

Our Ref: ALEPCattleS&GRMay13
Your Ref:



6th May 2013

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To Executive Manager Market Access Support

Submission in response to the Draft Animal Welfare Standards and Guidelines for Cattle, Public Consultation Version 1.0, The Cattle Regulation Impact Statement and Discussion Papers.

The Northern Rivers Community Legal Centre provides a range of services to the public including advice, casework and community education on a range of legal matters. We also host an Animal Law & Education Project (ALEP) which focuses on raising community awareness and providing education regarding animal law protection issues. ALEP is run by volunteers; lawyers, law students, farmers, companion animal and wildlife carers.

ALEP welcomes the opportunity to provide comment on the Submission in response to the Draft Animal Welfare Standards and Guidelines for Cattle, Public Consultation Version 1.0, The Cattle Regulation Impact Statement and Discussion Papers.

OUR SUBMISSIONS ARE BELOW.

YOURS FAITHFULLY,

ANGELA POLLARD

CENTRE MANAGER

The Codes of Practice/Standards must meet the increasing community expectations regarding improved levels of animal welfare.

ALEP supports a nation-wide, uniform draft Australian Animal Welfare Standards for Cattle and Sheep. ALEP considers it of vital importance from animal welfare, enforcement and implementation viewpoints that standards are uniform across the country.

We particularly acknowledge the inclusion of contingency plans in the instance of unfavourable conditions arising for cattle and sheep and submit that these should be backed up with mandatory provisions and penalties for failure to enact.

ALEP submits however, that the standards still rely too heavily on 'should' clauses that are best altered to 'must' to meet community expectations and reflect the finding of modern scientific understanding of the physiological experiences of pain and suffering in animals.

The draft standards offer an opportunity for the government to put in place minimum industry standards. Australia is in an enviable position where we are able to offer high welfare standards, and to be placed amongst the world's best practice for animal welfare. . Arguably this would set Australia up in a favourable position in an increasingly animal welfare conscious international consumer market. This is an opportunity not to be wasted.

Likewise, the opportunity to give farmers and operators a clear and easy to understand set of mandatory national standards and guidelines should not be missed. Not only does this send a clear message to industry and community that animal welfare is a serious and important part of animal husbandry, but it offers certainty to those in the industry, making compliance easier and thus more economic.

ALEP agrees in large part with the submission made by Voiceless that the generality of standards and guidelines, whilst intentionally and necessarily lacking in specificity, potentially allow compliance with the Standards and Guidelines whilst still permitting animal cruelty to persist. ALEP therefore submits that certain aspects of the standards as detailed in this submission should be tightened for greater clarity and surety of higher welfare.

ALEP also agrees with Voiceless that welfare provisions available in the Model Code of Practice (MCOP) should not be omitted from the Standards and Guidelines (S&G)

1. Response to the Regulatory Impact Statement.

1.1 The Government is seeking consultation as to which option or variation of cattle welfare standards is best. The options and variations are:

Option A: Converting the proposed national standards into national voluntary guidelines (the minimum intervention option);

Option B: The proposed national standards as currently drafted;

Option C: One or more variations of the proposed national standards as follows:

Variation C1: pain relief for all spaying

Variation C2: banning flank spaying/flank webbing

Variation C3: banning permanent tethering

Variation C4: banning the use of dogs on calves

Variation C5: banning caustic dehorning

Variation C6: banning induction of early calving except for veterinary requirements

Variation C7: banning electro-immobilisation

ALEP submits that;

Option A is unacceptable. A set of binding, enforceable guidelines is the only way to ensure compliance, measurable success, ensure a meaningful national instrument for welfare and to make use of the chance to enact useful protections for both animal welfare and industry.

Option B: The current standards require some modifications.

Option C: ALEP submits that all the variations proposed are highly desirable and ALEP would support the inclusion of these bans in the standards. The S&G recognise that “the assessment of pain is an inexact science”. The types of pain and their perception are often not understood and are known to vary at different ages and between individuals. In considering the use of pain relief, cattle should be given the benefit of the doubt (page 8 of 41) ALEP strongly agrees with this statement. The use of pain relief for spaying is a commendable addition to the standards and guidelines. Whereas once we believed that the human infant could not feel pain as we were unable to recognise the signs of pain, we should also recognise that the human inability to recognise suffering in juvenile animals should not preclude us from assuming on the basis of logic, that castration and spaying is a painful and unnatural procedure that requires analgesic relief. ALEP is supportive of spaying but recognises that it is a human imposed procedure for which we must take responsibility for any adverse effects.

ALEP would add that mandatory pain relief must be provided for all surgical procedures as a variation. ALEP strongly agrees that in accordance with the S&G own position on giving cattle the benefit of the doubt in regards to pain relief, all surgical procedures that involve interference with nerves or the possibility of pain and suffering should be treated with pain relief.

ALEP is aware that Option C is potentially the most costly to enforce and undertake, however the national S&G offer a chance to point industry in a clear direction which is animal welfare focussed and sends a strong message to the public that government is dedicated to the pursuit of the highest possible levels of animal welfare.

1.2 Electro –immobilisation

ALEP submits that electro immobilisation should be uniformly prohibited in accordance with the highest standard set by Victoria in order to overcome the jurisdictional inconsistencies. Whilst ALEP takes this position as it considers animal welfare as the primary objective, there is great benefit to farmers working in border farms and regions and where transport between jurisdictions is common. Consistency and clear standards guidelines and regulations are of benefit to animal and industry.

1.3 Castration

ALEP submits that the S&G should be amended to stipulate that all castration in all jurisdictions must use pain relief. Again, in order to ensure national compliance and a uniform set of standards, castration should be limited to calves up to 3 months, with use of pain relief, as per the highest welfare standard set by South Australia.

2. ALEP submissions on the Standards and Guidelines

ALEP submits, that a clearer definition of the cattle who are to be included in the S&Gs, is required. Whether wild and stray cattle are included is unclear and should be articulated in the scope of the document.

“The ‘Risk to welfare of cattle’ is the potential for a factor to affect the welfare of cattle in a way that causes pain, injury or distress to cattle.” ALEP submits that greater emphasis on the role that psychological distress can play on the overall welfare of the animal should be articulated to make a clear and strong message that distress in an animal is a serious animal welfare issue with a wide range of adverse consequences that must be avoided.

The principle that procedures to minimise psychological distress including isolation, agitation, treatment during loading/unloading, calving and weaning should be included amongst the principles of cattle welfare and the word “psychological’ included in the sentence on page 7 of 41,” Good husbandry principles that also meet the basic physiological and behavioural needs of cattle may include;” . Thereafter principles addressing the emotional wellbeing of the animal should be included.

S1.1 The term “reasonable” is used widely in Animal Protection legislation and the S&G have adopted this term in recognition that not every contingency can be foreseen and that circumstances will require an assessment of what was reasonable under the conditions present at the time of an incident. Whilst ALEP accepts this, ALEP submits that the term ‘reasonable’ offers inadequate clarity to both expected standards of welfare and animal protection. This standard should be amended to

“A person must ensure the welfare of cattle under their care”.

What then constitutes ‘ensuring’ the welfare of cattle is explained in guideline G.1- 3. ALEP submits that there is no reason to include the confusing word ‘reasonable’ when guidelines stipulate the kind of action that is required to ensure welfare.

S2.1 ALEP submits that again, the term “reasonable” is unnecessary. The standard should be amended to “ A person in charge must ensure cattle have access to adequate and appropriate feed and water” Water guidelines should add that all cattle would ideally have access to water at all times and make the guidelines G210-12 minimum standards in times of restricted water access. The word ‘should’ in the guidelines needs to be replaced to “must’. ALEP submits that access to water is a basic requirement of animal welfare.

Likewise, ALEP submits that G2.16 be amended to ‘construction of cattle watering facilities MUST consider” (own emphasis). There can be no logical reason why when constructing a facility for animals that daily and annual requirements, flow rates and temperature should not be considered. These are vital considerations for an effective water-providing infrastructure.

S3.1- ALEP supports the use of the word 'must' in the risk management standards. The term 'reasonable' again creates uncertainty. At the very least this standard should be amended to, 'a person in charge must take all reasonable actions appropriate to the production system and prepare contingency plans in advance for the event of threats including.....

G3.2 ALEP is pleased to see contingency plans included in the draft S&G. However, there is no reason why drought strategies should not be prepared in advance and so the wording needs to be amended to 'must' rather than 'should'.

G3.3 ALEP accepts that adequate shelter in inclement weather poses many challenges however the wording of this guideline; "wherever possible cattle must be provided with adequate shelter to minimise risks to welfare during inclement weather", is too vague.

G4.6 ALEP submits that there is no justification for why faecal and urinal accumulations should not be removed regularly and as such the word 'should' needs to be replaced with 'must'.

S5.1 The word 'reasonable' again creates uncertainty. S 5.1 should read "a person must handle cattle with care for their welfare and must not: "

S5.4 This is poorly drafted. The wording seems to imply that a person must have a dog. Perhaps the wording intended was "A person in charge with a dog must ensure that the dog is muzzled when moving calves less than 30 days old..."

G5.24 ALEP submits that this guideline is unacceptable. Hot iron branding of wet cattle must be prohibited under all circumstances.

ALEP shares *Voiceless's* position on branding.

ALEP shares *Voiceless's* position on disbudding and dehorning. Cauterising should be used when required and not caustic treatments. In particular, ALEP agrees with g6.18 that preference MUST be given for breeding of naturally polled cattle and G6.20 that hot iron cautery is preferable to excision methods of disbudding. The use of caustic chemicals should be prohibited.

ALEP shares *Voiceless's* position on electro-immobilisation. Physical restraint is preferable from a welfare point of view.

S6.2 ALEP submits that pain relief must be offered to all animals when being castrated, irrespective of their age. Out-dated beliefs that juvenile humans and animals do not suffer from genital procedures performed early in life should not predominate over the principle that cattle should be given the benefit of the doubt when it comes to administration of pain relief.

S8.3 ALEP is supportive of the requirement that adequate iron must be given to calves in veal production systems.

S8.4 ALEP supports this standard. (Accumulation of faeces and urine must not compromise calf health and welfare)

G8.1 ALEP submits that calves must be given colostrum within 6 hours of birth in accordance with current scientific knowledge of the importance of early feeding. Within the first 2 hours is preferable.

G8.7 ALEP submits that young calves should never be isolated and that the wording 'should' become 'must'.

Dairy Management

G9.2 the words 'minimise the risk' are general and non specific. There is no reason to further reduce the impact of the intention of this clause by adding 'should'. Instead the sentence should read 'milking technique must minimise the risk of discomfort, injury and disease'.

ALEP agrees with Voiceless that the omissions from the MCOP on the milking of cows in full milk twice daily should not be omitted from the S&G.

Beef Feedlots

ALEP disagrees that indoor feedlots systems should be excluded from the S&G as they are not currently used widely in Australia. Welfare for beef cattle should be extended to all animals in the system, irrespective of how few there currently are, as this situation could change at any point.

ALEP acknowledges the use of the word 'must' in standards 10.1-10.10 gratefully and supports the clarity that this affords the standards.

G10.18 Feedlot operators MUST develop routine management procedures to reduce excessive heat load risks identified before they occur, as a matter of priority and basic animal welfare.

ALEP submits that the minimum space allowance of 9m² is inadequate. 12m² is common practice but Temple Grandin's recommendation of 14-175m is preferred. 9m² is well below international best practice and does not allow for the extremes of heat present in Australian conditions, nor does it address the risk of flash floods, fires and other such environmental conditions in which animals in tight confined areas are exposed to unacceptable risk from the elements.

The quality and quantity of food given to animals in feedlots should be more clearly addressed, as should the use of antibiotics and medications, especially with the increasing risk of superbugs emanating from intensively farmed animals.

Conclusion

ALEP is pleased to see an increased attempt at national uniformity in animal protection instruments such as these. However, to avoid ongoing problems with enforceability, clarity and meaningful protection for animals, the words 'should' and 'reasonable' must be amended. In reaching national consensus, the highest standard of the jurisdictions should be set as standard and consideration for international best practice also implemented. Australia should always be looking to improve animal welfare and to offer the highest standard of welfare as a matter of pride and respect. This has the carry over effect of maintaining viability on the international markets in particular in the EU where welfare standards are improving rapidly.

Submitted by

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