation. 	Consider rewording (if necessary) the interpretation of "reasonable" and "unreasonable" into a definition and moving it to the Glossary.



Conclusion

Cattle Council will provide further input to the S&G process through its membership of the Reference Group and will continue to resist any attempt by idealists to impose unnecessary, unworkable and/or unscientific restrictions on producers' capacity to manage cattle in a welfare-sensitive way.

Having said this, the Council will maintain its support for ongoing R&D, through MLA, designed to deliver animal-welfare-related management practices against the principle of the 'three Rs': Refine, Reduce, Replace.

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