



ANIMAL WELFARE LEAGUE OF QLD INC

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AWLQ Submission on Bobby Calf Time off Feed Standard

Introduction

AWL Qld is strongly opposed to the proposed standard amendment to SB4.5 i.e. the addition of the following clause in relation to bobby calves time off food:

“be slaughtered or fed within 30 hours from last feed.”

Background

AWL Qld works at local, state and national levels to increase responsible companion animal ownership and achieve zero euthanasia of healthy and treatable cats and dogs in pounds and shelters.

We have demonstrated our capacity to work with governments and other relevant stakeholders to achieve significant progress with animal welfare:

- AWL Qld worked with the Queensland Government to introduce new **State legislation i.e. Animal Management (Cats and Dogs) Act 2008 and is continuing to work to improve legislation**
- AWL Qld has developed with the Gold Coast City Council new **Breeder Permit legislation and a compulsory Code of Practice for Keepers and Breeders Of Entire Cats and Dogs** as a Pilot Project for the Qld Government.
- AWL Qld has developed and implemented a community change model over the last 8 years, to achieve the **lowest euthanasia rates** for any large city of half a million people or more in Australia. This model, the **Getting to Zero Community Change Model** (Appendix B), is now being offered to assist other communities around Australia.
- AWL Qld introduced **Community Vet Clinics** in Australia to provide desexing and microchipping and other veterinary services to prevent euthanasia of cats and dogs, and also runs the **National Desexing Network**, to facilitate the availability of low cost desexing around Australia.
- AWL Qld initiated and organises the **National Summit to End Companion Animal Overpopulation** bi-annually for State and Local Governments, pounds, animal welfare organisations, breeders, pet industry and vets to share achievements and inspire others with effective strategies.

While AWL Qld's main purpose is to care for and find safe responsible homes for abandoned cats and dogs, and to achieve zero euthanasia of healthy and treatable cats and dogs in pounds and shelters at local, state and national levels, AWL Qld also has a strong commitment to:

“raise the value of animals in society so that the intrinsic needs of each species are recognised, respected and met.” (AWL Qld Strategic Plan 2008-2012).

AWL Qld believes that:

- Cruelty is unacceptable
- All animals deserve kind treatment (AWL Qld Strategic Plan 2008-2012)

We therefore offer the following comments and recommendations on the proposed standard amendment of 30 hours in relation to time off feed for bobby calves.

Discussion

In relation to the problems outlined which have given rise to the proposed standard amendment (RIS p.14):

- We do not agree with only minimising risks; standards should be ensuring animal welfare.
- We agree that there should be minimum standards that are nationally consistent.
- We believe that a standard should also be ethical, and that this word should appear in the list of qualities of a standard along with “science-based, feasible, verifiable”.

As Sandoe, Christiansen and Forkman state in “Animal Welfare: What is the role of science?”: “It is important to combine both scientific and ethical perspectives – for example, by involving ethicists and lay people. ... Science has an important role to play, ... but there is also a need for more than science.”ⁱ

- We agree that industry needs certainty through clarity in relation to what is expected.

In relation to the proposed standards and possible alternatives, the following overarching **policy objective** is identified (RIS p.15):

To ensure that the conditions under which bobby calves are transported on land are consistent with reasonable animal welfare standards. (RIS p.15)

*The word reasonable embraces the need for standards to be informed by **science, industry, knowledge and community expectations.** (RIS p.15)*

We believe the definition of the word “reasonable” is too variable. Anything can be reasonably argued and is not a sufficient basis for decision making. Instead governments and industries need standards based on ethics.

Ethical Decision Making

AWL Qld believes that universal ethical principles should be the primary basis for judging whether standards are reasonable and appropriate. The following ethical principles are consistent with the idea

of responsibility and the interconnectedness of life and “widely endorsed by a range of ethical approaches”ⁱⁱ:

- Respect for life - “considerate of the rights of all sensate beings”
- Justice – “gives priority to considering the interests of the most disadvantaged”
- Integrity – “truthfulness and honesty in all our relationships”ⁱⁱⁱ P.75

“The main criterion for assessing the proposed standards against the practicable alternatives is their relative cost-effectiveness in achieving this policy objective, compared to the benefits of each alternative.” (RIS p.15)

Based on ethics and the widely endorsed ethical principles above, cost effectiveness is not an appropriate criterion for achieving this policy objective. The absolute base line must be the ethical imperative of providing for the needs and interests of sentient beings i.e. in this case, bobby calves.

Providing for these needs and interests in the most practical and cost-effective way is then the task of industry in order to meet demand and maximise their business viability and profits.

Scientific Decision Making

In an independent assessment of the Dairy Australia Project No. TIG 124, Professor Clive Phillips and Jim Hogan from the Centre for Animal Welfare and Ethics at the University of Queensland state that:

“We do not agree with their “conclusion that 30 hrs with good practice in other aspects of calf management and transport is defensible as an outer ‘legal’ limit for time off feed for bobby calves”. The calves would have been suffering from prolonged hunger, prevented from lying as much as they would like and experiencing muscle strain due to their movement when in the vehicle.”^{iv}

This independent study places doubt on the suitability of using the University of Melbourne study Dairy Aust Project No TIG 124 and the New Zealand study as the scientific basis for decision-making throughout the RIS.

Economic Grounds for Intervention

The proposed standard amendment seeks to address a lack of a market for bobby calf welfare risk management. (RIS p. 16)

While the unethical practice of breeding and disposing of young animals to provide their milk to humans continues, we agree there needs to be a legislated maximum time off food to ensure that there is not a lack of public goods in the form of risk management of bobby calf welfare. However the proposed time off food is not adequate.

Knowledge

“Animal welfare legislation provides a balance between competing views in the community about the use of animals.” (RIS p.17)

Animal welfare legislation should be about providing information to the public to develop consistency in the ethical treatment of sentient animals, not changing the standards for the convenience or economic benefit of producers, transporters or consumers.

Just as we do not compromise on the welfare of humans in terms of legislation that their basic needs and interests are met, the welfare of bobby calves, who are similarly sentient beings, should not be compromised for economic or social benefit. When government does set standards that respect the

needs and interests of bobby calves (which the community expects), they also need to provide the knowledge to consumers of the true cost of providing for the needs of bobby calves in the price of the milk they consume.

Evidence that people will adapt once they know the true cost is the effect of increasing knowledge of the negative impacts on animal welfare of battery cage production of eggs, which has led to an increasing market for free range eggs.

There is no social benefit in continuing to deny basic duty of care to bobby calves, as there are many alternatives to dairy milk and much research into the negative impacts of intensive dairy production on the animals themselves, human health and the environment. This information needs to be made readily available to the public through governments and through education systems so that consumers can make ethical choices in relation to animal welfare.

Experience

The Animal Welfare League frequently cares for abandoned puppies and kittens, many of whom are of similar ages as the bobby calves. It would be unconscionable that we would starve these small vulnerable puppies and kittens for up to 30 hours, as we know that given their own natural living conditions they would be regularly feeding from their mother, and are hungry and distressed if they are not fed.

Similarly, with bobby calves, it is unconscionable that these animals who have no power to insist on what they want (similar to human babies, puppies and kittens) are to be treated inconsistently, when we know that they are similar in their normal behaviours i.e. feeding off their mothers on a regular basis. Their capacities to feel hunger, pain and stress are well known, and whether or not we can run an experiment to prove that a certain number of hours beyond the normal feeding regime in their natural environment (which reflects their needs and interests) is irrelevant. Our observations, our compassion for animals that experience similar feelings to our own, and our common experience with our own companion animals provide the ethical answer to what we should be providing bobby calves.

Community Expectations

The community has largely been unaware of the implications of the intensive dairy farming industry in order that they have cheap and readily available milk. If the community were aware of and able to see the implications of their choices, on a daily basis i.e. the images of bobby calves taken from their mothers and starved, and forcibly moved to unfamiliar environments such as sale yards and abattoirs, their decisions to consume milk would be affected.

Current community expectations are reflected in the duty of care in most Animal Care and Protection Acts in every state. The following is an example, from the Queensland Animal Care and Protection Act 2001:

A person in charge of an animal owes a duty of care to it.

(2) The person must not breach the duty of care.³

Maximum penalty—300 penalty units or 1 year's imprisonment.

(3) For subsection (2), a person breaches the duty only if the person does not take reasonable steps to—

(a) provide the animal's needs for the following in a way that is appropriate—

- (i) food and water;
 - (ii) accommodation or living conditions for the animal;
 - (iii) to display normal patterns of behaviour;
 - (iv) the treatment of disease or injury; or
- 3 See also section 9 (Act does not affect other rights or remedies).

s 18 20 s 18

Animal Care and Protection Act 2001

- (b) ensure any handling of the animal by the person, or caused by the person, is appropriate.

The public has not been properly consulted and largely remains unaware that this basic duty of care to provide for the needs and interests of animals has been overridden by exemptions for farmers in the very Acts that are designed and labelled with words such as “Welfare” “Care” and “Protection” Acts.

Exemptions through inadequate Standards and Codes of Practice for farm animals are unacceptable since they are ethically inconsistent - inconsistent with the duty of care based on respect, justice and integrity - that the public would normally expect, evidenced by their daily interaction with companion animals. Consistent respect for the needs and interests of all sentient beings, requires regular and frequent food and water every few hours similar to what animals would normally receive in their natural state.

Conclusion

AWL Qld believes it is unacceptable to withhold food from young animals for up to 30 hours.

The community expects animals to be provided with their basic needs, and demonstrates extra support and care for young animals, including puppies and kittens and human babies.

For ethical consistency it must be required through legislation that calves be fed regularly so they do not suffer from hunger or stress and are provided comfort with appropriate warmth and careful handling, so that they do not experience fatigue, fear or distress.

If this cannot be achieved with the current levels of milk consumption, the community needs to be made aware of this. They need to be well-informed in order to make consistent ethical choices.

The bottom line must be the needs and interests of the bobby calves first, and working out the capacity to provide milk to the community based on this premise. Governments have the responsibility to implement the legislation that reflects the ethical standard reflected in the public’s behaviour and attitude to animals, particularly young animals. If consumers are aware that there will be less milk available in order to provide for the needs of dairy calves and that milk will be more expensive, consumers will choose either to pay more, reduce their consumption or move to alternatives to dairy milk.

This is the only way to achieve ethically driven market forces. It is a far more ethical alternative to what has been currently happening which is legislating for inconsistent treatment of animals, and keeping consumers unaware of the double standard.

Option A is not acceptable as it is voluntary and therefore does not, as stated, address the inability of the normal market forces to ensure risk management for animal welfare.

Options B, C and D are not acceptable as they do not provide for ethical consistency in the treatment of sentient animals, or support current knowledge of normal feeding patterns of bobby calves, or meet community expectations of how young animals should be cared for.

Option C reflects the conclusion of the study Uni of Melbourne study by Andrew Fisher, which indicates that “best practice management of transported calves would involve time off feed not longer than around 24 hours”. (p.18). It is therefore untrue that “a standard of 24 hrs TOF is unsupported by scientific evidence.” (RIS p.23.)

However based on the independent assessment of this study by Professor Clive Phillips and Jim Hogan from University of Queensland the study does not address in its conclusions the prolonged hunger, tiredness, and exertion from transport, experienced by bobby calves. It also did not measure a control group that was offered full feeding. It is therefore not sufficient evidence to prove that 24 hours TOF is best practice.

Ethics and cognitive ethology (i.e. the study of animal behaviour which identifies social and moral behaviour, and feelings such as hunger and discomfort) should no longer be outside the scope of an RIS, and it is disturbing that the authors of this document should consider that these disciplines are (RIS p.23). The growth of both of these disciplines as an important part of decision making is well-documented.

Our own common sense combined with observation of the demeanour of the animals experiencing deprivation of food and the impacts of transport, compared with the normal demeanor of calves with normal patterns of calf feeding by the mother would indicate that 24 hours is definitely not sufficient.

As Mark Bekoff states: “It’s important to blend ‘science-sense’ with common sense”^v and “Science is a value-laden and imperfect enterprise.”^{vi}

AWL Qld believes that it is therefore unacceptable that ethics is not considered and is regarded as “perception” whilst “science” which is also value laden and imperfect, is given the “actual” benefits even though a scientific study is affected by so many variables including what is being chosen to study, what elements are measured, what scope etc, and what is left out as much as what is included in the study.

Option D is the best of the 4 options but is not satisfactory. No young animal should be required to be deprived of food when it is hungry, so that humans can indulge in cheap and readily available liquid that is not essential to survival, and for which there are alternatives.

Managing the costs of requiring calves to be provided duty of care, is secondary. It can be addressed subsequent to the ethical decision being made, and changes of practices and information for consumers about the benefits to calves, will lead to alternative economically and ethically viable enterprises.

The excuse that jurisdictions are not likely to adopt a recommendation for Option D or an option even more suitable is not a reason to reject it. Input of the requirement for an ethical decision making model and consumer demand for greater consideration of bobby calf welfare will help overcome this resistance to change.

The weighted criteria is an example of subjective calculations being given the illusion of scientific method. Allocating the same weight for animal welfare and compliance costs to industry and government demonstrates a double standard in only giving absolute support to duty of care when there is no or little cost to humans.

Recommendations

AWL Qld recommends:

- Reject the proposed standard and instead implement standards that will ensure the needs and interests of calves are addressed. This means regular feeds comparable to those that would naturally occur if they were with their mothers.
- Revise the current definition of what is considered when deciding what is "reasonable" to include ethics. Identify the common ethical principles on which future legislation is to be based i.e.
 - Respect for life - "considerate of the rights of all sensate beings"
 - Justice – "gives priority to considering the interests of the most disadvantaged"
 - Integrity – "truthfulness and honesty in all our relationships" P.75
- Ensure that animal welfare legislation is ethically consistent between sentient species and maintains integrity. Exemptions to duty of care requirements and different standards for economic benefit based on uses of animals rather than capacities of animals creates a double standard and are not acceptable.
- Ensure that cognitive ethology is given equal weight as the measurement of physical characteristics to demonstrate welfare.
- Ensure that animal welfare standards reflect community expectations for provision of the needs of animals, particularly very young animals, which would normally be provided by the mother of the animal, and by caring members of the community.
- While animals are being bred for food or as incidental by-products or "waste":
 - require that in more isolated regions, meat processing capacity be accommodated so animals do not have to bear the burden of long journeys to be killed. The cost of these can be passed on to the consumer along with knowledge of the reason for the cost increase.
 - require feeding stations to be set up at abattoirs so that animals can be free of hunger and discomfort while they are waiting to be killed. The cost of these services can be passed on to the consumer along with knowledge of the reason for the cost increase.

All calves should be provided with regular feeds and freedom from distress, and should not be born to be killed without experiencing pleasure in life. This will require a dramatic change to the dairy industry, higher prices for milk, less consumption, a greater awareness of more humane alternatives to dairy milk, and a greater awareness of the impacts on both cows and calves of the current levels of dairy consumption. AWLQ believes, based on our experience and knowledge of human behaviour and compassion towards animals in our daily endeavours, that most consumers want honest information

and will be supportive of processes by governments to broaden knowledge and implement ethical standards.

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ⁱ Peter Sandoe, Stine B. Christiansen, and Bjorn Forkman. "Animal Welfare: What is the Role of Science?" In *Animal Ethics and Trade*. Ed. Jackie Turner and Joyce D'Silva P.50

ⁱⁱ Preston, N. *Understanding Ethics*. The Federation Press 2001, p.74

ⁱⁱⁱ Preston, N. *Understanding Ethics*. The Federation Press 2001, p.75

^{iv} Phillips, C. & Hogan, J. "Independent Assessment of Dairy Project No TIG 124" available from authors, School of Veterinary Science University of Qld Gatton Qld. P.3

^v Bekoff, M. *Animal Emotions and Animal Sentience and Why They Matter: Blending Science Sense with Common Sense, Compassion, and Heart*. *Animals Ethics and Trade* Ed. Jackie Turner and Joyce D'Silva p. 33.

^{vi} Bekoff, M. *Animal Emotions and Animal Sentience and Why They Matter: Blending Science Sense with Common Sense, Compassion, and Heart*. *Animals Ethics and Trade* Ed. Jackie Turner and Joyce D'Silva p. 34.