

Submission regarding the proposed standard amendment to SB 4.5- to be included in the Australian Animal Welfare Standards and Guidelines- Land Transport of Livestock ('The Standards and Guidelines') .

I am writing on behalf of the Southern Cross University Animal Law Club (SCUALC) based in the Northern Rivers District of NSW, with members across NSW and Australia wide. We are law students, academics and others with an interest in seeing laws and regulatory infrastructure which better reflects the needs of animals and does not merely address industry's economic concerns. We believe that industry owes a duty of care to animals and that welfare is a top priority.

SCUALC is opposed to the proposed amendment. The recommendation that the off feed period be extended to 30 hours for bobby calves is based on inconclusive science, with an industry focus. The reports and science show insufficient grounds on which to base such an important decision, relying on the subjective interpretation of 'significant' impost- and only then in terms of transport times, not off feed times.

Extreme care should be taken to ensure the best welfare interests of the animals is taken into consideration and the science on which this decision is based is by far too vague, biased and superficial to form the rationale on which to deprive animals of their food for such a significant period of time. It is disappointing that this decision is concluded on an as yet unpublished report, commissioned and summarised by the Dairy Industry (the Fisher et al report) which essentially concluded that transport itself did not 'significantly' add to the already stressed conditions of the bobby calves. Without being able to read the full report, we can only rely on the abstract which states " *Most variation in blood variables measured was due to time off feed, rather than transport duration.*"

It does not really test the effect of off feed for 30 hours, but rather transport after 30 hours off- feed and is therefore an irrelevant study for the purpose of determining whether 30 hours off feed is detrimental to the welfare of the calves. The control group were also deprived of food for 30 hours, thereby not having a fair comparison from which to draw an accurate conclusion. This is bad science, or at best, irrelevant science. We are unable to even determine the sample size, temperatures at time of the study (NZ and Australia having significantly different climates) or any other variable. It is unfair to 'consult' the public without making relevant facts available.

The public consultation draft makes repeated comments on the impact of off feed periods on humans, conflict with employment law and other such human concerns. There is scant information analyzing the impact on the animals themselves. It would be an unwise decision to proceed with this proposed amendment, especially after pronouncing that science and not emotion or ethics based rationale are preferred. It appears that insufficient legal analysis and research has been undertaken as the amendment may well conflict with both the stated principles of the Standards and Guidelines and the *Prevention of Cruelty to Animals Act, 1979* (NSW). S 8(2) of that Act makes clear that although stock animals are exempt from the positive duty to provide adequate food, water and shelter in a 24 hour period, it is clear that the legislative intent is to establish prima facie cruelty when animals are denied food and water for more than that period other than in drought conditions.

This amendment represents a much longer period off feed than in the Model Codes and with the CSIRO having conducted more research than what has gone into the science backing this proposed amendment, a serious question mark hangs over the basis of this decision.

Scientific evidence or no scientific evidence, we have a duty to ensure that no unnecessary suffering is endured by the animals that we use to serve our communities and society. There is no science referenced that shows that dehydration is a greater or lesser welfare problem than effluent on trucks and it appears that only the human side of the issue, that effluent is harder to manage than no effluent, was used as a rationale for denying calves food for the longer duration.

Yours Faithfully,

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