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Animal Welfare Standards Public Consultation  
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**Animals Australia submission to the public consultation  
on the  
Australian Animal Welfare Standards and Guidelines – Sheep (Edition One)**

Animals Australia appreciates the opportunity to provide comment on these important Standards and Guidelines (S&Gs). We will do so by way of 'General comments' first, then 'Specific comments' on the proposed Standards (and some Guidelines), followed by an indication of our view on each of the Option C issues.

**General Comments.**

**The Survey:** We have not made comment using the online Survey tool, nor encouraged others to do so as we believe answers could be easily misinterpreted. Firstly, the survey often uses 'leading' questions, and secondly it asks more than one question in each. This contravenes proper survey question standards and makes the outcomes statistically skewed and flawed.

For e.g. Questions 6. ***Will S2.1 - "A person in charge must ensure sheep have reasonable access to adequate and appropriate feed and water", help protect the welfare of sheep?*** The is a double-barrelled question; to answer 'Strongly Agree' is likely to be interpreted as the person believes that providing adequate feed and water is important for welfare, and that the introduction of this Standard will achieve this.

In our view it is likely the person may only be responding to the welfare 'issue', and not its compliance/enforcement possibilities. Given that this draft Standard includes the subjective terms 'reasonable', 'adequate' and 'appropriate' it is highly unlikely to be able to be enforced. It is more likely that existing State and Territory animal protection legislation would be used in circumstances of animals being left without access to food and water such that they suffer – and thus the introduction of this Standard will **not** in itself further 'help protect the welfare of sheep'.

The survey questions may assist to poll respondents on their thoughts in regard to the importance of various welfare issues, but the interpretation of the results are likely to be less than helpful, if not misleading (if respondents interpret the question as indicated), in regard to the likely effect of these Standards if introduced.

We are not in a position to provide input to the 'consultation' questions relating to the numbers of sheep subjected to various practices.

**Process:** Animals Australia remains concerned that the current AHA-led review process has failed (in this current draft) to deliver many overdue and significant changes to the current unacceptable status quo in regard to welfare standards for cattle and sheep kept commercially in Australia.

As with the Land Transport Standards and Guidelines (S&Gs) review process, our concern relates both to the disregard for sound scientific evidence and obviously painful and cruel practices, and a decision-making process that effectively accepts industry arguments that change is not possible nor affordable. The review process to date has failed to give due regard to community standards and has not recognised the clear threat to market access for unacceptable practices and thus products.

**Issues:** As indicated, many of the Standards include subjective words rather than enforceable minimums. An example (further to the provision of food and water above) is *S3.2 A person in charge must ensure the inspection of sheep at intervals, and at a level appropriate to the production system and the risks to the welfare of the sheep.* [Our emphasis]

Without some quantifiable minimum inspection interval being provided for different farming systems/situations, such Standards are not enforceable, and thus existing State/Territory animal welfare laws are likely to remain the primary 'safety net'; the unacceptable status quo in regard to many key issues. The Regulatory Impact Statement (RIS) (at pages 31/32) indicates the need for Standards that will address the current 'regulatory failures' of the Model Codes – implying that these Draft Standards will fill that vacuum. The RIS relevantly mentions the current deficiencies; provision of food/water, risk management (including weather extremes and inspection), cruel husbandry methods, knowledge and skills training etc. It is extremely disappointing then that these draft Standards still fail to provide 'mandatory statements' on these recognised key welfare matters.

Further in regard to language used in the proposed Standards - terms such as 'reasonable', 'acceptable', 'appropriate' and 'intervals' etc lack enforceability and clarity. These terms which are used extensively in the proposed Standards, fail to provide a definitive and measurable outcome. Ambiguous standards are not enforceable, and therefore serve no purpose. In the absence of a definitive and measurable standard, many of these provisions will be redundant.

In cases where strict definition is difficult, a 'minimum' standard that is measurable and enforceable must at least be stipulated, which must provide scenarios by way of: "includes, a/b/c...etc". The 'includes' list would not have to be exhaustive and would at the least assist with understanding the intent of that Standard. Experience in cruelty cases has shown that prosecutors have had to resort to Hansard and expensive expert evidence to achieve the most basic evidentiary burden in animal cruelty prosecutions relating to weak and unenforceable Codes of Practice and Standards/Guidelines.

For example, a recent RSPCA SA case in 2012 against a cattle farmer that left his stock unattended for some months during calving season. One charge related to an untreated cancer eye that had eaten into almost a quarter of the cow's face, and another related to the death of a cow and her calf during calving. The Code of Practice provided little guidance to what was acceptable supervision in this regard. The prosecution needed to engage the evidence of a professional musterer, a visit by the entire Court staff and both sides of the legal team to the "scene of the crime" and arduous arguments about Hansard and the like: all had to ensue to prove the point that animals should be supervised more than once per 3 months and that any stock should be supervised more than once per 3 months if they are held on a remote property.

The ambiguity must be addressed through the use of clear and measurable Standards.

It is evident that there are only a relatively small number of clear mandatory increments – primarily bans on some practices. Whilst welcome, in almost all those cases the RIS makes it clear that the practices are in any event rare, and so the new Standards in these case are described in the RIS as **‘defensive’ Standards** – put forward to ensure the practices do not again occur or recommence, and to enable the industry to be able to publicly say they are now illegal. Examples include a ban on pizzle dropping, teeth grinding and (as an Option only) a ban on single penning (for fine wool) – none of which are now said to occur, and thus will not ‘cost’ the industry anything in regard to adjustment costs.

In contrast to this small number of examples of new (defensive) Standards which will deliver very little in practical terms to animals, there are a vast number of unacceptable painful practices that will remain permissible, and which will largely not require pain relief at the age these surgical mutilations usually occur, i.e. no change to the status quo.

Examples of these painful husbandry practices include particularly -

- mulesing,
- castration,
- tail docking, and
- laparoscopic insemination (it is noted that Option C would mandate pain relief).

Further, even management practices (that are aversive or cause stress and pain) that have clear alternatives will continue to be allowed under this Draft S&G.

Examples of practices that have alternatives, yet will continue to be permitted include -

- electric prods,
- electro-ejaculation, and
- the unnecessary castration of lambs that will be sold for meat before 12 weeks of age (i.e. before maturity).

Similarly, as indicated earlier – key issues such as enforcement of access to food and water, provision of shade and shelter, and adequate inspection so that health and welfare issues can be dealt with promptly as they arise (and thus reduce suffering) have not been effectively addressed by this draft.

#### **Enforcement:**

As the RIS notes (page 45) - *‘Australia’s animal welfare ministers agreed in April 2006 on the need for a nationally consistent approach for the development, implementation and enforcement of animal welfare standards’* (our emphasis). However, in addition to the clear problems of (unenforceable) language in the Standards (as above) making it virtually impossible to quantify actual standards and thus enforce them, the RIS also advises that:

*‘Jurisdictions have proposed no incremental allocation of resources towards enforcement and therefore no additional cost in relation to enforcement with regards to the proposed standards is identified as compared to the base case.’ (Page 55).*

[The ‘base case’ relates to the status quo, i.e. the unenforceable current Code].

Given this statement, and set against a backdrop of decreasing Government extension and enforcement officers, we can have no confidence that there will be inspection or enforcement of these new Standards and thus any clear increment over the current (unacceptably low) level of compliance activity. These same issues, inexact language and inability to enforce welfare measures, is the very issue flagged as the problem with the Model Codes which these Standards were said to be designed to address.

Whilst concerned about the variability or dereliction of duty in regard to adequate enforcement of any Standards (existing or new), regardless we do welcome a number of clear increments, statements of practices that are no longer to be legally permitted, including that a person in charge of sheep must not:

- Use an electric prodder on lambs less than three month old (this is already the case in some States, but not all)
- Trim or grind the teeth of sheep (though rarely if ever now done)
- Alter the anatomy of the prepuce of sheep by incising the surrounding skin - pizzelle dropping (though rarely if ever done now).

We also strongly welcome the Standard that will mean the conscious 'bleed out' method of killing sheep (on farm) will only be permitted if another method (lethal injection, firearm or captive bolt) is not 'reasonably available'.

Some other increments would also be realised if Option C points were adopted in due course (see our comments throughout and at the end of this submission which support their adoption).

#### **Reduction in current standards:**

**Mulesing:** Whilst Animals Australia vehemently opposes mulesing (see below) it is of great concern that the draft Standards would even suggest the removal the need for training and accreditation for those performing this extremely painful and invasive procedure. Training and accreditation for mulesing is a requirement in the current Appendix to the Code (inserted in 2006) and was intended to apply to all contractors by the end of 2006, and for farmers who mules their own lambs were to be trained and accredited by the end of 2008 (with an end date for mulesing of 2010). The S&G draft proposes that mulesing will be continued (with no end-date) and that training and accreditation now be abolished. This is totally unacceptable.

**Castration:** Similarly the RIS envisages Victoria may opt to reduce its current requirement for veterinary supervision, in favour of cheaper accredited contractors (as the new Standard indicates), when administering pain relief for castration of sheep over 6 months of age (pain relief is still not to be used for younger lambs).

These are steps backwards in terms of welfare, but are described as quantifiable (in dollar terms) net benefits of these new standards. These two reductions in laws (no mulesing training and contractors for older lamb castration) together add to a saving of \$2.66M over 10 years. The pain and suffering caused to the lambs on the other hand is unquantifiable and totally unacceptable.

#### **The case for higher Standards than are currently proposed in these Standards:**

The RIS acknowledges that there are 'market failures' in regards to animal welfare in the sheep industry in the form of *negative externalities* (*poor animal welfare outcomes*), *information failure* and the problems associated with animal welfare being a *public good*. Economics demonstrates that when a *negative externality* exists, there are no incentives for producers to internalise (absorb) the full cost of production on society and consequently will produce more than what is socially optimal. The outcome - the animal suffering or cruelty level tolerated by sheep producers will be more than what is optimal for Australian society.

Economics also shows that a *public good*, such as animal welfare, will not be provided at an adequate level by consumers even when it creates a net-benefit, due to the *free rider* problem. Although consumers value animal welfare (and increasingly so), they may free-ride on the purchase of cruelty-free purchases of others and the work of animal welfare agencies believing (perhaps wrongly) that welfare is being adequately addressed.

It is for this reason that better consumer information is '*not a practical alternative to welfare standards and guidelines*' – a point acknowledged in the RIS. Without government intervention, animal welfare will not be provided at the level which is optimal for Australian society.

These market failures are not questioned. The RIS acknowledges them. As such, animal welfare will be underprovided by the market. Consequently, there is an obligation for government to rectify the market failure through mandatory regulation. Economics does not support voluntary guidelines; it supports mandatory regulation. There is no incentive for producers to follow voluntary guidelines.

It is this exact argument that supports the Australian government in the implementation of mandatory policies to reduce carbon emissions. As with animal cruelty, carbon emissions place a negative externality on society. One that is inherently difficult to quantify. It has been acknowledged by the Australian government that in order to confront producers with the issue and to accurately reflect the cost of the externality on society, government must regulate for producers to internalise the full cost of production. The argument is no different here.

There is no question on whether mandatory regulation should be imposed. The question raised is which standards should be enforced by regulation. The problem is that the costs and benefits of these regulations are difficult if not impossible to determine. The RIS acknowledges the inherent inability to quantify the costs associated with poor animal welfare outcomes.

When costs are uncertain, and there is a possibility of harm, the precautionary principle should be applied. It is this principle which is often applied in Australian environmental legislation. Under the precautionary principle, doubt creates an obligation to act to prevent possible harm, not an excuse to accept the status quo. A lack of certainty should not be used to oppose mandatory regulation, it should support it.

Until the costs of poor animal welfare are proven to be negligible, as a minimum, all variations under Option C should be imposed and the further suggested Standards provided in our comments and recommendations below.

## **Comments on the specific proposed Standards**

(Standards will be commented on in turn, and where important Guidelines in each section)

### **1 Responsibilities**

S1.1 A person must take reasonable actions to ensure the welfare of sheep under their care.

#### **Animals Australia comment:**

Whilst such a statement is welcome, its use of the word 'reasonable' leaves it to inspectorial and judicial interpretation and is thus unlikely to influence welfare outcomes. It is more likely that existing legislation will be used to cover this broad motherhood statement. This term fails to provide a definitive and measurable outcome. Ambiguous standards are not enforceable, and therefore serve no purpose. In the absence of a definitive and measurable standard, this provision will be redundant.

### **2 Feed and water**

S2.1 A person in charge must ensure sheep have reasonable access to adequate and appropriate feed and water.

#### **Animals Australia comment:**

Whilst such a statement is welcome in principle, its use of the words 'reasonable', 'adequate' and 'appropriate' makes the statement close to worthless in terms of being an increment on existing legislation. From this the status quo is likely to prevail – sheep must be clearly suffering or have died from starvation or dehydration before regulatory action could be taken – the issuing of a notice to comply, or charges being laid against the responsible person (dependent on the case details and the jurisdiction). Regardless, this wording leaves the likely action open to inspectorial and judicial interpretation and is thus unlikely to influence welfare outcomes. These terms fail to provide a definitive and measurable outcome. Ambiguous standards are not enforceable, and therefore serve no purpose. In the absence of a definitive and measurable standard, this provision will be redundant.

Without any implication that Animals Australia accepts the elongated periods of time that livestock being transported are permitted to be off food (TOF) and water (TOW) under the Land Transport Standards (LTS), if the Animals Australia recommended daily access is not adopted (below), then as an absolute enforceable minimum and to provide consistency between on-farm animal management and transport and handling management Standards, those TOF and TOWs must be adopted in this Standard. Importantly the maximum legal TOW for sheep (over 6 months and without any other condition) subject to transport is 48 hours, and less for other classes of sheep (young, heavily pregnant etc). This time (in the LTS) was put forward in appreciation of the practicalities of handling and transport of animals – issues that should not arise for a producer on a daily basis.

Animals should be able to feed and drink each day and arrangements should be in place for that to occur. The intent of G2.1 re feed and water (access at least daily) should be adopted as a Standard, and a similar clause adopted for feed.

**Recommendation** – A person in charge must ensure that sheep have daily access to adequate and appropriate feed and water.

### **3 Risk management of extreme weather, natural disasters, disease, injury and predation**

S3.1 A person in charge must take reasonable actions to ensure the welfare of sheep from threats, including \*extremes of weather\* , \*drought\* , fires, flood, disease, injury and predation.

#### **Animals Australia comment:**

Whilst such a statement is welcome in principle, it's use of the word 'reasonable' without further detail of any requirements makes the statement an aspiration rather than a Standard. It is unlikely to alter the current unacceptable status quo where sheep are exposed to these risks with no prior or post assessment of the owner's preparedness or mitigation of risk factors. Ongoing issues related to lack of shade and shelter for sheep (particularly after shearing), or farming in predator or fire prone areas (e.g. near national parks) and other hazards will not be changed by this vague statement. Again, this term fails to provide a definitive and measurable outcome. Ambiguous standards are not enforceable, and therefore serve no purpose. In the absence of a definitive and measurable standard, this provision will be redundant.

Note: G3.6 addresses the need for shelter and this should be reflected in the Standards. G9.23 – though intended for intensively housed sheep, indicates that 'Shade and shelter should be provided to prevent heat and cold stress' – a similar approach is needed in the Standards for all sheep.

**Recommendation:** S 3.1 A person in charge must provide infrastructure, facilities and have procedures in place to ensure the protection of sheep from threats, including \*extremes of weather\*, \*drought\*, fires, floods, disease, injury and predation.

S3.2 A person in charge must ensure the \*inspection\* of sheep at intervals, and at a level appropriate to the production system and the risks to the welfare of the sheep.

#### **Animals Australia comment:**

Again – the principle is welcome, but the Standard provides no specific inspection regime. Clearly sheep can be injured, ill, or entrapped (in dams for example) or be fly-struck, and should be assisted as quickly as possible. It is evident from death rates of sheep – particularly of ewes during lambing and newborn lambs (routinely at least 20% for lambs but often much higher) - that regular inspection and intervention is not the norm for those animals, with those animals dying without intervention. Only Tasmania as yet has recognised the need for inspection in their legislation.

It is our strong view that all animals should be inspected daily (to reduce the time any risks are addressed, suffering alleviated), but it is (reluctantly) understood that in the near future such significant re-adjustment of farming practices (in extensive areas) may not be possible for some sheep producers. It should be recognised however that this system leaves the sheep subject to a high and unacceptable risk of unnecessary suffering and the sheep industry highly vulnerable to community criticism and, in time, may even effect market access. Improved surveillance frequency and methods are sorely needed.

**Recommendation:** A person in charge must ensure the \*inspection\* of sheep at least every second day, or more frequent intervals at a level appropriate to the production system and the risks to the welfare of the sheep.

S3.3 A person in charge must ensure appropriate treatment for sick, injured or diseased sheep at the first reasonable opportunity.

**Animals Australia comment:**

Supported in principle, but the use of the words ‘first reasonable’ opportunity undermines the effect of this Standard. Coupled with draft S3.2 which currently does not provide any surety that sheep will be inspected at sufficient intervals (i.e. at least daily), this Standard would not ensure the suffering of sick/injured/diseased sheep is quickly addressed and alleviated. This is totally unacceptable, i.e. only a change to the frequency of inspection can ensure the prompt and proper attention to animals who require assistance. Downer animals, animals with flystrike or injuries should be detected, assessed and treated or killed without delay.

The ‘principles’ espoused at the front of these draft S&Gs will not be realised if these vague words continue to be used and thus appropriate behaviour is not enforced. The combination of these three under-par preceding standards (re mitigating threats, inspection regime and timely treatment of suffering animals) will mean that these (page 7) principles including -

- *‘precautions against extremes of weather and the effects of natural disasters’,*
- *‘minimise the risk of pain, injury or disease’, and*
- *‘appropriate treatments, including humane killing if necessary’*

will not be enforceable through these standards.

**Recommendation:** S3.2 Must be amended to ensure frequent inspection (see above), and then this Standard 3.3 may achieve its intended outcome if amended as below:

S3.3 A person in charge must ensure prompt and appropriate treatment for sick, injured or diseased sheep at the first ~~reasonable~~ available opportunity.

#### **4 Facilities and equipment**

S4.1 A person in charge must take reasonable actions in the \*construction\* , maintenance and operation of \*facilities\* and equipment to ensure the welfare of sheep.

**Animals Australia Comment:**

The absence here (and elsewhere in the Standards, particularly Section 3) to require shade and/or shelter for sheep from extremes of weather continues to cause great concern. In both cold weather (wind and rain in winter) and during heat periods in the summer Animals Australia gets numerous calls from concerned community members who see sheep exposed to these extreme conditions with no shade/shelter. The scientific literature and common observation is that particularly during heat episodes sheep reduce their activity and seek shade. Quite disturbingly in many bare paddocks without shade the behaviour of sheep seeking shade for their head under the standing bodies of their flock mates to relieve heat stress is quite common during the summer.

If there is no impetus provided by these Standards for sheep farmers to install shade structures or develop stands of shade trees these scenes will continue to be played out each year with the welfare of the sheep compromised.

**Animals Australia recommendation for amendment to S3.1** (above) would provide some needed leadership in regard to adequate shelter and shade for sheep to reduce the impacts of extremes of weather (said to be one of the key principles of these Standards).

## 5 Handling and husbandry

S5.1 A person must handle sheep in a reasonable manner and must not:

- 1) \*lift\* off the ground by only one leg, or by the head, ears, horns, neck, tail or wool, unless in an \*emergency\* ; or
- 2) Throw or drop, except to land on its feet from a height less than one metre; or
- 3) Strike in an unreasonable manner, punch or kick; or
- 4) Drag sheep that are not standing by only one leg, except in an emergency to allow safe handling, \*lifting\*, treatment or humane killing; or
- 5) Drag by the ears, tail, or wool; or
- 6) Drag by mechanical means, except in an \*emergency\* for the minimum distance to allow safe handling, \*lifting\*, treatment or humane killing.

### Animals Australia comment:

We welcome the provision of detailed regulations. Our recommendations are in edit mode below with some comments following each recommendation:

S5.1 A person must handle sheep in a reasonable manner and **must not**:

- 3) Strike ~~in an unreasonable manner~~, punch or kick; or

**Comment** – There can be no ‘reasonable’ way to ‘strike’ an animal.

- 4) Drag sheep that are not standing by only one leg, ~~except in an \*emergency\*, for the minimum distance to allow safe handling, \*lifting\*, treatment or humane killing;~~

**Comment** - Moribund sheep (those that cannot rise) should never be dragged. If they are to be killed it should be done in the place they are, or they could be humanely lifted to move them if there is no alternative. It should be noted that the OIE Guidelines<sup>1</sup> states relevantly that when moving animals - ‘*Conscious animals should not be thrown, dragged or dropped*’.

- 6) Drag by mechanical means, ~~except in an \*emergency\* for the minimum distance to allow safe handling, \*lifting\*, treatment or humane killing.~~

**Comment:** As above, moribund sheep need never be dragged as they are small enough to enable lifting in an emergency – whether by a person or group of people or using a mechanical device.

S5.2 A person in charge of a dog that habitually bites sheep must muzzle the dog while working sheep.

**Animals Australia comment:** Supported in principle, but we remain concerned at how the words ‘habitually bite’ will be defined and enforced. This term fails to provide a definitive and measurable outcome. Ambiguous standards are not enforceable, and therefore serve no purpose. In the absence of a definitive and measurable standard, this provision will be redundant.

S5.3 A person in charge must ensure a sheep is shorn before the wool reaches 250mm in length.

**Animals Australia comment:** Supported

S5.4 A person must consider the welfare of sheep when using an electric prod, and must not use it:

- 1) On genital, anal, udder or facial areas of sheep; or
- 2) On sheep less than three months old; or
- 3) On sheep that are unable to move away; or
- 4) In an unreasonable manner on sheep.

**Animals Australia comment:**

The use of electric prods are opposed because they deliver painful stimuli and stress sheep. Alternative moving aides, good stockmanship and low stress handling skills should be used instead. Whilst it is acknowledged that the use of a prod in very limited circumstances where moving an animal from a difficult or dangerous position may be in the animal's interests, this must be balanced against the well-known practice of habitual use of prods when they are available (held by hand), and thus the unacceptable prod use that occurs daily.

**Recommendation:** The current S5.4 all be replaced, and would now read:

S5.4 A person must not use an electric prod on sheep.

S5.5 A person must not trim or grind the teeth of sheep.

**Animals Australia Recommendation:** Supported

S5.6 A person must not alter the anatomy of the prepuce of sheep by incising the surround \*skin\* (pizzle dropping).

**Animals Australia Recommendation:** Supported

S5.7 A person in charge must ensure that tethered sheep are able to exercise daily.

**Animals Australia comment:**

Tethering puts sheep (and other tethered animals) at unacceptable risk given their inability to avoid weather extremes, predators, and are often totally reliant on human provision of food and water. They will be denied adequate and usual exercise; remarkably the RIS discussion of Variation C4 (that would ban permanent tethering) indicates an exercise period of just 10 minutes a day (page 85), a totally inadequate exercise opportunity.

Further, when tethered, as flock/herd animals they will be unnaturally isolated which causes stress (e.g. research housing of sheep does not allow single housing on welfare grounds). G5 recognises the necessity for sheep not to be isolated. The quality of life for a tethered sheep is likely to be low.

Tethering for very short periods (less than a day) for legitimate husbandry reasons could be permitted – and is intended by our recommendation below. Variation C4 – the banning of permanent tethering must be adopted.

**Recommendation:** A person in charge **must not tether** an animal as a usual means of confinement.

G5.16. Ear marking, tattooing, tagging and vaccination should be done in a way that minimises the risk of infection and with instruments that are sharp and clean.

**Animals Australia Comment:** This guideline is supported in principle as it is primarily about ensuring good technique. However, there must also be a requirement to ensure the identification methods used are the least invasive (most humane) methods – as is attempted in the Cattle S&Gs. As a minimum there must be a standard that requires the use of the least painful and effective identification available in the circumstances. Ear marking (cutting pieces from the ear) is particularly invasive.

**Recommended new Standard 5.8:** A person must use the least painful method and technique to identify sheep that are applicable to the production system.

## 6 Tail docking and castration

S6.1 A person performing tail docking or castration must have the relevant knowledge, experience and skills, or be under the direct supervision of a person who has the relevant knowledge, experience and skills.

### **Animals Australia Comment:**

We support this Standard in principle – i.e. anyone carrying out these painful and invasive surgical procedures should be competent, but below we express our grave concerns about the ongoing conduct of these mutilations.

Tail docking is an invasive and painful procedure, and must only be done when absolutely necessary for the ongoing welfare of the lamb. A similar requirements to that applied to tail docking of dairy cattle is needed – it may only be done when absolutely necessary.

### **Animals Australia Further Recommendations for Standards:**

New Standard: Tail docking must not be done for cosmetic reasons.

### **Tail docking**

S6.2 A person must \*tail dock\* sheep that are more than 6 months old without using \*pain relief\* and haemorrhage control.

**Animals Australia Comment:** Most tail docking is done on lambs before they are 6 months old – thus pain relief will not be used for most lambs if this Standard is maintained in this form. The scientific literature and common behavioural observation shows the pain caused by this mutilation. It is unacceptable not to provide some pain relief now that topical Trisolfen is available, and within the life of these Standards other drugs or pain relief measures may become available.

The UK Farm Animal Welfare Council (FAWC) Report (2008) identifies the following Recommendations (our emphasis):

- *When tail docking is necessary, it should be done as part of the farm's health and welfare plan and lambs should be tail docked as early as practically possible after a secure maternal bond has been established, but not usually before they are 24 hours old;*
- *tail docking of lambs above the age of 3 months should only be undertaken by a veterinary surgeon using pain relief;*
- *pain relief reduces the impact of tail docking on welfare and should be used when and wherever possible;*
- *tail docking for cosmetic reasons cannot be justified; and*

- surgical tail docking should be prohibited except when performed by a veterinary surgeon using pain relief.

The Writing Group stated in the Discussion paper that ‘*Appropriate pain relief should be used for tail docking but the writing group acknowledged that this is difficult to deliver for sheep.*’ On the contrary, in the same Discussion paper it states – ‘*Lomax et al 2010 reported lambs castrated and tail docked by surgery or hot iron benefited from the use of Tri-Solfen with significant pain behaviour reduction from the first minute and for up to four hours post-operation.*’

Whilst it is acknowledged that topical pain relief of this sort is no panacea and will provide only short-term relief, it is a widely available and inexpensive application that can clearly have benefits for the lambs (and particularly when partnered with castration which is usual) – it must be required by these Standards.

**Animals Australia Recommendation:** A variation of G.14 must become a new Standard: New – S6.2(a) ‘Tail docking and castration must be accompanied by available registered pain relief measures.’

S6.3 A person must leave a docked tail stump of a sheep with at least two \*palpable free joints\* remaining.

**Animals Australia Comment:** Supported.

Note that ‘*Variation C6: Require docked tails to have a least one free palpable joint*’ is not supported by Animals Australia.

It is also clear from the science that surgical tail docking should not be used – as reported by the Writing group in the Discussion paper:

*A review by Mellor and Stafford (2000) concluded that surgical tail docking without analgesia caused the highest cortisol response and that tail docking by ring or hot knife produced responses not dissimilar to control sheep. This suggests that lambs should be tail docked by the hot knife method or the rubber ring method in preference to the sharp knife method (Hayward 2002).*

A variation of G.17 – made into a standard - should be used to require the least painful methods of tail docking.

**Animals Australia Further Recommendation for Standards:**

New Standard: Lambs must only be tail docked using either the hot knife or rubber ring methods, except for larger tails where the sharp knife method may be used.

Castration

S6.4 A person must not \*castrate\* or use the cryptorchid method on sheep that are more than six months old without using \*pain relief\* and haemorrhage control.

**Animals Australia comment:**

As indicated above in regard to tail docking – whilst acknowledging that due to husbandry and behavioural issues castration will continue to be undertaken on farm - most castration is done on lambs before they are 6 months old – thus pain relief will not be used for most lambs if this Standard is maintained in this form.

The scientific literature and common behavioural observation shows the pain caused by this mutilation – both short term, and due to any disturbance of the resulting wound for some weeks. The UK's Farm Animal Welfare Council (2008) and the Writing Group indicate that appropriate pain relief should be used.

It is unacceptable not to provide some pain relief (albeit short acting) via injectable local analgesia, and now that topical Trisolfen is available (at least for knife castration), and within the life of these Standards other drugs or pain relief measures may become available.

**Animals Australia Recommended new standard:**

New – S6.2(a) or S6.4(a) 'Tail docking and castration must be accompanied by available registered pain relief measures'.

G6.1 Lambs destined for slaughter before 12 weeks old, or the onset of puberty, should not be castrated.

**Animals Australia Comment:** The current Guideline must be made into a standard. Castration (or any invasive and painful mutilation) should only be undertaken if there is a genuine welfare (or husbandry) need. This is not the case with young lambs yet to reach maturity.

**Animals Australia Recommendation:** That G6.1 become a new Standard:

S6.5: Lambs destined for slaughter before 12 weeks old, or the onset of puberty, must ~~should~~ not be castrated.

## 7 Mulesing

**Animals Australia Comment:**

The objective of this section – to consider alternatives to mulesing and if done, it is done in a manner that minimises the impact of the procedure. This objective is accepted in principle, however the Standards as drafted are not adequate to ensure even that modest objective occurs. As indicated above – Animals Australia understand the reasons mulesing was introduced and is used by some farmers, but it is vehemently opposed to mulesing due to the pain and suffering inflicted. In addition to the acute suffering caused to the lambs by the procedure itself, the wound healing takes many weeks during which time there is a risk of further pain, suffering, infection or other harm to the vulnerable lambs. The 'objective' of this section should instead be that as a minimum mulesing be phased out, and that its impact be minimised for lambs during that phase out time.

It is extremely disappointing therefore that these Standards –

- Do not ban or indicate a phase out date for mulesing;
- Do not even 'require' operators/owners to provide evidence of the need on any particular farm/flock/year to mules rather than use alternative techniques (chemicals, management techniques etc).
- Do not require training and accreditation of operators.
- Do not require the use of the available, low cost, registered topical pain relief. Some 5 million lambs would receive some relief (and likely greater wound healing) if that was a requirement of these minimum Standards.

S7.1 A person performing \*mulesing\* must have the relevant knowledge, experience and skills, or be under the \*direct supervision\* of a person who has the relevant knowledge, experience and skills.

**Animals Australia Comment:**

The current Model Code of Practice for the Welfare of Animals – the Sheep (2006) introduced an Appendix aimed at an orderly phase out of mulesing by 2010. Regrettably for the more than 10 million lambs mules each year at present, that has not occurred; it is even more regrettable that the training and accreditation program for mulesing contractors and farmers/handlers have not been adopted over the past 6 years since that undertaking.

The Code Appendix states in this regard:

*‘3c. A comprehensive and audited training and accreditation process is available and mandatory for anyone who performs the mulesing procedure.’*

It was intended by agreement of the Primary Industries Ministerial Committee (in 2006) that this training and accreditation would apply to all mulesing contractors by the end of 2006, and all others who mules by the end of 2008. It is now totally unacceptable that no formal training or accreditation will be required under these Standards – despite the availability and awareness of this need, and the strong community concern about this practice. The Discussion Paper (p5) purports that the skilful performance of mulesing ‘is regarded as highly important by the sheep industry’ – yet the paper then inexplicably concludes that ‘formal assessment of ability is not required’. Such an invasive and painful procedure must have strong regulatory controls in place.

**Animals Australia Recommended amended Standard:**

S7.1 A person performing \*mulesing\* must have the relevant knowledge, experience and skills and be accredited under a nationally recognised program.

**Animals Australia Recommended further Standard:**

New S7.? A person must not mules sheep unless alternatives are not available to prevent breech strike in that flock or individual sheep.

**Comment:** the Guidelines provide adequate detail to indicate what alternatives should be considered – see G7.1 and G7.7.

**Animals Australia Recommended further Standard:**

New 7.? Lambs destined for slaughter before 12 weeks old, or the onset of puberty, must not be castrated.

**Comment:** it cannot be argued that it is in the long term interest of lambs destined for slaughter (rather than wool bearing over several seasons) should be subjected to this painful mutilation. Alternate management measures must be undertaken to guard against the risk of flystrike prior to sale for slaughter.

S7.2 A person must not \*mules\* sheep that are less than 24 hours old or more than 12 months old.

**Animals Australia Comment:** The wound area increases and the likely effect on the lamb/sheep and the risks during healing are higher as sheep age/grow. Regardless of the indication in these draft Standards (S7.3) that pain relief would be used – they will provide only a temporary relief (no more than a day, perhaps 2) when the wound will persist for up to a month (or more). This Standard is not supported. **Variation C2 is thus supported** (see below – though we believe it should be only 3 months).

**Animals Australia Recommended amended Standard:**

S7.2 A person must not \*mules\* sheep that are less than 24 hours old or more than ~~12~~ 6 months old.

S7.3 A person must not \*mules\* sheep that are 6-12 months old without using \*pain relief\*.

**Animals Australia Comment:**

As indicated above – because there is an effective (though temporary) topical pain relief already available, it is totally unacceptable that this Standard does not require its use if and whilst mulesing persists.. **Variation C1 is thus supported.**

**Animals Australia Recommended amended Standard** (and a variation of G7.8):

Amended S7.3 A person must not mules sheep ~~that are 6-12 months old~~ without using \*pain relief\*.

S7.4 A person must not \*mules\* sheep showing signs of debilitating disease, weakness or ill-thrift.

**Animals Australia Recommendation:** Supported.

S7.5 A person \*mulesing\* sheep must only remove wool-bearing skin.

**Animals Australia Recommendation:** Supported.

## **8 Breeding management**

S8.1 A person performing artificial procedures on sheep must not cause unreasonable pain, distress or injury to sheep.

**Animals Australia Recommendation:** Supported in principle. However, the use of the term 'unreasonable' does not provide a definitive and measurable standard, and so this provision may ultimately be redundant.

S8.2 A person must be a veterinarian, or operating under veterinary \*supervision\*, to perform surgical embryo transfer and laparoscopic insemination of sheep.

**Comment:** These are very invasive and painful procedures and must be performed using veterinary pain relief methods (Variation C5). This Standard can thus only be accepted if the additional requirement of pain relief is also adopted in these Standards.

**Animals Australia Recommendation:** Supported in principle.

The Australian Veterinary Association has policies on both these issues –

10.8 Laparoscopic AI in sheep and goats is an invasive procedure that involves the use of prescription animal remedies. It requires high standards of asepsis and analgesia to ensure that the welfare of the animal is not compromised.

10.7 Embryo transfer in sheep and goats is an invasive procedure that involves the use of prescription animal remedies. It requires high standards of asepsis and analgesia and detailed knowledge of anatomy and surgical techniques to ensure that the welfare of the animal is not compromised.

Ref: <http://www.ava.com.au/about-us/policy-and-positions-1>

We understand that embryo transfer requires anaesthetic for welfare and effective restraint, and so that occurs routinely already. It is curious therefore that this is not already reflected in a Standard in this draft document – it must be to ensure this is clear to all operators.

It is regrettable that the arguments put forward in the RIS in regard to Laparoscopic Artificial Insemination requiring pain relief relate to benefits to the domestic and international markets and international reputation (and thus risk to the sheep industry). It is clear they are invasive and painful procedures and a Standard (Variation C5) is required on sound animal welfare grounds.

**Animals Australia Recommended further Standard:**

New S8.3 A person must not perform surgical embryo transfer and laparoscopic insemination of sheep without using \*pain relief\*.

## 9 Intensive sheep production systems

**Animals Australia Comment:**

Keeping animals in intensive confinement carries greater risks when things go wrong (it affects a large number of animals), but also due to the denial in some systems of conditions that enable full natural behaviours. These Draft Standards commence with the listing of the usual ‘principles for sheep welfare’, and several are directly challenged in some intensive systems – i.e.

- Social contact with other sheep
- Sufficient space to stand, lie and stretch their limbs and perform normal patterns of behaviour.

OIE Chapter 7.2.12 (re Species-specific Issues in Transport of Animals by Sea);

*‘Sheep are sociable animals with good eyesight and tend to “flock together”, especially when they are agitated. They should be handled calmly and their tendency to follow each other should be exploited when they are being moved. Sheep may become agitated if they are singled out for attention and will strive to rejoin the group’.*

Neither the principles for sheep welfare of these Standards, nor the needs outlined in the characteristics of sheep described by OIE, can be satisfied by keeping sheep in sheds, and particular when they are kept in single pens. Animals Australia therefore totally opposes intensive confinement. However, if it continues, or is ever used for short periods i.e. due to drought, basic requirements are needed.

Further specific comments are provided at each relevant draft Standard – but do not alter our opposition to intensive confinement.

S9.1 A person in charge must ensure that feed and water is available daily to sheep in \*intensive production systems\*.

**Animals Australia Recommendation:** Supported.

S9.2 A person in charge must ensure the daily \*inspection of sheep in the first few weeks of confinement, to ensure adaptation to the \*intensive production system\*.

**Animals Australia Recommendation:** Supported.

S9.3 A person in charge must take reasonable action where sheep have not adapted to an \*intensive production system\*.

**Comment:** The current Model Code requires sheep to be ‘released to paddock grazing’ if they are found to be unsuited to the indoor environment. The words ‘reasonable action’ is not clear and this Standard must be amended to ensure proactive action is taken. This term fails to provide a definitive and measurable outcome. Ambiguous standards are not enforceable, and therefore serve no purpose. In the absence of a definitive and measurable standard, this provision will be redundant.

**Animals Australia Recommended amended Standard:**

S9.3 A person in charge must ~~take reasonable action~~ remove the sheep to paddock grazing where they have not adapted to an \*intensive production system\*.

S9.4 A person in charge must not allow faeces and urine to accumulate to the stage that compromises the welfare of sheep in an \*intensive production system\*.

**Animals Australia Recommendation:** Supported.

S9.5 A person in charge must ensure an indoor housing system for sheep has effective \*ventilation\*.

**Animals Australia Recommendation:** Supported.

S9.6 A person in charge must ensure sufficient space to allow all sheep to \*lie\* on their sternums at the same time in an \*intensive production system\*.

**Animals Australia Comment:**

For a sheep to lie on its sternum simply means their body will take up a similar area to when it is standing. This does not provide sufficient space to lay with limbs extended at any time given that if this is the minimum that even the other standing sheep will take up their full personal space. This is not sufficient for lying/resting, nor for proper movement about the space, with animals needing to force other to move to even access food and water facilities.

**Animals Australia Recommended amended Standard** (similar to draft Saleyard standards):

- S9.6 A person in charge must not overcrowd sheep and must ensure sufficient space to allow all sheep to freely move, turn around and rise from a lying position unassisted to \*lie\* on their sternums at the same time in an \*intensive production system\*.
- S9.7 A person in charge must ensure a sheep housed in a single pen for fine wool production is able to turn around, see hear, smell and touch neighbouring sheep.

**Animals Australia Comment:**

Animals Australia opposes the keeping of sheep in single pens. As with all indoor systems, the sheep are unable to graze, to appropriately exercise, and in addition in the case of single pens, they are unable to exhibit natural flocking behaviour (see OIE notes). Like other intensive animal industries, the behavioural and social needs of the sheep, intrinsic factors which provide quality of life, are ignored.

Animals Australia visited one such premises on several occasions in SW Victoria and the impacts of chronic stress caused by an inappropriate environment were obvious. In one shed the confined sheep continually chewed on the wooden slats and strands of wire which enclosed them. In a newer shed sheep were observed biting the metal bars/wires and their feed buckets repetitively. Repetitive head and body movements were observed in both sheds - classic stereotypic behaviours caused by a barren environment (an expression of chronic welfare issues). Due to the low and infrequent level of feeding (and low roughage), the sheep exhibit food seeking behaviours. The slatted floor leads to foot problems (overgrown and 'separated' hooves).

In 2009 the Animals Welfare Science Centre was commissioned by the Wool Factory (in Horsham SW Victoria) to undertake a study of the behaviour of sheep in the single pens at the Wool Factory (old shed). In situ cameras were used to monitor sheep behaviour over a 3 week period. It found a high level of 'conflict' behaviours which are seen as 'high frequency', 'especially in relation to that of sheep grazed outdoors'. For example, it found

'...71% of the observed sheep displayed the behaviours of pacing, head butting pen features or fittings, chewing pen features, nosing pen features, pawing pen features and rearing for more than 10% of the day and 36% of the sheep displayed these behaviours for more than 20% of the day.'

'... These behaviours maybe displacement behaviours, redirected behaviours or stereotypies, ...'

'... Some authors have specified the level of conflict behaviours in which the welfare of the animal may be at risk. For example, it has been suggested that the welfare of the animal is at risk if stereotypies occur for 10% of the animal's waking life (Broom, 1983) and if they occur in more than 5% of all animals (Wiepkema, 1983).'

Whilst the authors suggest further research is needed, it is very clear that the levels of the aberrant behaviour are high and the indicators of welfare problems are clear.

*Ref: Prevalence and Incidence of Abnormal Behaviours in Individually Housed Sheep* by Lauber, Nash, Gatt & Hemsworth. - *Animals* 2012, 2, 27-37;  
doi:10.3390/ani2010027

Unsurprisingly, when asked her view of single penning for ultra fine wool production, renowned livestock handling and behaviour expert Dr. Temple Grandin (Professor of Animal Science at Colorado State University) stated: '*Keeping sheep individually penned for years is absolutely not acceptable. I was horrified when I heard about this practice*'.

(personal email communication with S Dyer, November 2010)

Single penning of sheep must be prohibited. Variation C3 must be adopted (and this Standard 9.7 deleted).

#### **Animals Australia Recommended amended Standard:**

Amended S9.7: A person in charge must ensure a sheep is not housed in a single pen for fine wool production ~~is able to turn around, see hear, smell and touch neighbouring sheep.~~

**Roughage:** Another clear problem when taking sheep away from paddock grazing is that much of their daily activity (grazing) and walking (sometimes) long distances is denied to them. Further, higher protein rations may be fed, meaning that their feeding each day may take a very short time, and then for the rest of their day there is no clear activity. Even rumination is largely denied them if inadequate roughage is available in their diet (the subject of G9.6). Whilst ever sheep are intensively housed, efforts must be made to provide them with enrichment (G9.15) to reduce stress and thus stereotypic or other abnormal behaviours. Adequate roughage, i.e. straw/hay must be a Standard.

#### **Recommended Further Standard:**

New S9.8 Sufficient fibre must be provided in the diet to promote rumination and avoid adverse behaviours.

## **10 Humane killing**

S10.1 A person in charge must ensure killing methods for sheep result in rapid loss of consciousness followed by death while unconscious.

**Recommendation:** Supported, but there is a need to ensure persons do not use inadequate methods – i.e. fully conscious bleeding. Sheep may remain conscious and experience pain and distress for up to 20 seconds, or considerably longer if occlusion of the knife-severed blood vessels occurs.

**Recommended S10.1** A person in charge must ensure killing methods for sheep result in rapid loss of consciousness, followed by death while unconscious. A firearm or captive bolt must be used.

S10.2 A person killing a sheep must have the relevant knowledge, experience and skills to kill the sheep humanely, or be under the \*direct supervision\* of a person who has the relevant knowledge, experience and skills, unless:

- 1) The sheep is suffering and needs to be killed to prevent undue suffering; and
- 2) There is an unreasonable delay until \*direct supervision\* by a person who has the relevant knowledge, experience and skills is available.

**Recommendation:** Supported

S10.3 A person in charge of a sheep suffering from severe distress, disease or injury that cannot be reasonably treated must ensure the sheep is killed at the first reasonable opportunity.

**Recommendation:** Supported – but with an amendment to ensure the urgency required in such a situation. The term ‘reasonable opportunity’ also fails to provide a definitive and measurable outcome. Ambiguous standards are not enforceable, and therefore serve no purpose. In the absence of a definitive and measurable standard, this provision will be redundant.

**Recommended S11.3** A person in charge of sheep suffering from severe distress, disease or injury that cannot be reasonably treated must ensure the sheep is killed ~~at the first reasonable opportunity~~ promptly.

S10.4 A person killing sheep must take reasonable action to confirm the sheep is dead.

**Recommendation:** Supported in principle. Again the term ‘reasonable’ fails to provide a definitive and measurable outcome. In this situation it will be necessary to provide an inclusive list of measures to be used to confirm the death of a sheep. The Standard must be expanded to include such a list.

S10.5 A person killing a lamb by a blow to the forehead must ensure that the lamb weighs less than 10 kilograms.

**Recommendation:** Supported in principle. However it should be noted that the expression in this Standard is of concern.

The draft national Saleyard Standards use a more acceptable form of words which could be adopted: *S9.7 A person may only kill ~~an animal~~ a lamb using the blunt trauma technique if that animal is ~~either a piglet up to 15 kg live weight, or a calf, kid or lamb less than 24 hours old~~ 10 kilograms. The person must kill the animal by a single blow to the head.*

S10.6 A person must only use \*bleeding-out\* by neck cut to kill a conscious sheep when there is no firearm, captive bolt, or lethal injection reasonably available.

**Recommendation:** Supported. This is strongly supported to ensure that in non-emergency situations on-farm killing is done in a humane manner. It is regrettably the case that through custom alone bleeding-out of sheep has become routine for home-kill purposes, and in some instances even the additional breaking of the neck of the sheep – a practice now known to cause further trauma to conscious sheep. These practices can in almost all cases be replaced by a single rifle shot to the head, and this must be adopted.

**The Sheep Standards RIS then proposes a number of additional ‘options’ for inclusion in the Standards as Option C variations.**

Animals Australia has commented on these issues in the relevant section above in this submission. However, recommendations and some brief comments are reiterated here for clarity.

***Variation C1: All mulesing with pain relief***

**Recommendation: Supported** – with the caveat that Animals Australia totally opposes mulesing and this ‘support’ is merely indicated that pain relief is of course required in the event (and for the period) that mulesing continues. See Section 7 above for discussion of our opposition to mulesing.

***Variation C2: Restrict mulesing age to less than 6 months of age***

**Recommendation: Supported** - again with the caveat that Animals Australia totally opposes mulesing and this ‘support’ is merely indicated that mulesing (with pain relief) should be done as early as possible, in this case to reduce the size of the wound and thus the impact on the sheep. Even with pain relief for the procedure (i.e. on sheep over 6 months) the ongoing pain after the analgesics have worn off (a day or two!) is totally unacceptable. See Section 7 above for discussion of our opposition to mulesing.

***Variation C3: Single penning for wool production ban***

**Recommendation: Supported** – See Section 9 above for discussion of the reasons single penning must be banned.

***Variation C4: Tethering ban***

**Recommendation: Supported** – See Section 5.7 above for discussion of the reasons tethering must be banned.

***Variation C5: Mandate pain relief for laparoscopic LAI and ET***

**Recommendation: Supported** – See Section 8 above for discussion of the need for mandatory pain relief for these invasive and painful procedures.

***Variation C6: Require docked tails to have at least one free palpable joint***

**Recommendation: Not Supported** – See Section 6.3 which indicates our support for the tail stump of a sheep to be left with at least two palpable free joints remaining.

The Discussion Paper on taildocking (provided by the Writing Group) indicates clearly that the tails should have either 2 or 3 palpable joints to maximise the long-term welfare of the sheep and states in part:

*It is well documented that short docking [less than 2 joints] leads to health and welfare issues for sheep such as rectal prolapse (Thomas et al 2003) and squamous-cell carcinoma of the vulva.*

Submission Ends.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Glenys Oogjes', is displayed on a light beige rectangular background.

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<sup>i</sup> OIE Terrestrial Animal Health Code – Chapter 7.2.8 (3(h) – Transport of Animals by Sea.  
[http://www.oie.int/index.php?id=169&L=0&htmfile=chapitre\\_1.7.2.htm](http://www.oie.int/index.php?id=169&L=0&htmfile=chapitre_1.7.2.htm)