

Animal Law Committee

Submission on Australian Animal Welfare Standards and Guidelines for Cattle

6 May 2013

*Att: Animal Welfare Standards Public Consultation
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The NSW Young Lawyers Animal Law Committee is grateful for the opportunity to make brief submissions on the proposed *Australian Animal Welfare Standards for Cattle* (**the proposed Standards**) and associated Regulatory Impact Statement (**RIS**).

NSW Young Lawyers

The NSW Young Lawyers (**the NSWYL**) supports practitioners in their professional and career development in numerous ways, including by encouraging active participation in its 15 separate committees, each dedicated to particular areas of practice. Membership is automatic for all NSW lawyers under 36 years and/or in their first five years of practice, as well as law students.

The NSWYL Animal Law Committee (**the Committee**) comprises of a group of approximately 180 lawyers and law students interested in animal welfare and laws regulating the treatment of animals. The Committee aims to raise awareness and provide education to the legal profession and wider community, while increasing understanding about the importance of protecting animals from abuse and neglect. A common theme amongst Committee members is a passion and desire to use our legal skills and the law to help improve the lives of animals.

General observations and submissions

The Committee welcomes the development of nationally consistent standards and guidelines for cattle as part of the Australian Animal Welfare Strategy (**AAWS**). However, the Committee submits that the proposed standards will fail to achieve the AAWS goal of ensuring high standards of animal welfare.¹ The Committee has three general concerns about the proposed standards:

- **Over representation of industry interests:** The membership of Animal Health Australia (a government/industry partnership) makes it an inappropriate body to facilitate the development of standards that are intended to improve animal welfare though lack of independence. The Committee is also of the view that the standards writing group was not widely representative. The Committee recommends that writing groups in the future include at least one animal welfare representative to ensure balanced contributions in the vital initial stages of drafting.
- **Lowest common denominator:** The proposed standards are not based on international best practice and instead adopt the lowest animal welfare standards

¹ See Department of Agriculture, Fisheries and Forestry, *AAWA Goals, Objectives and Activities* (27 April 2013) www.daff.gov.au/animal-plant-health/welfare/aaws/online/goals.

of the States and Territories.² It appears that the proposed standards simply reflect current industry practice and no serious consideration has been given to prohibiting or phasing out controversial practices such as dehorning and flank spaying and webbing. If Australia is to validate its claim of being a world leader in animal welfare, the proposed standards must give greater consideration to the pain and distress caused by some animal husbandry practices.

- **Unenforceability:** While the Committee welcomes the introduction of nationally enforceable standards, many of the proposed standards lack the detail necessary to be enforceable. This could be remedied by expanding the standards to include some of the detail currently outlined in the proposed guidelines. Terms such as 'reasonable actions', 'reasonable access' and 'appropriate feed and water' should be defined.

Feed and water

The Committee submits that proposed G2.3 and G2.10 should be converted to standards to require that cattle must have reasonable access to water at least daily and that stocking rates and/or feed supplementation should be managed to maintain cattle in *good body condition*³. Without this detail, proposed S2.1 would be very difficult, if not impossible to enforce.

Facilities and equipment

The Committee submits that the standards should require that cattle have access to shelter and in the absence of shade from trees, cattle be provided with shade from alternative shade structures such as tarpaulins, shade cloth or sheds, and that these alternative shade structures have good airflow. Shade is vital to ensure cattle cope in hot Australian climates.

Handling and management

The Committee strongly submits that the standards should prohibit the use of electro-immobilisation on cattle in all circumstances. The proposed standards allow for the use of electro-immobilisation on cattle despite the National Consultative Committee on Animal Welfare considering electro-immobilisation an unacceptable restraint of animals on animal welfare grounds in 1994 and confirming this position in 2008.⁴

² For a comparison, see Canada's *Code of Practice for the Care and Handling of Dairy Cattle* (2009): www.nfacc.ca/codes-of-practice/dairy-cattle.

³ This should be defined by independent specialist veterinary advice.

⁴ See National Consultative Committee on Animal Welfare, *NCCA W Position Statement* (24 June 2008) Department of Agriculture, Fisheries and Forestry Website www.daff.gov.au/animal-plant-health/welfare/nccaw/guidelines/livestock/electro-immobilisation.

The Committee recommends that the standards should also expressly prohibit the following unnecessary and harmful practices so as to protect animal welfare:

- striking of cattle;
- use of electric prodders on cattle;
- use of dogs to work calves;
- permanent tethering of cattle;
- hot iron branding of cattle; and
- ear marking of cattle.

The Committee submits that the welfare costs to cattle in the above practices outweigh the costs of ceasing the activity or implementing existing and viable alternatives.

Castration, dehorning and spaying

The Committee submits that the standards should require the use of pain relief when castrating, disbudding or dehorning cattle, regardless of age. These procedures cause acute pain to cattle of all ages.⁵ It is for this reason that the Committee also submits that the standards should provide for the phasing out of dehorning and disbudding in favour of breeding naturally polled cattle.

The Committee recommends that the standards prohibit the use of caustic chemicals and excision methods for disbudding calves. The less painful method of heat cauterization should be used as soon as the horn bud appears.⁶

The Committee submits that the standards should require the use of pain relief when spaying cattle due to the acute pain inflicted on cattle by spaying. It is for this reason that the Committee also recommends that the standards provide for the phasing out of spaying in favour of hormonal implants to control pregnancy. Furthermore, the standards should prohibit flank spaying or webbing (removal of the fallopian tubes). The less painful dropped ovary technique should be used while spaying is phased out.

Breeding management

Proposed S7.3 provides that a person in charge must ensure calving induction is done under veterinary advice. The Committee submits that the standards should prohibit calving induction used for management practices, and stipulate that calving induction must only be done when necessary for the welfare of the individual cow or calf (in accordance with proposed G7.10). Calving induction causes serious welfare issues for both cow and calf and often results in the death of the calf.

⁵ See, eg, K. J. Stafford et al 'Effects of local anaesthesia plus a non-steroidal anti-inflammatory drug on the acute response of calves to five different methods of castration' (2002) *73 Research in Veterinary Science* 61.

⁶ See, eg, K.J. Stafford and D.J. Mellor 'Dehorning and disbudding distress and its alleviation in calves' (2005) 169 *The Veterinary Journal* 337 and RSPCA Australia 'Why are cows/calves dehorned/disbudded?' (17 September 2009) http://kb.rspca.org.au/Why-are-cows/calves-dehornedisbudded_218.html.

The Committee also submits that the standards should prohibit the use of electro-ejaculation (using an electric current to obtain semen) due to the pain inflicted on bulls by this procedure.

Calf-rearing systems

The Committee submits that the standards should prohibit the single penning of calves. Single penning denies calves social interaction and therefore the freedom to express normal behaviour.

Dairy management

The Committee recommends that the standards require the implementation of a lameness management strategy and mastitis management strategy, which must include practices for prevention, early detection and effective treatment. Lameness and mastitis cause acute pain to cows and if left untreated, can result in death.

Cattle feedlots

The Committee submits that the standards should require cattle feedlots to be accredited under a third party, audited quality-assurance system. This will ensure that feedlots are independently audited on an annual basis.

Humane killing

The Committee recommends that the standards prohibit the killing of calves by a blow to the head and require a close range firearm or captive bolt to the brain be used when killing cattle, regardless of age. This will help to ensure that calves receive a humane death through instant unconsciousness followed by rapid death without regaining consciousness.⁷

⁷ See RSPCA Australia 'What do we mean by humane killing or slaughter?' (8 December 2010) kb.rspca.org.au/What-do-we-mean-by-humane-killing-or-slaughter_115.html.

RIS options

Out of the options outlined in the RIS, the Committee supports option C with the following variations:

- C1: pain relief for all spaying
- C2: banning flank spaying/flank webbing
- C3: banning permanent tethering
- C4: banning the use of dogs on calves
- C5: banning caustic dehorning
- C6: banning induction of early calving except for veterinary requirements
- C7: banning electro-immobilisation



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