



Mr Michael Bond  
Chief Executive Officer  
Animal Health Australia  
Suite 15, 26-28 Napier Close  
DEAKIN ACT 2600

7 February 2011

Attn: Kevin de Witte

Dear Mr Bond,

**Time off feed for bobby calves**

Please find enclosed a submission, from the Australian Livestock Transporters Association (ALTA), in response to the draft consultation regulatory impact statement upon the proposal to introduce a regulated 'outer limit' upon the permissible time off feed (TOF) for bobby calves.

In this submission, ALTA details our concerns that the national standard for bobby calf transport is ambiguous in its drafting, and this ambiguity poses a threat to compliance.

ALTA *recommends* that the standard should be amended, to improve and clarify its operation, prior to implementation in any State.

ALTA's submission also expresses our concern that the intent of the bobby calf standard will not be achieved without the creation of a method of conveying relevant information about bobby calves across the supply chain.

Governments have not yet made any arrangements to produce or procure a solution to this need.

ALTA *recommends* that governments should urgently approach *Meat and Livestock Australia*, the independent owners of the National Vendors Declaration (NVD), to seek agreement to have the NVD amended to meet the intent and requirements of the bobby calf standard.

Yours sincerely

**David Smith**  
National President  
Australian Livestock Transporters Association

RL11977

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## Submission upon *Bobby Calves Time Off Feed Standard* draft consultation regulatory impact statement

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Document: ALTA T11-1.3S

### EXECUTIVE SUMMARY

- 1) The Australian Livestock Transporters Association (ALTA) **supports** the introduction of a regulatory 'outer limit' of thirty (30) hours for time off feed (TOF) for bobby calves, noting that:
  - i) Animal Health Australia has indicated that no current legislation or Code currently provides an enforceable outer limit for TOF;
  - ii) Animal Health Australia has determined that there is no satisfactory scientific evidence of improvements to bobby calf welfare, and no economic case, to justify the regulatory imposition of any lesser outer limit upon TOF; and
  - iii) The proposed bobby calf TOF regulatory standard is complemented by already approved 'good practice' guidelines that call for feeding to occur not more than 18 hours after commencing transport. Use of such guidelines, possibly with performance reporting obligations, is an appropriate means to signal aspirations regarding preferred target times, as opposed to enforceable outer limits.
- 2) ALTA is **concerned** that the national standard for bobby calf transport is ambiguous in its drafting, posing a threat to compliance.
  - i) Issues which require clarification, and possibly re-drafting of the current provisions, are identified in the body of this submission.
  - ii) ALTA **recommends** that the standard should be amended, prior to implementation in any State: to clearly articulate the intended obligations and entitlements of consignors, transporters and consignees to provide, keep and pass on the information about bobby calves' preparation for transport; and to clarify the intent and effect of the standard's provisions.
- 3) ALTA is **strongly concerned** that the intent of the impending bobby calf transport standard will not be achieved without the creation of a 'record' that will convey relevant information across the supply chain.
  - i) ALTA notes that governments have not yet made any arrangements to produce or procure a solution to this need.
  - ii) ALTA considers that the National Vendors Declaration (NVD) for Bobby Calves could be amended to serve as the 'record' that captures information and allows compliance with the standard to be demonstrated across the supply chain.
  - iii) ALTA **recommends** that governments should urgently approach *Meat and Livestock Australia*, the independent owners of the NVD, to seek agreement to have the NVD amended so as meet the requirements of the (amended) bobby calf standard.



## CONTEXT

- 4) The draft regulatory impact statement (RIS) circulated by Animal Health Australia (AHA) is proposing that governments should regulate a 30 hour limit for TOF. It evaluates the proposed 30 hour and alternative 24 and 18 hour limits both in terms of whether they are scientifically substantiated, and therefore appropriate to be considered for regulatory imposition, and also in terms of their economic consequences.
- 5) The existing (but not yet implemented) national standard for bobby calves reads as follows:
- SB4.5 Bobby calves between 5 and 30 days old travelling without mothers must:*
- i) be protected from cold and heat*
  - ii) be in good health, alert and able to rise from a lying position*
  - iii) have been adequately fed milk or milk replacer on the farm within 6 hours of transport*
  - iv) be prepared and transported to ensure delivery in less than 18 hours from last feed with no more than 12 hours spent on transports*
  - v) have an auditable and accessible record system that identifies the calves were last fed within 6 hours of transport unless the journey is between rearing properties and is less than 6 hours' duration.*
- It is proposed that the national standard have the following clause added to it:
- vi) be slaughtered or fed within 30 hours from last feed.*
- 6) ALTA notes that the already approved clauses *SB4.5(i)-(v)* address the obligations of a livestock transport operator, and impose limits of 12 and 18 hours for the transport of bobby calves to be completed. The proposed new clause *SB4.5(vi)* does not directly affect the performance of the transport task by ALTA's members, but may affect the demand for transport services.

## PROPOSED 30 HOUR LIMIT

- 7) ALTA **supports** the introduction of a regulatory 'outer limit' of thirty (30) hours for TOF for bobby calves.
- 8) ALTA notes that, in the draft RIS, Animal Health Australia has indicated that no current legislation or Code currently provides any directly enforceable requirement for TOF. Any regulation in this area will therefore involve some strengthening of industry obligations and the legal status afforded to animal welfare.
- 9) ALTA notes that Animal Health Australia has determined that there is *no* satisfactory scientific evidence of improvements to bobby calf welfare arising from any lesser outer limits upon TOF.
- i) As presented, the scientific evidence cited in this draft RIS does not show a sufficiently clear and meaningful variation in animal welfare outcomes between a 30, 24 or 18 hour TOF, and therefore offers inadequate justification for choosing any tighter limit.



- 10) ALTA notes that the draft RIS also concludes that any lesser limits would be economically inappropriate and may be operationally unfeasible.
- 11) ALTA observes that modest animal welfare, biosecurity and occupational health and safety (OHS) **benefits** will arise from setting any regulatory standard that permits the transport of bobby calves to processors to remain commercially viable for dairy producers.
  - i) These benefits are supplementary to the principal economic impacts assessed in the draft RIS. They will arise because culling at processors is likely to be more humane and create lesser bio-hazards and OHS risks than the possible alternative of destruction on-farm.
  - ii) Given the orders of magnitude in the draft RIS' costing of the evaluated options, ALTA is not currently suggesting that these supplementary benefits should be formally evaluated.
  - iii) ALTA's understanding is that in some regions and, particularly, Tasmania and Queensland, ensuring that legal access to a 30 hour TOF period is available from time to time may be essential to retaining the commercial viability to dairy producers of bobby calf transport.
- 12) ALTA observes that the proposed bobby calf TOF regulatory standard is complemented by new, already approved, national 'good practice' guidelines that call for feeding to occur not more than 18 hours after commencing transport (see 'GB4.8' in the Land Transport Standards).
  - i) ALTA's understanding is that these guidelines seek to replicate and preserve the substantial effect of the current, non-enforceable Codes and Guidelines that exist amongst the States.
  - ii) ALTA suggests use of such guidelines is an appropriate means to signal aspirations regarding preferred target times. ALTA suggests that complementing such guidelines with an obligation for consignors and consignees to maintain records and monitor trends in performance may be a preferable means to strengthen performance, rather than the alternative of directly regulating for a more restrictive TOF requirement.
- 13) ALTA suggests that recent public commentary arguing that the proposed new standard is '*about reducing industry's costs*' is inaccurate and unsustainable.<sup>1</sup> No evidence has been presented that setting a conservative 'outer limit' will cause any change in current practices.

## CONCERNS OVER IMPENDING (NOT YET IMPLEMENTED) PROVISIONS

### *Ambiguity and suitability*

- 14) ALTA is **concerned** that the provisions within the bobby calf standard are highly ambiguous in their drafting or operation, raising risks to orderly and assured compliance with the standard when it is implemented across the States and Territories.

<sup>1</sup> Brian Sherman and Ondine Sherman, "Brutal secret behind the dairy industry", *The Sydney Morning Herald*, Friday, 28 January 2011



- 15) One part of the provisions may also be poorly suited to industry operations in Queensland.

### ***Age and accompaniment of calves***

- 16) The standard purports to prohibit transportation of calves of less than five (5) days age, without mother cows. Presumably, it is intended to impose liability on any party who breaches the requirement.
- 17) The standard makes no provision for any information to be presented to a transporter or consignee that would affirm the age of calves consigned for transport. There is no requirement in this standard for any waybill or similar document to make a declaration of age, nor to affirm whether mothers are present.
- 18) In the absence of authoritative information that discloses or affirms the age and accompaniment of bobby calves, compliance with the prohibition may be placed at risk. Transport operators and consignees may find themselves inappropriately exposed to liability, due to misstatements or misunderstandings about the age of calves during communications with the consignor.
- 19) ALTA ***recommends*** that the standard should be amended to require transporters to be supplied, by the consignor, with a written indication that unaccompanied calves are appropriately aged. The standard might also desirably require consignees to receive a copy of that advice.

### ***Scope and content of 'a record'***

- 20) At clause SB4.5(v), the bobby calf standard calls for 'an auditable and accessible record system' regarding feeding.
- 21) The clause does not call for 'the record' to declare or affirm the age or accompaniment of the calves, even though this statement might easily be incorporated.
- 22) The possible intent of SB4.5(v) is to provide a record that identifies the *actual time* at which bobby calves were last fed prior to any transport. However, the language is ambiguous. ALTA considers that a complying 'record' could be generated which merely comprises an affirmation that certain calves 'were appropriately fed' prior to the scheduled time of transport.
  - i) Existing documents provided to ALTA's members in their work already contain uncertain or ambiguous statements of this type.
- 23) Again, the drafting of the provision may mean that compliance with the intent of the standard is placed at risk.
- 24) ALTA ***recommends*** that the standard should be amended so that its intent and effect are made clear.

### ***Obligation and entitlement to provide and to carry 'a record'***

- 25) Nothing in the standard establishes that a transport operator has any *obligation* or *entitlement* to obtain from a consignor a 'record' that will reveal something about when bobby calves were last fed.
- 26) The standard does not specify whether a transporter may cart an animal without receiving such a 'record', nor whether the transport operator must pass any 'record' received to a consignee. It is not at all clear that a driver who receives a verbal assurance whilst loading is *not* entitled to rely on that advice.



- 27) Similarly, there are no obligations or entitlements provided for any consignee to receive a copy of a 'record' from any party, even though it is the consignee who is most likely to bear liability for meeting the 30 hour limit to the TOF period that will commence with the feeding event that might be identified by the 'record'.
- 28) ALTA **recommends** that the standard should be amended to clearly articulate any intended obligations and entitlements of consignors, transporters and consignees to provide, keep and pass on the 'record' so that operational requirements are made clear and compliance is assured.

#### ***Obligations in the event of breach***

- 29) The standard provides no guidance upon the obligations of each relevant party when another party is in breach.
- 30) The standard provides no guidance on whether, and in what circumstances, a consignee can lawfully receive a load of bobby calves that is known or suspected to be non-compliant. Where a compliance issue is detected in transit, this creates a risk of a transporter being 'turned away' by the consignee, which could generate a significant animal welfare incident.
- 31) ALTA **recommends** that the standard should be amended so that its intent and effect are made clear.

#### ***Ambiguity and suitability of 18 and 12 hour transit and transport limits***

- 32) At clause SB4.5(v), the bobby calf standard calls for 'delivery' to occur in 'less than 18 hours from last feed with no more than 12 hours spent on transports.'
- 33) ALTA construes the 18 hour provision as requiring time to 'continue to run' where calves are sold through saleyards without feed being available. It is not clear whether the 18 hour limit is intended to be 'restarted' where a saleyard provides feed.
- 34) Similarly, and more pressingly, it is unclear whether the 12 hour limit to time 'spent on transports' is a cumulative total, or applies only to legs of a journey. It is unclear whether the act of unloading and reloading, on its own or with feed provided, will 'restart' this time limit.
- 35) The clarity and feasibility of this provision has been particularly questioned by ALTA members in Queensland, where most calves go to a saleyard and are bought by a processor, then on-forwarded to a processing plant (not sent from farm direct to plant as commonly occurs in, for example, Victoria).
- 36) ALTA's members advise that bobby calf movements in Queensland generally take between 6 and 14 hours from farm to plant. Of this time, between 2 and 6 hours is spent on a truck, with the rest of the time spent in a saleyard. If enacted in Queensland without modification, the 18 hour limit provides provides little lee-way for any delay due to weather, road and traffic conditions or other factors.
- 37) The ambiguity of these time limits, combined with operating circumstances in Queensland, suggests that there may be compliance risks and costs for consignors, saleyards and processors in that State, at least.
- 38) ALTA also notes that use of the term 'delivery' in this provision heightens its ambiguity.
  - i) The term is not defined in the Land Transport Standards and is not used in any other provision of the Standards. In contrast, the terms 'loading' and 'unloading' are used

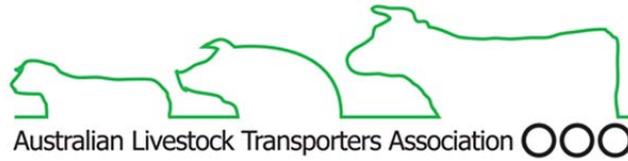


extensively throughout the Standards. It would not be unusual for a Court to find that this variation in language is intended to convey a different and specific meaning.

- ii) This variation in language contributes to the ambiguity about whether the 18 hour limit can be 'restarted' when calves are held in a saleyard that provides feed.
- 39) ALTA **recommends** that the standard should be amended so that its intent and effect are made clear.

#### **NEED FOR AN IMPLEMENTATION SOLUTION FOR 'RECORD SYSTEMS'**

- 40) While ALTA considers the provisions of the bobby calf standard to be ambiguous, ALTA anticipates that a number of animal welfare stakeholders are strongly expecting that the bobby calf standard will lead to 'a record' being created and exchanged across the supply chain, providing information that demonstrates compliance with the issues which the standard seeks to address.
- i) ALTA draws attention to the written policy statements of the RSPCA as evidence of these expectations.
- 41) ALTA is **strongly concerned** that governments appear to have made no arrangements to provide or procure a standardised 'solution' that will meet these expectations.
- 42) Without the creation of a convenient, transferable record, the apparent intent of the impending bobby calf transport standard may not be achieved, or may not be achieved without the cost of implementing a large number of firm-specific records.
- 43) ALTA considers that the National Vendors Declaration (NVD) for bobby calves should be amended to serve as a 'record' that captures information and allows compliance with the standard to be demonstrated across the supply chain.
- 44) The NVD is already a ubiquitous record that accompanies animals on any journey. It would increase the value of the NVD for bobby calves, and avoid much larger industry costs being incurred, for it also to serve as the 'record' for this new standard.
- 45) ALTA would envisage that use of an amended NVD as the 'record' capturing information about unaccompanied bobby calves would provide:
- i) An affirmation as to the age and accompaniment of the calves, simply through use of the form;
  - ii) An opportunity for the consignor to record the actual time of last feeding, with this information then transparent to other parties and triggering the start of the 18 and 30 hour limitation periods; and
  - iii) An opportunity for the transporter to record time of pick-up, with this information then transparent to other parties and triggering the start of the 12 hour limitation period for transportation (in Queensland, a supplementary annotation will be required, either to deduct time spent in a saleyard or to record a second journey).
- 46) ALTA is aware of concerns with the complexity of the current NVD and suggests these can be addressed through the routine reviews of the form's size, format and design.
- 47) ALTA acknowledges that some stakeholders or individuals may have a preference for the NVD to continue to serve only 'traceability' objectives. Had the NVD been funded



and developed entirely in the private sector, ALTA might regard such a preference as conclusive.

- 48) However, the NVD was developed through auspices and funding arrangements that are established by the Parliament of Australia. In that context, ALTA suggests it is appropriate for government agencies to seek an agreement which would see the NVD upgraded to become a means of fulfilling the public policy objectives and requirements of the bobby calf standard.
- 49) ALTA **recommends** that governments should urgently approach *Meat and Livestock Australia*, the independent owners of the NVD, to seek agreement to have the NVD amended so as meet the requirements of the (amended) bobby calf standard.



Australian Livestock Transporters Association ○○○

## BACKGROUND MATERIAL

### About ALTA

- 1) The Australian Livestock Transporters Association (ALTA) is the national federation that represents road transport companies who provide the 'first and last' link of the supply chain for Australia's agricultural industries and communities.
- 2) Australian agriculture relies on ALTA's members in order to access domestic and global markets. Almost all inputs to, and production from Australian agriculture involves some transport by truck. Two-thirds of Australia's agricultural production is exported, comprising 20% of Australia's global merchandise exports.
- 3) Established in 1985, ALTA is Australia's oldest purely policy-focused road transport industry association. ALTA has no political affiliation and does not engage in industrial representation.
- 4) The National Council of the ALTA is solely comprised of road transport operators, as are each State Council. ALTA and its member bodies represent transport operators located in every Australian State and Territory. Our member operators are engaged in both short haul operations and long-distance haulage, extending to trans-continental movements. Our members provide services to remote stations, regional communities, coastal urban areas and regional and metropolitan ports.
- 5) Over 50 per cent of ALTA's member operators run fully or partially diversified businesses in order to service the needs of the regional and rural communities in which they are based. In addition to their focus on livestock, many of our member operators are involved in transport of grains, feeds, fertilizer and other bulk materials cartage, fuel, milk, molasses, water and other tanker operations, refrigerated transport, inland retail fulfilment, and various forms of industrial and general freight cartage. Predominantly smaller businesses, our member operators are operationally complex.
- 6) The unique demands and responsibilities of livestock haulage provide ALTA with a distinctive focus. To meet the requirements of caring for live cargoes, livestock carters have won unique entitlements, rules and regulations in many parts of Australia. ALTA owns and operates *truckCare*, the only industry-based quality assurance scheme that meets the requirements of the new Animal Welfare legislation that will apply to farmers, transporters and processors, as well as addressing other traceability and biosecurity requirements that apply to agriculture in Australia.

### Status of this submission

- 7) This submission responds to the draft regulatory impact statement upon a *Bobby Calves Time Off Feed Standard*, proposed for incorporation within the *Land Transport of Livestock Standard (SB4.5)*, published by Animal Health Australia on 4 January 2011.<sup>2</sup>
- 8) The submission was considered and authorised by ALTA's National Council on 15 January and 5 February 2011 (ALTA Council Papers T11-01.3), with final editorial adjustments approved by ALTA's National President on 6 February 2011.
- 9) This submission is a policy statement of the ALTA. Enquiries should be directed to ALTA on (02) 6247 5434 or [office@alta.org.au](mailto:office@alta.org.au). It is available at [www.alta.org.au](http://www.alta.org.au).

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<sup>2</sup> The paper is published at: <http://www.animalwelfarestandards.net.au/australian-animal-welfare-standards-and-guidelines/land-transport/bobby-calf-time-off-feed-standard.cfm>