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**SUBMISSION ON THE PROPOSED AUSTRALIAN  
ANIMAL WELFARE STANDARDS AND  
GUIDELINES FOR SHEEP**

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## **A. *About PETA Australia***

People for the Ethical Treatment of Animals (PETA) Australia is the local affiliate of the world's largest animal rights organisation, PETA US, which has over 3 million members and supporters worldwide. PETA is dedicated to establishing and protecting the rights of all animals, and operates under the simple principle that animals are not ours to eat, wear, experiment on, use for entertainment or abuse in any way.

PETA Australia works through public education, cruelty investigations, research, lobbying, celebrity involvement and protest campaigns to focus international attention on issues such as mulesing, factory farming, and the exploitation of animals for their skins, in laboratories, and for "entertainment".

## **B. *Opening Comments on the scope of PETA's response and the structure and efficacy of the draft standards***

1. The Animal Welfare Standards public consultation process seeks comment from interested parties on the Draft Australian Animal Welfare Standards and Guidelines for Sheep and the Consultation Regulation Impact Statement on Sheep (RIS). PETA's comments on both documents are below.

PETA's submission is not a comprehensive response regarding all the inadequacies in the draft materials. In providing comment on the draft standards and RIS, PETA is taking the opportunity to comment on the specific standards most concerning to it.

Omission to comment on any particular standard should not be inferred to evince PETA's satisfaction with or endorsement of that standard.

PETA's position is that sheep exploited in the Australian wool and meat industries suffer at all stages of their lives, but here we confine our comments to the areas addressed in the standards that cause the most acute and egregious suffering for the animals.

While PETA believes that mulesing has no justifiable place in the care of sheep and should be stopped immediately, we reluctantly offer comment below on the standards that are being proposed to regulate the impact of this cruel and unnecessary mutilation.

2. As flagged below, PETA views one of the most fundamental shortcomings of the draft standards to be the proposed structure of nominating some basic minimum care requirements as legally enforceable "standards" and consigning all other aspects of care and treatment to the status of unenforceable and therefore manifestly toothless "guidelines" that do no more than, as noted in the RIS' introduction, "provid[e] advice and/or recommendations".

Specific instances of where this structure fails to ensure some of the most basic welfare protections are discussed in more detail below, but PETA's view regarding the overarching result of such an arrangement is that, in addition to the obvious obstacles this poses to ensuring sheep's welfare can be

meaningfully protected, the message conveyed to those with sheep in their care is that only the most minimal effort and consideration is required in order to fulfil their legal obligations as caretakers.

Many if not most of the aspects of care classified as guidelines have even more significant welfare implications for the daily experiences of the sheep than those aspects covered in the proposed standards; their classification as guidelines appears to be based on considerations of economics and expediency rather than any valid determination that they are superfluous to sheep's fundamental welfare needs.

Since the stated aim of introducing revised standards governing the on-farm treatment of sheep is to improve welfare outcomes for the animals, PETA submits that welfare should indeed be the central consideration in determining which minimum requirements are legally enforceable, rather than money and convenience.

### *C. Summary of Recommendations*

#### **Standards and Guidelines**

1. **S2.1:** Should be redrafted to require sheep have access to adequate and appropriate feed sufficient to meet all welfare needs, as judged by clear, verifiable factors. Remove “reasonable”, as defined, as a consideration.
2. **G2.1:** Should be:
  - i. promoted to a standard;
  - ii. amended to significantly reduce the maximum allowable period of deprivation, such period to be determined by reference to considerations of welfare and weather conditions rather than convenience; and
  - iii. amended to replace the toothless observation that extended periods of deprivation “should be avoided” with a hard limit
3. **S3.2:** Should be amended to:
  - i. more clearly define requirements re maximum times between inspections specified for each production system type;
  - ii. more clearly define what an inspection must entail, and when inspection on a mob basis will be insufficient;
  - iii. specify that decisions regarding sheep who have undergone clip mulesing should be made on the same basis as if the sheep had been unmulesed; and
  - iv. specify particular inspection requirements for recognised higher-risk areas.
4. **G3.6:** Should be promoted to an enforceable standard requiring all sheep to be provided with adequate shelter, shade and similar protection.
5. **G3.7:** Should be promoted to an enforceable standard.

6. **G3.9:** Should be:
  - a. promoted to an enforceable standard prohibiting handling during extreme weather except where such handling is primarily in the interests of welfare; and
  - b. amended to include an objective definition of what temperature and conditions will be deemed to constitute extremely hot weather.
7. **G4.2:** Should be promoted to an enforceable standard requiring caretakers to provide shade sufficient to ensure penned animals' welfare.
8. **S5.1:** Should be amended to:
  - i. remove "in an unreasonable manner" from S5.1(3)
  - ii. encompass all manner of rough handling in the standard
  - iii. remove "that are not standing" from S5.1(4)
9. **G5.19:** Should be accompanied by a standard specifically dedicated to the handling and treatment of sheep before, during and after shearing. That standard should:
  - i. obligate shearers to shear sheep in a manner that is primarily concerned with their wellbeing and welfare, rather than speed and harvest quality;
  - ii. broaden the definition of wounds that must be attended to beyond only "severe cuts"; and
  - iii. require that a person treating a shearing wound do so with sanitary materials and the administration of adequate pain relief.
10. **G5.20:** Should be promoted to an enforceable standard and specify that:
  - i. shearing must not occur if cold, wet or windy weather occurs or is expected and adequate shelter is not available; and
  - ii. newly shorn sheep must be provided with shelter, food and water sufficient to meet all welfare needs.
11. **S6.2:** Should be amended to remove the words "that are more than 6 months old".
12. **S6.4:** Should be amended to remove the words "that are more than 6 months old".
13. **G6.1:** Should be:
  - i. promoted to the status of a standard;
  - ii. amended to include a basis for assessment, including veterinary advice and focused on considerations relevant to the safety and wellbeing of the sheep rather than economics or convenience, of when a situation truly supports the claim that "there are no alternatives"; and
  - iii. clarified to note that the procedures should only be performed where they result in all three listed benefits, rather than any one (insert ",and" after "better flock management")
14. **G6.5 – G6.8:** Should be promoted to the status of standards.

15. **S7:** The mulesing standards should be amended so that:
- a. the various matters currently mandated in MCOP mulesing Appendix:
    - that have been demoted from requirements to guidelines continue to be afforded the status of standards
    - that have been eliminated altogether be included as standards
  - b. the standards set forth sanction-reinforced deadlines requiring the good faith pursuit of regulatory approval for adequate long-lasting pain relief options
  - c. the note accompanying the mulesing standards be removed and replaced with “Mulesing is considered to include removal of skin from the breech using shears, injections and clips”.
16. **G7.1:** Should be:
- i. promoted to the status of a standard; and
  - ii. amended to replace language recommending that the listed alternatives “should be considered” with language mandating that mulesing must not be used unless the listed alternatives have been actively and exhaustively explored and trialed for their effectiveness in similarly controlling strike.
17. **G7.7:** Should be:
- i. promoted to the status of a standard;
  - ii. amended to include a basis for assessment, focused on considerations relevant to the safety and wellbeing of the sheep rather than economics or convenience, of when a situation truly supports the claim that “there are no alternatives” to mulesing; and
  - iii. clarified to note that mulesing should only be done where the procedure results in all three listed benefits, rather than any one (insert “,and” after “better flock management”)
18. **G7.8:** Should be:
- i. promoted to the status of an enforceable standard; and
  - ii. amended to replace “pain relief where practical and cost-effective methods are available” with “a pain relief regime designed to ensure the most effective and long-lasting relief for the sheep”.

### **RIS - Proposed Options and Variations**

19. **Option A:** Should be rejected.
20. **Option B:** Should be rejected.
21. **Option C – Variation C1:** Should be adopted.

RIS discussion regarding Option C – Variation C1 and in all other applicable instances should be amended to:

- adopt more of a governmental leadership role in setting the pace and tone for a commitment to phasing out mulesing;

- forensically scrutinise industry claims that no viable alternatives are currently available and that a flystrike epidemic would automatically descend without mulesing; and
- provide at a minimum an aspirational statement but preferably a detailed blueprint for ensuring that the proposed incremental steps towards improving welfare, such as the provision of topical pain relief, are treated as interim measures in pursuit of an ultimate enforceable commitment to eliminating mulesing.

RIS discussion of Option C – Variation C1 should also be amended to set out meaningful goals for registering and implementing an effective combination of pain relief measures.

22. **Option C – Variation C2:** Should be adopted in conjunction with Variation C1.

The RIS discussion of Option C – Variation C2 should be:

- i. similarly amended as regards Variation C1 above
- ii. amended to include acknowledgements that:
  - imposing such an age limit cannot be seen as a comprehensive welfare solution on its own, and
  - mulesing is still acutely painful and distressing for young lambs.

**D. *Comments on the drafting and consultation process***

1. In PETA's view, the longstanding design of animal welfare laws to excise swathes of conduct from state cruelty acts by allowing any conduct that complies with a code of practice fails animals on a daily basis.

Codes of practice are written by and for industry interests rather than for the protection of animals. Practices that would otherwise constitute blatant cruelty to animals, once brought under the auspices of a code, are shielded from scrutiny and prosecution.

As the process for shaping and implementing welfare codes revolves around the input and preferences of the industry being regulated, they should not be afforded the status of enforceable law without being subjected to the rigor of legislative review.

As has been repeatedly noted by other animal protection groups in welfare law public consultation submissions, the standards that govern acceptable treatment of animals should be incorporated into the state cruelty acts themselves, where the presumptions and compromises that inform the standards can be subject to parliamentary scrutiny and debate.

To circumvent the evaluative standards of the legislative process in favor of consulting with industry on their preferences regarding laws that will govern them, where it is consistently demonstrated that those preferences are

informed primarily by interests other than the welfare of the animals in their care, inevitably fails the animals the laws purport to protect.

PETA submits that a revision of welfare laws that aims to truly implement improved protections for sheep should occur through a review and revision of the state acts.

2. The RIS and associated materials strive to create the impression that the consultation and drafting process so far has been a collaborative effort, and that the draft standards are a result of balancing input from stakeholders in both industry and welfare arenas. That implication is disingenuous at best. The RSPCA, for example, named as one of the key welfare groups consulted during the drafting process, has objected to the lack of meaningful participation afforded to the welfare groups consulted.<sup>1</sup>
3. In responding to the RSPCA's concerns noted above, a representative from Animal Health Australia (AHA) declared "It's important that the livestock industries have ownership of these standards and guidelines."<sup>2</sup> It is this approach to crafting the standards that betrays the animals at the most fundamental level. To allow the principal subjects of the law to take the reins in drafting that law is nonsensical.
4. This acquiescence to industry interests contaminates and dilutes the draft standards throughout. As the RIS notes: "The non-enforcement of the recommendations (guidelines) is a fundamental premise on which industry engagement and support for this process is based." As discussed in more detail below, many of the most basic and essential standards of care are relegated to unenforceable "guideline" status.

It is simply an unacceptable method of crafting law to accede to the transparently self-serving demands of those governed at the expense of those protected. PETA submits that it is wholly inappropriate and ultimately destructive for the federal government to allow itself to be held to ransom in this manner.

5. PETA is also appalled to observe that, even given that the drafting process is not subject to the rigor of legislative review and is mainly the result of industry input, the drafting committee is still apparently exasperated with the burden created by the obligation to consider public comments that object to the failings of the draft standards. As an AHA representative noted in regards to public consultation, "We anticipate there will be a fair bit of welfare interest to the contrary and welfare organisations will propose contrary positions to what is in the standards and they will mobilise their members to participate in public consultation."<sup>3</sup> That the drafting body expects that significant sectors of the community will object to the standards as fundamentally lacking, and has proposed the standards in their current form regardless and is simply lamenting the time that will be consumed in receiving those objections, only

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<sup>1</sup> Sabina Locke, "[RSPCA attacks proposed animal welfare standards](#)", ABC Rural, 25 October 2012

<sup>2</sup> Ibid.

<sup>3</sup> Deanna Lush, "Short time to consider welfare laws", The Land, 15 September 2012.

serves to reinforce the evident lack of real consideration being paid to welfare priorities throughout this consultation process.

E. *General comments on the success of the proposed standards in meeting the objectives outlined in the RIS*

1. The RIS states one of the key briefs in developing the proposed standards was to address the current problem of “[u]ncertainty for industry due to a lack of clear and verifiable standards”. PETA submits that the draft standards fail to meet this brief as the standards rely heavily on a range of concepts and terms such as “reasonable” and “competent” that are purposely resistant to clarity and specificity.
2. The RIS also notes that “[t]he mulesing procedure and associated welfare impacts are of most concern in this RIS”. In their currently proposed iteration, the draft standards offer zero improvement on the welfare standards applicable to mulesing available in the current Model Code of Practice (MCOP). If mulesing is to be the tentpole welfare concern purported to be addressed by the revised standards, it is illogical to entrench the existing standards and offer no actual welfare improvements. As submitted below, at a minimum the final standards should take up the Options proposed in the RIS that would result in at least some relief and improvement for the sheep.
3. A common thread throughout the proposed materials is that the ultimate objectives are to position mulesing as a last-resort option when all other available control methods have been exhausted and, where mulesing is employed, that it be performed in a manner that minimises pain and distress. Both are well-stated goals, but both are belied by the meekness of the proposed standards and the clear inability of the standards as drafted to ensure either objective is meaningfully pursued.

The current MCOP and associated state codes state the same objectives. As confirmed in the RIS, the vast majority of lambs in the key wool-producing states are still mulesed, and millions each year are mulesed without any pain relief.

Farmers are left to decide for themselves, outside any legally enforceable standard specifying when a decision that mulesing is the only available option might be valid, in what circumstances mulesing is “necessary”. Farmers who choose to substitute “familiar”, “easy” and “cheap” for “best for the sheep” can continue to do so unchallenged under the vague, malleable proposed standards.

4. The standards and RIS also fail to make any effort to address eliminating mulesing as a valid option. The RIS simply notes in its background information “In 2004 the wool industry agreed that mulesing would be phased out by the end of 2010. Although this is still the long-term goal, there is no longer a fixed deadline.” As a process touted as seeking to produce the best welfare outcomes for sheep, a revision of the current governing standards should strive to take more of a governmental leadership role in setting the pace

and tone for acknowledging and pursuing this objective. This is especially important given the inadequacy of the guidelines related to mulesing discussed below.

Instead, the RIS accepts as settled truth many myths propagated by the wool industry, such as the claims that viable alternatives are not currently available and that the current practice cannot be phased out without an epidemic of flystrike automatically sweeping the nation – even though the 3-year Tyrell, Larsen and Anderson trial cited in the accompanying discussion paper found that the unmulesed sheep had a lower overall incidence of flystrike than surgically mulesed sheep, confirming that more vigilant and comprehensive husbandry regimes are most effective at preventing and managing strike.

PETA therefore maintains its position that mulesing is an unnecessary mutilation that is performed in Australia despite the availability of humane options. The RIS presents no evidence to support the view that there is still a need to mules sheep for effective breech flystrike control. It instead glosses over telling statements of priority regarding the focus on cost, efficiency in large-scale production systems and a commitment to controlling flystrike “to ethically acceptable levels”, presumably a level sufficient to placate a concerned public rather than with a focus on the welfare of individual sheep.

The need for the draft materials to actively reinforce a commitment to eliminating mulesing is particularly great given the danger – no doubt in some quarters even anticipation and hope - that “improvements” to welfare laws relating to mulesing pain relief will breed complacency and consequent stagnation of any efforts to build upon that improvement and push for a widespread end to mulesing.

Incremental nods to welfare improvement, such as those contained in the draft materials, must be seen and described as interim measures in pursuit of the ultimate goal of eliminating mulesing, rather than solidified into the only and best effort that shall be made going forward.

Taking selective breeding as just one example of available alternatives, genetic advancement does not require a long time to come to fruition. Indeed, many proactive wool producers have successfully moved to plain-bodied or bare-breech sheep with great success. With the Cooperative Research Centre for Sheep Industry Innovation recently announcing that – thanks to a concerted effort to breed plain-bodied sheep – there should be no surgical mulesing in about five years' time, this is an ideal time for the new national standards to reflect the change in industry capabilities and bring in an earlier end to this unnecessary mutilation.

PETA submits that surely the RIS and ideally even the standards themselves should outline at a minimum an aspirational statement but ideally a detailed blueprint for making sure these refinements are a stepping stone to be replaced with an enforceable commitment to more humane alternatives in the foreseeable future.

5. Ultimately, PETA's view is that the "improvements" proposed by the draft standards and RIS are comprehensively inadequate and represent a missed opportunity to introduce real change driven by genuine welfare considerations. Even the best possible welfare outcomes, as they are currently framed under the proposed menu of variations, are anaemic and incomplete.

The RIS notes the updates are in response to changing community values, greater emphasis on welfare by international trading partners, and the increasing criticism of the development process and the substance of the existing model codes. This overhaul is an opportunity to position Australia's legislative welfare framework in a new light and at a new level; that opportunity is lost when the "new" standards in fact rehash or in some key instances downgrade current standards and introduce piecemeal, timid concessions that still focus on the commercial desires of industry rather than securing improved welfare outcomes.

PETA's bases for the above position in relation to particular standards and guidelines are detailed below.

#### ***F. Comments on particular proposed standards and guidelines***

1. PETA's comments on particular standards and guidelines are below. PETA submits as an overarching objection that the use of a deliberately vague and malleable "reasonableness" principle throughout the standards eviscerates their potential effectiveness from the outset.

The draft standards define a "reasonable" action as one "regarded as reasonably to be done by an experienced person in the circumstances to address a problem, as determined by accepted practice and by other similarly experienced people". Put another way, all actions that would properly be classified as cruelty to animals, but for the fact that industry has entrenched them for any reason they deem fit, will be excused from scrutiny. Threading this shield of "reasonableness" throughout all key proposed standards heralds the inevitable uselessness of the document in offering any meaningful protections for sheep.

#### **2. Feed and water**

- a. **S2.1:** The standard requires only that sheep have "reasonable" access to feed. As noted above, "reasonableness" is intended to be determined by what others in the industry are doing, rather than what is necessary for the welfare of the sheep.

**Recommendation:** That the standard be redrafted to require sheep have access to adequate and appropriate feed sufficient to meet all welfare needs, as judged by clear, verifiable factors. Remove "reasonable", as defined, as a consideration.

- b. **G2.1:** The guideline notes that "[f]eed and water deprivation exceeding 48 hours should be avoided", but notes caretakers may deprive sheep of

access to feed and water for up to 48 hours for “reasonable management practices”.

It cannot sensibly be said that depriving sheep of access to water for days is done out of anything remotely relating to a paramount welfare concern. As there is no reasonable welfare factor that would warrant depriving sheep of access to water for such an extended period, it is clear that the inconvenience of waste and the time and cost of attending to it are the drivers behind this guideline. Such considerations cannot plausibly be offered up as ‘reasonable’ counterpoints against the uncontested adverse welfare implications for the sheep.

There is also no distinction here between what time periods may be acceptable in cooler weather and climates and what may be acceptable at the height of summer.

**Recommendation:** That the guideline be:

- i. promoted to a standard;
- ii. amended to significantly reduce the maximum allowable period of deprivation, such period to be determined by reference to considerations of welfare and weather conditions rather than convenience; and
- iii. amended to replace the toothless observation that extended periods of deprivation “should be avoided” with a hard limit

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

- a. **S3.2:** The standard requires the inspection of sheep “at intervals”, at a level “appropriate to” the production system and risk level. There is no further elaboration on what an acceptable frequency of inspection might be or how long an “interval” might be acceptable.

It is left entirely to caretakers’ discretion to determine for themselves what they consider “appropriate” as regards how thorough an inspection should be, and whether an inspection need be on an individual or mob basis.

The wool industry has been notably vocal about the dangers and horrors of flystrike in high-risk areas, yet there is no attempt here to codify any mandatory minimums regarding commitments to frequently and adequately inspect sheep in such areas.

PETA also notes that the discussion paper on mulesing presented in consultation with the draft materials outlines research revealing the limited effectiveness of clips in controlling strike and the conclusion that “to effectively control breech strike...clipped sheep should be treated as if they were unmulesed.” PETA therefore recommends such inefficacy be factored into decisions when and how to inspect sheep.

**Recommendation:** That the standard be amended to:

- i. more clearly define requirements re maximum times between inspections specified for each production system type;
  - ii. more clearly define what an inspection must entail, and when inspection on a mob basis will be insufficient;
  - iii. specify that decisions regarding sheep who have undergone clip mulesing should be made on the same basis as if the sheep had been unmulesed; and
  - iv. specify particular inspection requirements for recognised higher-risk areas.
- b. G3.6:** It is unacceptable that the need to provide sheep with adequate shelter is relegated to the status of a guideline, and in addition that that guideline recommends simply that “consideration should be given” to providing shade or sheds in the absence of natural protection.

Given that disagreement continues both within industry and between welfare and industry interests as to what might constitute “adequate” shade and protection, clarification is clearly needed.

**Recommendation:** That matters dealt with in G3.6 be promoted to an enforceable standard requiring all sheep to be provided with adequate shelter, shade and similar protection.

That standard should also make efforts to better define what might be accepted as adequate shelter and protection.

- c. G3.7:** It is similarly nonsensical that a providing protection to shorn sheep during cold and changing weather is classified as a recommendation.

**Recommendation:** That G3.7 be promoted to an enforceable standard.

- d. G3.9:** The wool industry demonstrably makes scheduling decisions regarding sheep handling on the basis of expediency rather than welfare. PETA regularly learns of sheep being shorn during the height of summer, resulting in the sheep being mustered and confined (without access to water) for extended periods.

It is also odd that “extremely hot” is offered as the test of acceptability here. Weather conditions are a readily quantifiable and objectively assessable matter, and harried or self-interested caretakers may err on the side of deciding they do not believe the day is “extremely hot” when deciding whether to handle sheep in their care.

**Recommendation:** That G3.9 be:

- i. promoted to an enforceable standard prohibiting handling during extreme weather except where such handling is primarily in the interests of welfare; and

- ii. amended to include an objective definition of what temperature and conditions will be deemed to constitute extremely hot weather.

#### 4. Facilities and equipment

- a. **G4.2:** As noted regarding G3.6 above, relegating the need to provide adequate shade to sheep to the status of an unenforceable recommendation is unjustifiable.

**Recommendation:** That G4.2 be promoted to an enforceable standard requiring caretakers to provide shade sufficient to ensure penned animals' welfare.

#### 5. Handling and husbandry

- a. **S5.1:** The standard states that a person must not:

- i. “strike in an unreasonable manner, punch or kick”.

The effect of the inclusion of this language is to codify the legal acceptability of striking sheep, as long as the animals are struck in a “reasonable” manner. While this is telling of the tolerance level of industry for casual animal abuse, it is a reprehensible standard to set in a document that purports to protect the welfare of animals.

The RIS presents S5.1 as offering welfare improvements to currently mishandled sheep. While the proposed standard is certainly more particular and expansive than its MCOP equivalent, the MCOP states “[i]t is essential that the catcher handle sheep gently to reduce stress to individual sheep and to other sheep nearby.”<sup>4</sup> The deterioration of this position into an allowance that sheep can be struck “reasonably” is the antithesis of an improvement for welfare prospects.

- ii. “drag sheep that are not standing by only one leg...or drag by the ears, tail or wool”.

The standard also addresses lifting, throwing and dropping sheep. During handling for shearing and other procedures sheep are also typically dragged, yanked and shoved, and twisted bodily. The standard should embrace the opportunity to address all rough and unacceptable handling.

In addition, it is illogical from a welfare perspective to accept dragging a standing, but not lying, sheep by one leg, which is the effect of the language as currently drafted.

**Recommendation:** That the standard be amended to:

- i. remove “in an unreasonable manner” from S5.1(3)

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<sup>4</sup> Model Code of Practice for the Welfare of Animals – The Sheep, ‘8.2 – Handling and Movement’

- ii. encompass all manner of rough handling in the standard
- iii. remove “that are not standing” from S5.1(4)

- b. G5.19:** It is a glaring omission from the enforceable standards in this section that conduct relating to shearing is addressed merely in guidelines, given shearing and handling for shearing cause sheep some of the most severe injuries and distress.

There is no standard to which this guideline could plausibly be said to respond. It is not a guideline that elaborates on a minimum enforceable standard – the only draft standard related to shearing merely addresses the need to shear before wool grows too long.

Therefore, the need to take care when shearing to minimise cuts is ineffectually positioned as an entirely optional consideration. Given that almost every, if not every, sheep shorn sustains a range of wounds variously to their head, neck, ears, limbs, back, torso and/or genitalia that can range in severity from a cut or gash through to a wound that exposes underlying muscle tissue or amputates a teat or part of an ear, it appears to be a deliberately calculated choice to omit an enforceable requirement to take care to minimise cuts based on the industry’s awareness of the dismal level of care that is indeed exercised.

Further, the guideline notes regarding the treatment of wounds sustained during shearing simply that “severe cuts should be treated at the first reasonable opportunity”. As acknowledged by the inclusion of the word “severe” here, the vast majority of wounds inflicted upon sheep during shearing are left completely unattended to. PETA submits that a caretaker’s obligation to provide adequate care to animals who have wounds inflicted upon them is a fundamental one and should be addressed here.

Those sheep who do sustain wounds judged grave enough to be “treated” typically receive “treatment” in the form of having those wounds crudely sewn shut with an unsanitised needle and thread and without being given any form of pain relief. This is inarguably acutely painful and distressing for the sheep, and there is no valid rationale for allowing economy and convenience to outweigh the need to mitigate that pain and distress.

**Recommendation:** That a standard be inserted specifically dedicated to the handling and treatment of sheep before, during and after shearing and that that standard:

- i. obligate shearers to shear sheep in a manner that is primarily concerned with their wellbeing and welfare, rather than speed and harvest quality;
- ii. broaden the definition of wounds that must be attended to beyond only “severe cuts”; and
- iii. require that a person treating a shearing wound do so with sanitary materials and the administration of adequate pain relief.

- c. **G5.20:** It is wholly inadequate for the matters addressed here to be consigned to the status of a guideline that should be “considered”. Caretakers must have an obligation to provide adequate shelter to newly shorn sheep and to forgo shearing if cold, wet or windy weather occurs or is expected and adequate shelter is not available.

It is equally inadequate to merely “recommend” that caretakers “consider” ensuring adequate feed and water is available for newly shorn sheep. The proposed materials recognise that animals confined for human benefit have a fundamental right to receive adequate food and water. To allow caretakers to elect at what point they might deny that right for reasons entirely unrelated to welfare goes against the key objectives of the documents.

**Recommendation:** That G5.20 be promoted to an enforceable standard and specify that:

- i. shearing must not occur if cold, wet or windy weather occurs or is expected and adequate shelter is not available; and
- ii. newly shorn sheep must be provided with shelter, food and water sufficient to meet all welfare needs.

## 6. Tail Docking and Castration

- a. **S6.2:** It is an uncontested point that tail docking causes intense pain and severe distress. The accompanying discussion paper acknowledges that “[a]ppropriate pain relief should be used for tail docking”, as well as noting the 2008 UK Farm Animal Welfare Council (FAWC) report’s conclusion that “there is no evidence to indicate that the pain responses in lambs docked below one week is less than that for animals docked at older ages” and the RSPCA’s standing policy that pain relief should be used.

That being so, there is no scientific or welfare-focused justification for this standard requiring pain relief only where sheep are more than 6 months old.

**Recommendation:** That S6.2 be amended to remove the words “that are more than 6 months old”.

- b. **S6.4:** It is similarly uncontested that castration causes pain and distress to sheep. The accompanying discussion paper notes the FAWC report recommendation that lambs not be castrated but where the procedure is performed pain relief is administered, and that veterinarians perform any procedures on lambs over 3 months of age. The paper also notes the Australian Veterinary Association’s stance that castration of sheep over 3 months old should be treated as a major surgical procedure.

In PETA’s view there is therefore also no scientific or welfare-focused justification for this standard requiring pain relief only where sheep are more than 6 months old.

PETA notes the discussion in the draft materials that acknowledges the inadequacy of the current pain relief options for castration. As discussed more extensively below regarding mulesing, PETA urges industry to pursue regulatory approval for appropriate long-lasting products with alacrity. In the interim current relief options should be employed in all cases.

**Recommendation:** That S6.4 be amended to remove the words “that are more than 6 months old”.

- c. **G6:1:** Classifying an obligation to perform tail docking or castration only where there are no alternatives as a guideline makes it effectively meaningless. Farmers should only be authorised to perform these procedures where all other options have truly been exhausted.

The accompanying discussion paper additionally notes the RSPCA’s standing policy that “the docking of the tail of any farm animal species must only be carried out under veterinary advice on the grounds of an individual animal’s health”

**Recommendation:** That G6.1 be:

- promoted to the status of a standard;
- amended to include a basis for assessment, including veterinary advice and focused on considerations relevant to the safety and wellbeing of the sheep rather than economics or convenience, of when a situation truly supports the claim that “there are no alternatives”; and
- clarified to note that the procedures should only be performed where they result in all three listed benefits, rather than any one (insert “,and” after “better flock management”)

- d. **G6.5 – G6.8:** These guidelines address employing good hygiene, taking steps to avoid infection, and appropriate restraint and handling of lambs – surely some of the most basic and fundamental protections that caretakers should be required to afford to all lambs, rather than merely consider as a best practice guideline.

**Recommendation:** That G6.5 – G6.8 be promoted to the status of standards.

## 7. Mulesing

### a. General comments

- i. The current MCOP states “[w]here the mules operation is conducted, it must be performed in accordance with Appendix 3: Mulesing”. That Appendix sets out detailed minimum requirements regarding how the procedure is to be conducted, and those requirements are given the force of law available to requirements that “must” be complied with.

In the proposed materials virtually all such specific requirements have been downgraded en masse to the status of guidelines, including the need for clean facilities and well-grassed paddocks, well-designed cradles, use and maintenance of clean and sharp shears, hygiene standards and practices, specifics of the cutting technique to be used and the maximum extent to which skin may be cut away, and prohibitions on the use of dunking containers and paintbrushes. In some cases, such as the need to maintain cradles, the requirements have been eliminated altogether.

It is telling that industry prefers many of the most basic welfare-driven considerations to be optional luxuries, but such a decision has no basis related to the welfare of the sheep.

**Recommendation:** That the matters listed above from the MCOP:

- that have been demoted from requirements to guidelines continue to be afforded the status of standards
  - that have been eliminated altogether be included as standards
- ii. As noted above, as proposed the draft standards and guidelines offer zero welfare improvements over the current MCOP regarding mulesing. The MCOP limits the maximum mulesing age to 12 months, and requires pain relief to be administered to lambs mulesed over the age of 6 months. In both respects, the proposed standards are identical. PETA is at a loss as to what the touted improvements in this area are intended to be.
- iii. It is PETA's position that all mulesed lambs should be administered, prior to the procedure, pain relief adequate to address the pain inflicted while their skin is being cut off their bodies as well as the pain endured after the cutting is finished.

The current pain relief options used by caretakers mulesing their lambs are manifestly inadequate, as acknowledged in the RIS and the accompanying discussion paper regarding mulesing. As the research outlined in those materials reiterates, an effective pain relief regime requires a combination of relief administered before and after cuts are made. Non-inflammatory drugs administered must be sufficiently long-lasting to address the extended periods of pain suffered following the procedure.

There appears to be no sound reason preventing non-inflammatory drugs widely used to relieve pain in cats, dogs and other animals from being pursued for regulatory approval in this context. As one of the key concerns is the additional cost of such drugs, the industry's failure to take any action in this area is no doubt related to merely economic factors, as there is patently no welfare benefit to delaying here.

The RIS, in acknowledging that effective pain relief requires a combination pre- and post-mulesing administration of anaesthetic and

analgesic, limply notes “[o]ther pain relief options need to be considered if the acute stress response to the procedure is to be reduced...However, given there are no non-steroidal anti-inflammatory drugs that are currently registered for sheep in Australia; pain relief is recommended in the form of topical anaesthetic post-cut.”

It is utterly unsatisfactory for a revision of welfare standards aimed at providing key welfare improvements in this area to simply lament the lack of an adequate solution and challenge the point no further, when the scientific consensus is that solutions are available should regulatory approval be obtained.

**Recommendation:** That the standards set forth sanction-reinforced deadlines requiring the good faith pursuit of regulatory approval for adequate long-lasting pain relief options.

- iv. PETA opposes the total excision of clip mulesing from regulation as a “non-cutting technolog[y]”. Clip mulesing is still a significantly painful process. It is illogical to free it from any requirements regarding skilled users, removal of only wool-bearing skin, age and health limits simply because it does not draw blood and with it public ire.

Similarly, as trials have shown that the use of intradermal injections to destroy breech skin still result in clear indicators of pain and distress, PETA does not consider the use of such injections to be a humane alternative to mulesing, and believes they should be subject to similar regulation.

**Recommendation:** That the note accompanying the mulesing standards be removed and replaced with “Mulesing is considered to include removal of skin from the breech using shears, injections and clips”.

- b. **G7.1 and G7.7:** As noted above, the vast majority of lambs in the key wool-producing states are still mulesed. The more candid of those who mules have made their key objection to eliminating the procedure very clear – that it would take more time and money than they are willing to devote to regularly monitor and attend to sheep that currently they mules often as a ‘one stop’ solution.

Classifying an obligation to perform mulesing only where there are no alternatives as a guideline renders it entirely impotent. It is cannot be plausibly asserted that the vast majority of sheep farmers are incapable of effectively managing sheep in their charge without mulesing and have come to the decision to mules as a last resort after all other options have been tried and exhausted.

**Recommendations:**

- i. That **G7.1** be:

- promoted to the status of a standard; and
  - amended to replace language recommending that the listed alternatives “should be considered” with language mandating that mulesing must not be used unless the listed alternatives have been actively and exhaustively explored and trialed for their effectiveness in similarly controlling strike
- ii. That **G7.7** be:
- promoted to the status of a standard;
  - amended to include a basis for assessment, focused on considerations relevant to the safety and wellbeing of the sheep rather than economics or convenience, of when a situation truly supports the claim that “there are no alternatives” to mulesing; and
  - clarified to note that mulesing should only be done where the procedure results in all three listed benefits, rather than any one (insert “,and” after “better flock management”)
- c. **G7.8:** The inclusion of the qualifiers in this guideline that pain relief should only be used where “practical” and “cost-effective” methods are available inevitably asks caretakers to assess the matter on grounds of pure self-interest rather than factors properly related to welfare.

Given the various ways in which caretakers exploit sheep for their flesh and fibre, it is unclear to PETA how caretakers could validly conclude that the \$0.95/lamb expenditure calculated in the RIS for currently available pain relief is too costly.

What factors are caretakers permitted to take into account in deciding such a paltry expenditure is not cost-effective? What minimal effort must caretakers expend before deciding that the administration of a topical anaesthetic to an already restrained lamb is beyond practicality?

Given there is no dispute that, as inadequate as it is, the currently available pain relief does provide some welfare improvements for mulesed lambs, that fact should be the primary consideration in deciding to administer it. As millions of mulesed lambs each year are denied any pain relief, it is clear leaving it to individual discretion is not serving the sheep well.

**Recommendation:** As discussed further below in comments regarding the proposed Variation C1, that the guideline be:

- i. promoted to the status of an enforceable standard; and
- ii. amended to replace “pain relief where practical and cost-effective methods are available” with “a pain relief regime designed to ensure the most effective and long-lasting relief for the sheep”.

## ***G. Comments on the Options proposed in the Regulatory Impact Statement***

### **1. General comment on the fallacy of the ‘money v welfare’ evaluation basis**

As the RIS acknowledges (but, remarkably, then totally disregards as it continues to work through this very assessment), it is inappropriate to weigh

up financial consequences against welfare benefits. The cost-benefit nature of the RIS assessment could only be accepted as a valid structure should the competing factors be accepted as equivalencies. As they should not and cannot, consideration of consequences for welfare – in an assessment of materials aimed at protecting welfare – must be paramount.

It is telling that the accompanying discussion paper repeats an observation from Australian Wool Innovation that “[c]urrently there are no significant premiums or discounts for mulesing status of wool”. As well as challenging the validity of including this claim in the absence of evidence to support it, PETA objects to the consideration of such factors in assessing whether optimal welfare protections should be afforded to sheep.

The RIS seeks comment on a number of possible options for and variations to the proposed standards. PETA’s comments on the options and variations relevant to its welfare-focused concerns expressed so far are outlined below.

## **2. Option A – Converting the Proposed Mandatory Standards into National Voluntary Guidelines**

It is astounding that one of the options presented by the Animal Welfare Committee for serious consideration following the lengthy development process is to settle on an unenforceable guideline with no real improvement in welfare prospects whatsoever.

As the state Codes would remain in force under this option, arguably sheep would be in some ways better off as they would for instance continue to enjoy the more comprehensive protections of the MCOP’s mulesing appendix in adoptive states, meaning that requirements regarding hygiene and cutting techniques and so forth would continue to be afforded the force of law, an advantage that has as discussed above been diluted broadbrush in the proposed standards.

If however we are to accept in any part the argument that the proposed standards represent far-reaching welfare improvements for sheep, it simply reveals the utter gall of industry to offer this option up as a feasible contender. The sheep deserve better than this level of “progress”.

**Recommendation:** That Option A be rejected.

## **3. Option B –The Proposed National Standards As Currently Drafted**

As observed above, the proposed standards in their current form offer zero improvement on current requirements regarding mulesing. For that reason as well as all the other shortcomings detailed above, the standards as currently drafted are insufficient to address the spectrum of sheep’s welfare needs.

**Recommendation:** That Option B be rejected.

#### 4. Option C – Variation C1: All Mulesing With Pain Relief

- a. PETA objects to this section’s unquestioning dismissal of a mulesing phase-out as a feasible option. It instead simply notes that “[a] total mulesing phase out has not been asked to be considered at this time because of the overall negative impacts on the welfare of a large proportion of the national sheep flock and consequential impacts on farm viability”. What parties formed the decision not to ask for this to be considered? What factors prevent that assessment being requested? What objective analysis was performed of the real factors behind the overall negative impacts on welfare, such as the reluctance to spend more on alternatives and expend more effort on monitoring and crutching?

As this omission has the most grave and far-reaching welfare consequences for sheep, it is wholly unsatisfactory that it is so baldly accepted here.

- b. As discussed above, the RIS’ resigned discussion of the limited and inadequate pain relief options available for mulesed sheep should be elevated to set out meaningful goals for registering and implementing an effective combination of pain relief measures.
- c. That said, Variation C1 contemplates mandating the use of currently available post-cut topical relief on all mulesed lambs. As previously noted, PETA cannot see how the proposed standards fulfil the brief of offering any welfare improvements for mulesed sheep if this Variation is not adopted.

There is no factor that prevents farmers from providing available pain relief to their mulesed lambs other than money. There is no question that the currently available topical application provides at least some welfare benefit to mulesed lambs. As the vast majority of lambs in all key wool-producing states are still denied this relief, it is clear that leaving the decision to each farmer’s conscience is not working. Making the obligation to provide pain relief to all mulesed lambs legally enforceable is essential.

- d. Both the AVA’s and RSPCA’s position papers on the issue, as noted in the accompanying discussion paper, state that pain relief should be provided in all circumstances where mulesing is performed (and, it is worth noting, supported a 2010 deadline to end surgical mulesing entirely). Consensus on this issue from the representative bodies of key welfare perspectives simply reinforces the need to mandate this improvement as a bare minimum requirement.

#### **Recommendations:**

- i. As also detailed in E.4 above, that discussion in the RIS regarding Option C – Variation C1 and in all other applicable instances be amended to:
  - adopt more of a governmental leadership role in setting the pace and tone for a commitment to phasing out mulesing;

- forensically scrutinise industry claims that no viable alternatives are currently available and that a flystrike epidemic would automatically descend without mulesing; and
  - provide at a minimum an aspirational statement but preferably a detailed blueprint for ensuring that the proposed incremental steps towards improving welfare, such as the provision of topical pain relief, are treated as interim measures in pursuit of an ultimate enforceable commitment to eliminating mulesing.
- ii. That the RIS discussion of Option C – Variation C1 be amended to set out meaningful goals for registering and implementing an effective combination of pain relief measures.
  - iii. That Option C – Variation C1 be adopted.

#### **5. Option C – Variation C2: Restricting Mulesing Age To Less Than 6 Months Of Age**

- a. This section of the RIS replicates the discussion noted above regarding the inability to consider a phase-out of mulesing. PETA repeats its objections to the inclusion of such assertions here.
- b. PETA notes that the proportion of sheep currently mulesed over the age of 6 months is relatively negligible. Were this to be the only option or variation adopted that purported to offer welfare improvements for mulesed sheep, the overall improvement would therefore be similarly negligible. It would also result in a standard that did not require pain relief to be given to any mulesed lamb.

PETA questions whether the inclusion of this Variation is offered as a truly good faith effort to explore options for real welfare improvements, rather than a cynical show of ostensible improvement that in reality would offer some level of relief to a fraction of one per cent of mulesed sheep.

- c. What level of relief would be afforded to those sheep mulesed over the age of 6 months is also debatable. PETA submits that the election of 6 months of age as a limit - below which lambs can be considered to suffer less and be dealt with accordingly - is arbitrary and convenience-based. There is no mention in the RIS or accompanying discussion paper of any science supporting this age limit as a welfare-focused choice – while the materials do note that performing mulesing at the same time as tail-docking and castration avoids extra mustering and handling, no science is offered to support the choice of this age limit as one below which lambs suffer less during mulesing.
- d. PETA continually encounters the troubling belief throughout various sectors of the industry that young lambs feel no pain at all, less alone less than older sheep. The perceptions that young lambs suffer less during the procedure is based upon observations that younger sheep rebound more quickly from the procedure, as they mother up and feed. As prey animals, sheep will endure debilitating levels of pain before shying away from

normal behaviours, as their driving instinct is to conceal from predators any sign that they may be weak or wounded.

PETA submits that the RIS discussion of this Variation should at the very least include acknowledgement that this Variation taken alone is insufficient to provide real welfare improvements for the most mulesed lambs.

**Recommendations**

- i. That the RIS discussion of Option C – Variation C2 be:
  - similarly amended as regards Variation C1 above
  - amended to include acknowledgements that:
    - imposing such an age limit cannot be seen as a comprehensive welfare solution on its own, and
    - mulesing is still acutely painful and distressing for young lambs.
- ii. That Option C – Variation C2 be adopted in conjunction with Variation C1.