

Animal Welfare Standards Public Consultation  
Locked Bag 3006  
DEAKIN WEST ACT 2600

5 August 2013

Dear Sir, Madam

**Additional RSPCA Australia submission - Australian Animal Welfare Standards and Guidelines for Cattle - Public consultation**

As a result of the extension of the public consultation period for the cattle standards & guidelines, RSPCA Australia takes this opportunity to provide an additional submission to complement our earlier submission dated 6 May 2013.

Please don't hesitate to contact us should you require further information.

Yours sincerely



Heather Neil  
Chief Executive Officer  
RSPCA Australia

Tel: 02 6282 8300  
Sector: animal welfare organisation

RSPCA Australia Inc.

ABN 99 668 654 249

---

P 02 6282 8300  
F 02 6282 8311  
E [rspca@rspca.org.au](mailto:rspca@rspca.org.au)  
W [rspca.org.au](http://rspca.org.au)

PO Box 265  
Deakin West ACT 2600



## RSPCA Australia submission

[to be read in conjunction with RSPCA Australia submission dated 6 May 2013)

### Australian Animal Welfare Standards and Guidelines for Cattle Public Consultation

5 August 2013

This submission addresses the question put in the public consultation process about how the “draft cattle welfare standards will ensure the welfare of cattle” and whether the “associated consultation RIS demonstrates the need for the standards, and identifies the key costs and benefits for cattle producers, government and the wider community”.

## The Standards and Guidelines

### Interpretation/Glossary

#### *‘Person in charge’*

The key phrase, ‘person in charge’ is not currently defined in the document. For consistency, we recommend the phrase be defined in the same way it appears in the *Standards and Guidelines for the Land Transport of Livestock*:

‘Person in charge’, in relation to an animal, means:

(i) the owner of the animal; or

(ii) a person who has actual physical custody or control of the animal; or

(iii) if the person referred to in paragraph (ii) is a member of staff or another person, that other person; or

(iv) the owner or occupier of the place or vehicle where the animal is or was at the relevant time.

Note: At any one time there may be more than one person in charge.

Responsibility for duty of care for livestock welfare may extend to the person’s employer.

#### *‘At first reasonable opportunity’*

Similarly, the phrase ‘at first reasonable opportunity’ is not defined. This phrase is defined in the *Standards and Guidelines for the Land Transport of Livestock* as follows:

‘At the first reasonable opportunity’ means that the appropriate action for livestock is undertaken without delay except where a reasonable delay is caused by a significant reason relating to resources, skills, safety or the immediate welfare of other livestock.

We believe an amended version of this definition should be included in the proposed standards. We request that reference to ‘resources’ be removed from the definition. The exception to acting at first reasonable opportunity should only relate to safety or the welfare of the animal. Resource considerations provide too great a loophole and should not be a justification for delaying urgent attention to welfare matters.

#### *‘Reasonable action(s)’*

The current definition of ‘reasonable action(s)’ is not appropriate. The term ‘reasonable’ is a statutory drafting tool used to provide flexibility and objectivity in the interpretation and application of law. Reducing the term to those actions regarded as reasonable by ‘an experienced person in the

circumstances' and 'accepted practice', effectively defers its meaning to current industry practice. This undermines any objective assessment the term is supposed to introduce. The RSPCA strongly objects to the current definition and requests that it be removed. This would also improve consistency with the *Standards and Guidelines for the Land Transport of Livestock* as the term is not defined in that document.

## 6. Castration, dehorning and spaying

*56.7 A person spaying a cow must be a veterinarian or, if permitted in the jurisdiction, be accredited or be under the direct supervision of a veterinarian or a person who is accredited.*

Spaying can compromise the health and welfare of cows and even result in death. Although RSPCA Australia does not support spaying in the longer term (as discussed in our previous submission), while ever it is conducted it should be performed by a competent operator trained in the technique. A training unit "Conduct dropped ovary technique procedures for spaying cattle" has now been developed (available online at <http://training.gov.au/Training/Details/AHCLSK335A>) and, where the procedure is not carried out by a vet, the standard must require that a person spaying a cow is accredited. It is not acceptable that, for a procedure that carries a high risk to the welfare of the animal, spaying is carried out by an untrained and therefore incompetent operator regardless of whether they are being supervised.

Reference to "under the direct supervision of" must be removed from the standard. The spaying operator is either a vet or an accredited person.

## 9. Dairy management

There is no mention in this section of the Standards & Guidelines of the practice of induction in the dairy industry. The RSPCA is opposed to the use of induced calving as a management practice to regularise milk production in a dairy herd as it causes observable adverse welfare problems for both cow and calf, including the potential death of the calf and/or cow, the method of euthanasia of the calf, the potential for the foetal membrane to be retained, calving difficulty, and photosensitisation. The practice should be strongly discouraged.

The cattle Standards & Guidelines must include a standard under section 9 'Dairy management' which states that induced calving must not be used other than for therapeutic reasons and under direct supervision of a veterinarian.

## The Regulation Impact Statement

RSPCA Australia is concerned the RIS does not appear to take into account the extent to which **compliance costs can be internalised and passed on through the supply chain**. The costs of higher welfare options proposed in the RIS are all attributed to 'cattle farmers' alone.<sup>1</sup> The RIS appears to play down the ability of cattle farmers to internalise these costs simply on the basis that 'the market share for other animal welfare-related products indicates that only a small percentage of consumers would be likely to be influenced in their purchasing decisions.'<sup>2</sup> This ignores the steady year-on-year increase in demand and market share for higher welfare products, and subsequently, distorts the perception of how the economic impacts may be distributed. The RSPCA would like to see the RIS give greater consideration to the potential for compliance costs to be internalised in pricing structures.

On page 104 of the RIS, it is estimated that the **spaying competency unit** referred to above would be completed on farm and in one day. It is important that both the theoretical and practical aspects of this competency unit receive sufficient attention. Significant practice is needed to achieve a reasonable level of competence in pregnancy testing let alone performing an invasive procedure such as the dropped ovary

---

<sup>1</sup> See Table 36, column - Incremental compliance costs to cattle farmers (quantifiable).

<sup>2</sup> RIS, p.21.

technique. A competency unit must ensure just that, competency of the operator, and it is doubtful that a one-day course could achieve the competency level required to perform the dropped ovary technique without undue pain and distress to the animal concerned.

Existing operators must also acquire accreditation by undertaking the spaying competency unit. It is important that operators are able to demonstrate competence in the correct technique to an independent, third-party assessor. In addition, it is important that accredited operators are assessed on a regular and on-going basis to ensure they continue to use best practice techniques.

SUBMISSION ENDS