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Animals' Angels submission on the proposed bobby calf time off feed standard

28 January 2011

Bobby Calf TOF RIS Submission
 Animal Health Australia
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Dear Madam, Sir

Thank you for the opportunity to comment on the proposed bobby calf time off feed standard (TOF) and the accompanying regulatory impact statement (RIS). We are pleased to participate in this vital public consultation process; and we believe that our observations 'in the field' over the past four years, observing bobby calves in transports and saleyards has provided us with a realistic idea of the key welfare risks facing bobby calves. Few people have observed the risks faced by bobby calves in everyday practice within the transport and saleyard links of the animal use chain – so we hope that our experiences can shed some more light on the welfare risks faced by bobby calves 'in the field'.

Before commenting on the proposed amendment to the TOF, it is crucial to highlight the role that regulation plays in rebalancing social and economic interests in the marketplace. In 2008 Geoff Bloom presented a paper to the Australian Animal Welfare Strategy (AAWS) Conference. His paper, titled, 'Regulating animal welfare to promote and protect improved animal welfare outcomes under the Australian Animal Welfare Strategy' offered the following advice about the role of regulation in animal welfare (Geoffrey Bloom, 2008, 27)

'The inclusion by regulation of factors that would otherwise be externalities ensures that all are required to realise a socially valued interest, rather than just those voluntarily disposed to do so. It also raises the question of whether the regulation has a sound scientific and ethical basis, and whether it actually achieves or even could be shown to achieve the desired outcome.'

There is a growing body of research discussing the pre-requisites of a well functioning market, and this must be applied to the livestock industry market. Bloom describes it thus (Geoffrey Bloom, 2008, 26):

'It is basic market theory that, for a market to function properly, among other things, the purchaser must have a high level of knowledge about the factors that are relevant to their purchasing decision'.

Unfortunately, research commissioned by DAFF to identify community attitudes towards animal welfare found “a shallow understanding of the issues”(See TNS Social Research Consultants, 2006, 12)

In addition to its market values perspective, Australian animal welfare regulation must also satisfy its widely held ‘social values’ perspective. Current poor welfare practices for Australian (slaughter destined) bobby calves represent negative externalities of the dairy industry that have not yet been adequately addressed. Therefore, the primary role of regulation here is to bring the requirement for good welfare practices back into the regulatory equation.

Animals’ Angels advocate that:

- Bobby calves destined for slaughter must be humanely slaughtered onfarm within the first 7 days of life, by a mobile slaughterer, accredited with humane slaughter qualifications.
- Bobby calves must be a minimum of 10 days old to transport (in line with the EU standard), and since their ability to withstand heat and cold and stressful transport is limited even at this age – each calf must be given sufficient space on the vehicle to lie down and they must be provided with bedding in transport, at pick up points and in saleyard pens
- Calves 14 days old and over can’t be transported more than 8 hours (in line with the EU standard).
- All of the maximum TOF options provided will compromise welfare. We suggest a standard amendment of 9 hours maximum TOF be adopted. (9 hours is in line with the EU standard, 10 hours is Australia’s current bobby calf TOF in the Land transport MCoP)
- Standard SB4.5 must be redrafted to make it mandatory that a paper record (containing two vital pieces of information) travels with the bobby calf through each link of the animal use chain from producer to slaughterhouse. It must be mandatory for each link of the chain to receive this, fill in their section and then pass it to the next link. For example, as the calves are being loaded out of her/his property, the producer must formally record on paper:
 - the time that each bobby calf was last fed (liquid feed), and
 - a declaration that each animal was ‘fit for loading’
 and then after loading the animals at the producer’s property, but before the journey begins, the transporter must:
 - sign the record to say that she/he received these two pieces of information on paper and that she/he agrees with the producer’s statement of fitness (don’t accept if unfit), and then
 - complete their own declaration at the end of the journey of which calves are still fit, which may be at risk of becoming unfit, and which ones may now be clearly now unfit.

Unless SB4.5 makes it mandatory that each link in the animal use chain fill in these pieces of information, and pass them to the next link – there will be no sure way of pinpointing which link of the chain is at fault. The regulatory system’s failure to require a paperwork trail that can be traced has allowed a situation in which any link in the chain can simply blame the preceding link – and be confident that it’s unlikely that there will be enough evidence to prove otherwise (e.g. driver can blame producer, saleyard worker can blame driver etc). This is the only way to ensure that each link in the chain has a clear legal responsibility to comply with their welfare obligations.

This submission demonstrates our rejection of the grounds, especially the ‘scientific’ grounds, upon which the proposed 30 hour amendment is based. It also highlights inconsistencies within the RIS, which firstly, demonstrates a need for market

intervention without producing one; and secondly, offers few options, and, in our view, calculates the costs/benefits of these options in an inappropriate/outdated manner.

Part 1 of the submission will comment on the process undertaken by AHA to collect comments from stakeholders regarding the proposed amendment, and discuss the scientific rigour and practicality of the science drawn on to prepare the maximum TOF suggested. Part 2 will discuss how well the RIF highlighted the need for a TOF standard to be included in the regulations, and the appropriateness of the way in which the RIF shows the costs/benefits of various hourly TOF options or other alternatives to improve bobby calf welfare. Part 3 will summarise whether, in our view, the proposed amendment contributes to the necessary specifications to protect the welfare of bobby calves before, during and after transport.

1. As part of the standard setting regulatory process, AHA invites comments from ‘stakeholders’

Having recognised that we are up to the ‘public consultation’ step of the regulatory process regarding the Land Transport Standards and Guidelines for Livestock, we would like to begin by questioning key aspects of the way in which the public consultation process is being enacted. The website proposes that a science based TOF standard be added to SB4.5, and explains the purpose of this TOF as minimising the risks to calf welfare at each point of the transport chain, including before, during and after transport. We note that AHA is currently seeking comments from ‘stakeholders’ on decisions regarding the inclusion (into regulations) of this proposed new standard.

Whilst Animals’ Angels agrees wholeheartedly with the regulatory objective to minimise welfare risks to vulnerable bobby calves at every step of the transport process, we are deeply troubled by the public consultation process itself. Firstly, there appears to have been a glaring lack of recognition within this process that - all Australians who consume dairy products are major stakeholders; and as such, they require realistic information about what welfare risks feed deprived bobby calves face before, during and after transport.

As a model of good practice in public consultation, we would like to draw your attention to the advice offered to the Australian government and industry by a report to the federal government commissioned during the review of the Australian animal welfare codes of practice in 2005. The Neumann Report (Geoff Neumann and Associates, Review of the Australian Model Codes of Practice, 2005, 34-37) recommended that public consultation processes should proceed in this way:

‘The public should be made aware of the initiation of development or review of a new Standard by advertisements in major newspapers and additional detailed information should be made freely available.

The Animal Health Australia (AHA) website is the preferred option for incorporating a comprehensive national source of information on Standards including those under development

To ensure a focused response and to improve the quality of information provided to an AWSWG, structured questions that elucidate key issues and invite specific comment should be available to the public as well as copies of the Welfare Science Review and the Consultation RIS.

Question for AHA

Firstly, why didn’t the government collect evidence, ‘on the ground’, of the real life welfare risks facing bobby calves before, during and after transport? Without this information, pivotal stakeholders (i.e. consumers), can’t properly identify the costs/benefits of options, and won’t be equipped to make informed decisions about which TOF standard, or alternative to a

TOF, they will support. Secondly, why wasn't the public consultation process extended until such time as a peer reviewed full version of the Fisher et al report could be released to the public?

2. The proposed standard concerning bobby calf TOF was prepared by AHA, and is described as a 'science' based standard.

'In the field', conditions for bobbies are far from best practice

Providing stakeholders with research that demonstrates that, under best practice conditions a baby calf can endure starvation for an extreme number of hours before incurring serious damage - is neither realistic or an encouragement to industry to move towards best practice. In our four years experience of observing bobby calves in transport and at saleyards awaiting auction before being loaded onto a truck destined for slaughter, we have never encountered a transport or pen of bobby calves in which these ideal conditions had occurred. Rather, it is our experience that besides chickens and other injured or low value animals, bobby calves in trucks and salepens are in the group of farm animals exposed to the highest levels of welfare risks. Conditions they commonly endure include:

- Producers bringing bobby calves into the saleyard at 10 or 11am don't want to get up and feed them at 4 or 5am, and since they are going to slaughter anyway they are reluctant to spend \$ on them – so tiny bobby calves usually arrive at saleyards in an already weakened condition.
- Many producers use utes with no shelter from weather (much less bedding) to transport bobbies long distances to saleyards. This occurs in all weather conditions. In addition, small loading ramps are often in poor condition at saleyards or are not used at all, so baby calves are usually dragged off utes backwards by one leg or pulled on and off trucks by the ears (they have no following behaviour)
- Saleyards don't provide bedding for bobby calves, and because they are of low \$ value they often get the worst pens and are forced to wait for hours on cold concrete or in the heat for pickup after auction.
- With under-developed following behaviour and little physical strength, it is common for bobby calves not to be able to stand up from a lying down position and walk of their own volition. They are difficult to handle humanely, unless the handler is willing to lift and carry them on and off transport. Generally transporters are not willing to do this, and they are stressed with deadlines to meet – so the temptation to use electric shock prodders on bobbies and to lift them by twisting their tails, or to drag the weak ones on and off trucks by the ears is always there.
- Regulators are under-resourced and unable to monitor the loading, unloading and other handling of bobby calves, so when frustrated producers, transporters or saleyard staff drop, kick, prod, hit, tailtwist or drag them by the ears – there is seldom anyone watching to pull this non compliant handling up, and even when there is someone watching, it is generally accepted in industry circles that bobbies are weak, low value, unwanted animals so 'a blind eye' is turned. Similarly, even bobby calves who were perfectly fit when they left the producer's property are often unfit after long transport or a long day at a saleyard – and there is nobody to monitor their condition and feed, treat or emergency kill those that become unfit for further sale or transport.

Like many stakeholders, Animals' Angels questions the scientific rigour underlying the proposed 30 hour TOF standard. Our three main concerns relate to the (questionable) scientific rigour of the report, the drive to push the limit to extremes, and the inconsistency between Australia's 30 hour proposal and the much more precautionary TOF limits set by the E.U., the UK and Canada, which appear to be supported, in principle, by the advice of international animal welfare experts:

- a. **Lack of scientific rigour and opportunity for bias of the report used to justify the 30 hour TOF proposal.**

Having co-commissioned the study (that supports a 30 hour TOF), with the Australian government, the Dairy Industry's financial investment in the findings of this report raise unavoidable questions about whether it is possible to achieve unbiased findings within such a commercial arrangement. In contrast, in Europe the industry with a financial interest in the detail of the regulations does not commission the scientific studies relied upon for setting standards. This study (Fisher et al, *Determining a suitable time off feed for bobby calf transport under Australian conditions*, 2010,18) states that:

'.....adopting a more rigorous standard based on concerns that people may be unable to do things the right way, risks departing from the solid data derived from science to determine the limit.....,

For this 'scientific' study to be considered rigorous, the (best practice) conditions it was conducted under should be observable in the real world and its claims should be verifiable and repeatable.

Question for AHA

If it was 'good science' that concluded that a 30 hour TOF is acceptable as an outer legal limit in Australia, does that imply that it was 'bad science' that concluded that bobby calves in the E.U. should not be feed deprived for more than 9 hours and that bobbies in the UK and Canada should not go for longer than 12 hours without feed?

Animals' Angels believes that the Fisher et al study's findings belong to the cultural context of academia and best practice; and it is misleading to apply them to the markedly different cultural context of the farming sector, who view male bobbies as unwanted waste. We have had hundreds of conversations about bobby calves with producers, who resent every cent they have to spend on them and every bit of feed they have to give them, saleyard managers who say they are more trouble than they are worth (yards make little money for the welfare and handling challenges bobbies present) and transporters who are either frustrated by them or who refuse to carry them because they say that "there are just too many problems with bobbies"

As raised earlier in this document, a vigorous critique of the findings used to justify the 30 hour proposal has not been possible, since, firstly, the report was not published and peer reviewed before it was adopted by AHA to justify the 30 hour option, and secondly, the report was not released in its entirety for all stakeholders to peruse before making their submissions. With only a summary of the report's findings made available to stakeholders/the public, the possibility that this summary made selective use of the findings cannot be discounted.

b. 30 hour recommendation is below the (questionable) 'best practice' level given in the non peer reviewed Fisher et al report, and pushes the limits by being almost at the level which is considered prosecutable by this report

Comparatively speaking, the Fisher et al report demonstrates one of the least protective and least precautionary approaches to a TOF standard for bobby calves. However, what is surprising is that despite this report's view that a 24 hour TOF is 'best practice', and anything over 30 hours should be prosecuted, it concludes that:

'..30 hours 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....' and that

..'Progress in this area following the adoption of a standard should therefore include a consideration of monitoring and compliance.'(18)

Unfortunately, there has been no government commitment that we know of to match the increased welfare risk to calves with increased resources for regulatory monitoring – so the biggest losers will be the long suffering bobby calves and the public who have been misguided into believing that these standards will protect bobbies.

People 'on the ground' in saleyards, animal transports and slaughterhouses will tell you that bad practices are common, especially in relation to animals of low financial value. Saleyard managers have complained to us that they shouldn't have to

deal with bobby calf problems, they want regulators to take that responsibility, though they know this is highly unlikely given that most state regulators are woefully under-resourced. Transporters have told us that they hate carting bobbies, and when they arrive at a saleyard with weak ones they will blame the producer and take no responsibility for the weak state of the calves themselves. Similarly, producers have told us that they resent “wasting” the price of a few litres of milk on a bobby destined for slaughter, since it’s already costing them about the same amount of money to transport the calf to the saleyard and pay the yard fee as they will sell it for – so they definitely don’t want to have to take any extra care of it or pay for any treatments if it appears ill, weak or injured.

c. The Fisher et al study findings supporting a 30 hour TOF appear inconsistent with several peer reviewed studies as well as the views of internationally renowned welfare experts:

- Cave’s Peer reviewed study – Sourced from the Victorian Veterinary Journal, this study (Cave et al., 2005) concluded that “Limits on the distance of transportation of bobby calves should be incorporated into future codes of practice to reduce the mortality of bobby calves.” Animals’ Angels believes that adopting anything over the current (MCoP) 10 hour TOF will have adverse impacts and unintended consequences, because it will encourage producers to transport bobby calves even greater distances (or multiple transport trips involving saleyard or pick up points) to slaughter than they do now; thus exposing calves to greater mortality rates on transport.
- Sue Hides (1999 Churchill Fellow) report to the Victorian dairy industry – This research outlines guidelines/technologies for managing surplus dairy calves. Its conclusions/recommendations include:

‘All calves, whether for slaughter in the first week of life, or for rearing, should receive the same treatment..Calves should be fed the minimum of the equivalent of 10% of their body weight (4 litres for a 40 kg calf) every day in 1 or 2 feeds..Calves intended for sale must meet minimum standards in the bobby calf provisions of the *Code of accepted farming practice for the welfare of cattle*. ..Calves should be well fed and receive a substantial feed within 6 hours of delivery to a sale point or collection from the farm. Do not sell any calf that has not fed and is hollow sided.. Only select calves for sale on the day of sale. It is good practice to tag calves with the official bobby calf ear tag on selection for sale to avoid selling very young calves, sick calves or calves with wet strings (+ NLIS if not going direct to slaughter)..Calves must be bright, alert and strong. Listless or dopey calves or those showing any other signs of weakness or illness, including scours, must not be sold. If the resources are not available to treat, house and feed these calves until they are fit to travel and free from any bacterial residues, they should be slaughtered humanely on farm. Calves must be a minimum of 23 kgs liveweight..’

- Donald Broom (UK animal welfare expert) email communication, Jan 2011 – In a communication about bobby calf welfare, Broom commented that:

‘Calves have almost no food reserve at birth so would start to starve rapidly. In most countries it is illegal not to feed young calves and colostrum provision is required for protection against disease. Water provision is also required, in addition to milk in hot conditions (above 25C). The fact that they will be killed does not change this requirement.It would be reasonable not to feed young calves for up to 6 hours but not be reasonable to starve them after that. The suffering would be more and more extreme from 6 to 30 hours’ (For more information see D.M.Broom and A.F.Fraser (2007). Domestic Animal Behaviour and Welfare, 4th edn., pp 438. Wallingford: CABI. Paperback ISBN 9781845932879. (see needs of calves and chapter on cattle welfare, starvation)

d. Australia has departed from the more precautionary limits set by the E.U., UK and Canadian bobby calf TOF standards. Consequently, we can’t minimise welfare risks for bobbies or satisfy RIS objectives.

Until such time as the Land Transport Standards and Guidelines are implemented to replace Model Codes of Practice, we are operating under the TOF standard for bobby calves that appears in the Land Transport of Livestock model CoP. This standard is:

'5.4.5 Calves are especially susceptible to stress and care is required to ensure they are strong enough to withstand transportation. The following considerations apply especially to calves less than one month of age: They should be fed within 6 hours of transportation and must not be left without appropriate liquid food for more than 10 hours.'

Between 2007 and 2010, Animals' Angels (an organisation focused on farm animal welfare in transport, saleyards and at ports) has documented several cases of bobby calf suffering. These incidents were observed in various trucks and saleyards around Australia, and they all occurred under the current TOF standard, which is 10 hours. The photographs and observational notes below represent a typical day at a bobby saleyard. This is not among the worst cases of bobby treatment we've seen, because these calves could all stand up and walk of their own volition when they arrived at the saleyard (not always the case), and because this driver didn't kick or drop any of the calves and he didn't use his electric shock prod on the calves either (he hung it up nearby, possibly because he was being watched??)



A) Bobby calves at saleyard, cold winter morning. Note bobby in bottom left corner lying down. B)(photo taken from above the same bobby pen 7 hours later) Bobby in bottom left corner is now too weak to raise his head, his eyes are beginning to roll back in his head. When driver arrives to transport bobbies to slaughter he takes the other calves first. He pulls each one up by its tail, they are bellowing and tired and some of them keep lying down and walking in the wrong direction (no following behavior). The stressed driver is in a hurry, he pushes and shoves them roughly with his legs, towards the truck. They keep walking the wrong way so he yells at them and hits one in the face. The driver sighs when he gets to the last calf, he pulls it up and it flops back down on the concrete. He gets his hands around its ears and begins dragging it by the ears across the uneven concrete to the truck. He says there are always a few like this, but they still have to get on the truck.

The unavoidable question this raises is – if vulnerable bobby calves were exposed to serious welfare risks under the previous 10 hour TOF standard – isn't it logical to assume that bobbies will be exposed to, potentially, even more serious welfare risks if we raise this TOF standard by 300% to 30 hours?

The RIS describes the objective of incorporating a (TOF) as: minimising risks to animal welfare, achieving national consistency between the states, ensuring the standard is science based/verifiable/feasible, and that by providing mandatory national (TOF) requirements, it gives industry certainty. However, we question what certainty it gives anyone, since the standard does not make it clear that formally recording the time of last feed (plus recording whether the animal was fit when received) and passing this on to transporters is mandatory for producers. The standard also doesn't make it mandatory that this time of last feed be passed on and acknowledged as received, by signing off when received, by every link in the animal use chain. Unless this document follows the animal from source property to slaughter, and requires each link to sign off on having received and

read this, bobby calves will continue to suffer and animal handlers will continue to blame the link before their own for the feed deprived, weakened, and often clearly unfit condition of these vulnerable baby animals.

In comparison to the tighter bobby calf TOF limits set by key nations overseas, Australia appears to take an extreme approach by allowing bobby calves to be exposed to a very high degree of welfare risk.

- EU - Under the new EU Directive for Welfare in Transport Regulations (no 1/2005) – TOF can only be 9 hours, calves less than 10 days old can't be transported, and even calves older than 14 days can't travel more than 8 hours
- UK – Has a maximum TOF of 12 hours for all calves
- Canada - Has a maximum TOF of 12 hours for calves in transit

To fulfil the stated intent and objectives given in the RIS for incorporating a bobby calf TOF, the level of welfare risks that bobbies are exposed to must be reduced to below the levels of risk that we see now, under the current 10 hour TOF (in the Land Transport for Livestock model CoP). Industry must be coerced or forced to factor the welfare needs of bobby calves into their business decisions. This can't occur if the current TOF is radically extended to 3 times its previous level. This extension represents a clear encouragement to industry to expose baby calves to longer transports, longer wait times at saleyards and longer delays in lairages at slaughterhouses, rather than killing onfarm. Our infield experience suggests that the more links in the animal use/handling chain there are between bobby calf birth and slaughter, the more likely that the calf will be exposed to poor handling and suffering. This increased risk of inhumane treatment is confirmed by U.S. international animal welfare expert, Temple Grandin, who stated in a recent email to us (received 23 January 2011) regarding bobby calf welfare that:

'Little bobby calves are difficult to handle in a humane manner. In the U.S., most bobby bull calves are grown up into steers for beef. There is a need to develop a steer trade for bobby calves. Bobbies grown up are excellent beef steers. Problems with bobby calves can be eliminated by developing a dairy beef market.'

Other stated objectives of the RIS's proposal to incorporate a bobby TOF emphasise that it should be based on science, verifiable, feasible and that it should help to create consistency between the states and certainty amongst industry. Our questioning of the scientific basis of the 30 hour proposal can be found earlier in this report, as well as our concerns that the standard as it is currently drafted won't facilitate verification that a TOF has been met (see earlier in report).

We believe that another unforeseen impact of adopting a long bobby calf TOF is that – because industry is being encouraged to subject bobby calves to a longer chain of animal transport and handling between birth and slaughter – there will be more welfare problems and therefore more exposure of industry members to possible cruelty prosecutions. Industry must remember that complying with a 30 hour TOF does not offer them immunity from possible prosecution under their state welfare legislation – so we believe that a high TOF will undermine any certainty that industry can have that it is adequately managing its (legal and commercial) risks, and it will put the industry's reputation at risk, since any bad reputation will restrict its market access both domestically and internationally.

By retaining the 10 hour TOF, and opting, wherever possible for onfarm slaughter by a humanely accredited mobile slaughterman; and by including a mandatory requirement for each link in the animal use chain to formally record and sign off that they have been informed of both the last feed time and the calf's fitness – industry will be demonstrating to consumers that they are factoring the welfare risks of bobby calves into their business decisions and then minimising these risks as far as possible. We have seen the success of many of higher welfare QA systems now – so industry should recognise this option as an opportunity to rebrand and add value to their product.

3. How well does the RIS demonstrate the need for a TOF Standard to be included in regulations?

In our view, the current RIS makes a good, though not complete, argument for why regulatory intervention is justified, in the form of incorporating a bobby calf TOF into the standards and guidelines.

The RIS begins by demonstrating the degree of welfare risk that these vulnerable baby animals are exposed to:

‘Bobby calves are physiologically immature with no fat reserves, poorly developed thermoregulatory mechanisms and a lack of responsiveness to external stimuli. These factors predispose them to difficulties in coping with transport and handling’ (RIS p 11)

We note the following key points, made by/inherent within the RIS, that support the inclusion of not just a bobby TOF, but the inclusion of a TOF of considerably LESS hours than 30:

- The RIS admission that ‘99% of bobby calves are currently processed with no more than 30 hours TOF’ – Therefore, if these standards are aimed at improving welfare outcomes, then a better standard of practice can only be achieved by encouraging industry to reduce the current TOF for bobby calves, down from the previous 30 hour maximum that was judged to be current practice.
- Risk management is a public good, and regulatory theory deems that public goods be managed by government intervention as well as market forces, not market forces alone. Setting the level of bobby calf TOF allowable by simply adopting the current marketplace TOF is unacceptable.
- The RIS describes the importance of empowering consumers to distinguish between the products they buy, based on information about the way in which the products were produced. However, in regards to bobby TOF, for this information to be useful to consumers, firstly, the regulations must make it mandatory for the producer to formally record the TOF and then hand it on to the transporter or saleyard who will then hand it onto the next link etc.. (Unless it’s mandatory, there won’t be a reliable paper trail for consumers and potentially QA system auditors to trace back and verify). Secondly, consumers need to have a realistic idea of the welfare risks that occur at each step of the bobby calf handling chain, and they need to understand that the longer the bobby handling chain – the more welfare risk the calf is exposed to. Radically extending the current 10 hours TOF (MCoPs) to 30 hours is likely to encourage longer bobby handling chains – but consumers have (conveniently) not been empowered by any discussion on this likely adverse impact of the heavily promoted 30 hour TOF. A much lower TOF will avoid this problem.
- The RIS also describes the importance for the industry itself that there is community confidence in the regulation of animal welfare. A high bobby TOF will lead to more bobby welfare problems, and given the pace at which the public is raising its expectations regarding (farm) animal welfare – this will result in exposes of bad practices that will erode industry’s reputation both here and overseas.

4. How well does the RIS demonstrate the costs and benefits of the (various) TOF’s?

Animals’ Angels views the RIS’s presentation of the costs/benefits attached to various TOF’s as far too narrowly focused, and out of step with the broadening scope of cost/benefit assessments of animal welfare standards.

Social costs

The RIS presents a long list of perceived estimates regarding the financial costs for the industry of adopting each different number of TOF hours (options) However, this industry finance focus is disproportionate since it omits many of the social value costs of each different TOF option.

Alternatives to long bobby calf TOF’s are inadequately investigated in the RIS

We don't have a comprehensive picture of the alternative ways in which the welfare risks to bobby calves may be managed because the RIS has presented such a limited range of options. For example, the option of humanely killing bobby calves onfarm, by a humanely accredited mobile slaughterer with refrigeration equipment to remove the bodies (e.g. for pet food) is not considered at all. This option would prevent the baby calves from being exposed to the stresses of further handling, transport and delays before slaughter. It would also provide producers with a marketable product – without having to kill large numbers of calves or bury their bodies, which is referred to in the RIS as an 'emotional cost' to producers.

Another option that could overcome the welfare problems associated with exposing such young calves to the stresses described above is the idea forwarded by Temple Grandin. She suggests that Australia develop a market for dairy steer beef (like the US has), so that the animals are more mature and robust by the time they are transported. Being older, they also have following behaviour and are easier to handle in a humane manner. This is another option that was not given attention.

The RIS estimates that there would be no financial cost for industry if it adopts the proposed (30 hr TOF) standard amendment (p v), but there is no point in adopting this amendment, since it doesn't contribute to improvements in bobby calf welfare before transport (6 hr TOF), during transport (12 hr TOF) or after transport/pre-slaughter (12 hrs). And, as it stands, it is not auditable anyway, even if it did contribute.

Options that might *limit* industry's ability to delay animals feed or delay animals movement to the next link in the animal use chain appear to have been given little consideration. For example, both the option to reduce the 12 hour TOF allowed after transport (e.g. after delivery at slaughterhouse) and the option to feed bobbies on transport were both quickly discounted as viable options.

Welfare costs to the animal

In the field of environmental law, and increasingly within QA systems for farm animal products it is now acknowledged that every link in the environmental use or animal use chain has a guardianship role in relation to that natural object or animal. This guardianship brings with it a positive 'duty of care' responsibility, and in regards to animals we recognise these duty of care responsibilities as the duty to provide adequate food and water, accommodation, opportunity for the animal to behave normally, treatment for injury or disease and appropriate handling. If we accept that these are our duties towards the animals that we use, then it follows that each time we fail to provide one of these requirements to bobby calves, before, during or after transport – then we are imposing a welfare 'cost' for the animal concerned to bear.

In his report to the AAWS International Animal Welfare Conference (Geoffrey Bloom, 2008, 23) Bloom highlights three principles regarding harm that are now reflected in law. Originally established by the Banner Committee research (Michael Banner, 2006), to develop guidelines (ethical implications) for emerging technologies regarding farm animal breeding, these principles venture beyond the view that the physical mistreatment of animals is the *only* legitimate 'cost' borne by them. They recognise that treatment of animals that is degrading also constitutes a harm or cost to the animal. Bloom describes the first of the three principles as:

'..there are situations in which cost/benefit analysis or utilitarian calculation should not be regarded as the sole test of acceptability: they must be augmented by a consideration of whether the action which is proposed, either in itself or in virtue of its particular consequences, ought not to be done.'

The second and third principle are described as requiring that the harm done to the animal be justified by a (realistic and significant) benefit being gained by treating the animal in that way; and further, that even when the harm or cost to the animal is said to be justified, it still must be minimised.

The UK Farm Animal Welfare Council applied these principles in its deliberations about animal cloning - to determine which procedures they would deem "intrinsically objectionable". They concluded that "intrinsically objectionable" procedures

included those that inflicted severe/lasting pain, or that violated the animals' integrity, or that mixed different kinds of animals (unacceptably) and or that generated living beings whose sentience had been reduced to the point where they were considered merely instruments/artefacts. (FAWC, 1998, para 17) Intrinsically objectionable procedures were perceived as too high a cost to the animal so they overshadowed the conventional cost/benefit analysis, and had the power to successfully render a proposed cloning project (normally acceptable according to narrow cost/benefit analysis) as unacceptable.

Animals' Angels notes that the RIS for the bobby calf TOF fails to recognise that for example, the procedures imposed on bobby calves by lengthy periods of feed deprivation, long transports, poor handling and/or delays at saleyards or slaughterhouse lairrages - could all constitute harms that violate the integrity of bobby calves. In fact, we argue that anyone who observes bobby calves arriving at a saleyard and witnesses the common chain of their handling is likely to conclude that *the 'sentience of these living beings has been reduced to the point where they are considered merely instruments/artifacts'*. (At the saleyard observers can expect to see tiny calves being pulled backwards off the back of utes by one leg during unloading, then having their tails twisted to lift them as frustrated handlers push them into concrete pens where they may wait, bellowing for their mums, for many hours before being poked or shoved by a man's boot to stand up for auction. By the time the auction is over, even the ones who looked ok when they came in this morning will be tired and lying in their own excrement or vomit. In a weakened state, they will then have to cope with being pulled up off the floor by their tails, and some will not be capable of standing/walking by their own volition by the time the trucks pick them up to take them to slaughter – then the stress of being handled and transported will start all over again.....and observers won't want to imagine how roughly the non-walking calves will be handled during unloading at the slaughterhouse.)

Arguably, according to the Banner committee principles, the procedures currently being imposed on bobby calves, even at the current 10 hour TOF level – can be said to *'reduce their sentience to the point where they are considered merely instruments/artifacts'*. Thus the cost borne by the baby calves is too great to justify the small financial sums they return. In addition, there is a significant social cost to the community when time stressed animal handlers and drivers are forced to develop such indifference to vulnerable, needy animals. We conclude that the utilitarian calculation of the narrow cost/benefit analysis adopted by the RIS falls short of demonstrating the true costs and benefits of the RIS's TOF's and their alternatives.

5. The proposed amendment to SB4.5 doesn't contribute, but rather detracts from the necessary specs to protect the welfare of calves, before, during and after transport.

Well founded justifications for intervening in the market are presented by the RIS (p 16-17). These justifications concern:

- The duty of industry and government to take responsibility for the externalities (negative) produced by industry transporters, and saleyard and slaughterhouse staff, who prioritise business profits over ways in which they can minimise risks to bobby calf welfare.
- The need for the proposed standard amendment to reverse the flow of market forces so that minimising risks to bobby welfare becomes a key part of industry behaviour towards bobbies. There is no incentive at present for this to occur, and a 30 hour TOF will just entrench this lack of incentive.

Animals' Angels advocates that a standard amendment of 9 hours TOF be adopted (more in line with the EU standard). We believe that this action would demonstrate to consumers, both here and overseas, that regulators recognise the serious welfare problems already being faced by Australian bobby calves, even under our current 10 hour TOF (Land Transport Model CoP) – and so regulators are taking a precautionary approach to setting the allowable TOF. Keeping it low would demonstrate to consumers that the government and industry HAVE factored in the realistic probability that at least some, and perhaps many of the conditions that bobbies are subjected to will not be best practice. This would provide for bobbies who are

already weak in the first or second link in the animal use chain, and it would be an incentive for producers to minimise the links in the chain, thus minimise the risks to bobbies.

In Conclusion

Animals' Angels urges government and industry to adopt a low TOF standard for bobbies and to conduct surveillance of the REAL welfare problems confronting bobby calves (and their handlers) *at every link of the animal use chain*. Stakeholders and consumers can't make responsible decisions until they are familiar with the series of links and welfare problems that bobbies are routinely exposed to. To minimise bobby welfare risks, responsible regulatory reform must encourage humane onfarm slaughter of young calves, and this can be viable if support is lent to the development of a humanely accredited mobile slaughter service that refrigerates and removes (for pet food?) the dead calf bodies from farms. International experts have confirmed that, indeed, it is difficult to handle bobbies humanely, and that it is preferable to grow these male dairy calves and develop a market for dairy steers (as in the US) – so this is another more humane alternative that could be made viable for producers.

To responsibly manage the animal welfare risk to bobby calves, Australian regulation must provide a strong disincentive for industry to add extra links (including extra waiting time and handling) to the animal use chain for bobby calves - because we already know that 'the longer the chain, the more welfare risk for the calves'. In addition, it is crucial that the 'cost benefit assessment' within this RIS be updated to recognise and include a more progressive/comprehensive range of social costs, including costs to the calves themselves. The law now recognises that 'harm' extends beyond mere physical damage to the body to include treatment that is degrading. Similarly, the Farm Animal Welfare Council has adopted Banner's principles to examine the ethical implications of new technologies used in farm animal breeding. They concluded that procedures that generated living beings whose sentience had been reduced to the point where they were considered merely instruments/artefacts - were unacceptable and that these procedures should be terminated. The RIS needs to examine the ethical implications of the way in which the dairy industry reduces bobby calf sentience by its treatment of them as unwanted 'byproducts'. The community expects ethical implications to be taken into consideration, so by ignoring this, the RIS is ignoring a significant community expectation. Negative ethical implications are legitimate costs to be considered.

The RIS has included as legitimate the 'emotional cost' that producers would face if they themselves had to kill and bury the bodies of bobby calves on their properties; but it has omitted the legitimate 'emotional cost' paid by livestock transporters, saleyard workers and slaughterhouse employees who are forced to ignore the vulnerability/neediness of baby animals and (roughly) shove them along 'production lines' to meet tight deadlines on a daily basis. Compassionate people pay the 'emotional cost' every time they witness the transport/handling of Australian bobby calves. Please ask yourself – what level of moral fibre do we have if we can't show gratitude and compassion to the animals we use for food and their offspring, especially the most vulnerable amongst them, the very young, the injured and the weak?

Drastically extending the (current MCoP 10 hour) bobby calf TOF standard, will have adverse impacts and unintended negative consequences for the calves, the community and the industry, both here and overseas.

Yours sincerely

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