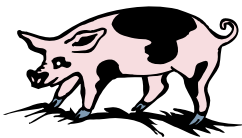
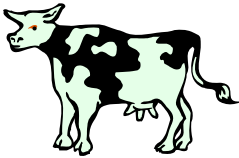


STOP TASMANIAN ANIMAL CRUELTY

May 22, 2008



SUBMISSION IN RELATION TO THE PROPOSED STANDARDS AND GUIDELINES FOR THE WELFARE OF ANIMALS

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Preamble

Stop Tasmanian Animal Cruelty would like to express its appreciation for the opportunity to comment on the proposed standards and guidelines for the welfare of animals. We do not propose to comment on the areas, or indeed the species in which we do not believe we have the expertise.

We would therefore submit overall comment on the general provisions of the standards and guidelines, rather than on the standards developed for individual species.

1. General Overview

Animal welfare in Australia, particularly that in relation to “food animals” is manifestly inadequate. It is fragmented, adhoc, and currently operates on a state-by-state basis and is therefore inconsistent, unenforced and unenforceable. Animals are transported across state and territory borders, over days at a time, where it is most likely that the authorities of none of the states police these transports. This situation is clearly unacceptable.

In view of this, it is imperative that an **INDEPENDENT NATIONAL ANIMAL WELFARE BODY BE FORMED**, appropriately funded and resourced, and given the prosecutorial powers needed to enforce NATIONAL ANIMAL WELFARE LEGISLATION and codes of practice which are not voluntary, but compulsory with appropriate penalties. The composition of this Independent National Animal Welfare body **must not include those with a commercial interest in livestock.**

StopTAC is disappointed to note that it is claimed that these standards and guidelines are claimed to have been developed through “extensive consultation” with animal welfare groups”. It is our understanding that the views of animal advocacy organizations with undoubted credibility were effectively sidelined in the process in favour of the interests of the livestock industry and commercial gain, and we also note that some provisions are in fact poorer in standard than some of the State and Territory Codes of Practice. It is also apparent that these proposed “Standards” and “Guidelines” are designed more to minimize cost than improve the real welfare of the animals, and that the terminology used in most cases renders them almost worthless in that context.

It is also our view that the proposed Standards and Guidelines are non-prescriptive in their substantive content and are open to consistent abuse through poor definition, the use ill (or too well) considered terminology (such as “effective”, and “reasonably expected”) and a lack of provision for proper monitoring and enforcement.

As an example, the notion of “duty of care” is not defined. It means different things to people with different agendas, and since these standards and guidelines have largely been developed by those with commercial interests in livestock, the standards and guidelines are more about preserving the commercial value of the animals than about their real welfare.

There is a presumption that those in charge of these animals through the various stages be “competent”, with elements of “competence” detailed as a “guideline” (“should”), Who is to determine this “competency”, and against what agenda? That of the transport operator? There are no accredited national competency standards against which to reference, and inform, the concept of “competence”. A transporter, for example, may be “competent” at driving a truck, but who

decides his/her level of “competence” in the care of animals? Furthermore, this “competence” should be an enforceable matter, with operators being required to produce certification upon demand. We have attached photographic evidence of a demonstrated lack of “competence” in the livestock transport industry (Attachment 1).

It is also our view that no livestock transport journey should exceed 8 hours, and we refer you to the relevant New Zealand Standards.

It must be noted also that all animal welfare groups (including the RSPCA) have long maintained that animals destined for slaughter should be slaughtered as close to the “point of production” as possible. This principle has recently been adopted in Europe, and, given current technology, there is no reason why Australia remains so backward in respect of animal welfare. There is no excuse for transporting animals across one or more state or territory boundaries.

We also note that there appears to be no protection for animals under legislation governing practices at slaughterhouses, and draw your attention to recent film footage of such an establishment in Victoria clearly showing electric prodding devices being pushed into the abuses of sheep unable to move, and a sheep being left in a stunning pen while workers went off for a lunch break. StopTAC believes that slaughterhouse practices should be incorporated into POCTAA legislation in each State and Territory or alternatively under a National Animal Welfare Act.

2. Specific matters of concern

2.1 Competency and Training (all species)

We would require that a nationally accredited training program be developed with proper reference to the real welfare of the animals, and that those employed in this sector be required to hold a Certificate Level IV in animal care and welfare as an absolute minimum. This should include elements in relation to the anti-cruelty statutes in each State and Territory. As these standards and guidelines stand, the so-called “knowledge” of those in the industry is simply passed from one person to another, allowing for poor decision-making and poor judgement, and such a lack of proper knowledge and training, in this document, effectively protects offenders from prosecutions.

We also note this assumed “competence” where “humane destruction” is included. Where animals are transported over long distances, it must be mandatory that the person responsible for any “humane destruction” be certified as competent with, and provided with an appropriate firearm (or captive bolt). Cutting the throat of an already distressed animal is totally unacceptable.

We would also require that police officers in all states and territories be trained in animal protection legislation and that Police Departments accord it a higher priority than is presently the case.

2.2 Standards for Road Transport (all species)

We further believe that the “curfew” periods described in these standards and guidelines are manifestly excessive, and cannot possibly have been determined with the welfare of the animals as a primary consideration. There is no scientific data available which would suggest that any of the species covered by these proposed standards and guidelines can be deprived of feed and water on transports for periods of 48 hours without suffering distress and physiological harm,

particularly in view of the distances involved in transport in Australia and the climatic conditions. There should be a requirement for full documentation in relation to the point of origin of the animals and full declaration of when they were last watered, fed and rested, and this should be checked by the police in each state and territory.

Furthermore, the use of the term here of a “journey reasonably expected” is inadequate. If these people are transporting animals they should know how long a journey will take (barring contingencies for which plans must be in place), or this is another example where the use of the term “competence” is also inadequate.

See also note above about “humane destruction”.

2.1.1 LAND ANIMAL TRANSPORT

One area of particular concern to StopTAC is what appears to be a retrograde level of the standard for land transport:

Proposed Standard SA3.1

Vehicles and facilities must be constructed, maintained and operated in a way that minimises risks to welfare of livestock.

Vehicles and facilities must:

1. be appropriate to contain the species
2. have effective ventilation
3. have flooring that minimize the risk of injury or of livestock slipping or falling
4. be free from internal protrusions and other objects that could cause injury
5. **have sufficient vertical clearance for livestock to minimize the risk of injury.**

All species MUST be able to stand comfortably, and lie down all at once.

Recommended minimum standard (all species):

Animals should not be transported, or held on transport vehicles for more than eight hours without food and water. Transport vehicles are to be equipped with forced ventilation and shade.

- Transport by road or rail of animals destined for slaughterhouses or live export ships or feedlots shall be **limited to eight hours or 500km**
- Animals should not be transported across State and Territory borders, since no adequate and consistent legislative or regulatory provisions currently exist for their protection on such journeys
- All vehicles used to transport animals shall be equipped with forced ventilation systems or air conditioning in the compartment/s in which the animals are held. **All vehicles carrying livestock must have appropriate headroom and sufficient space for all animals to be able to lie down at once, or stand in comfort.** All vehicles carrying livestock must have rubber matting maintained in good condition on floors and loading ramps. All such vehicles must also have shade covers, particularly in the hotter states and territories
- The use of electric prodding devices and unmuzzled dogs must be banned

- All vehicles used to transport animals shall have the means to measure temperature and humidity in the livestock compartments which can be monitored in the driver's cabin.
- Any animals transported for longer than eight (8) hours MUST be given sufficient space for all animals to be able to lie down at once
- All vehicles and drivers must allow adequate inspection of each of the animals at all times. Current provisions for feeding and watering of animals are manifestly inadequate; to the point of active cruelty.
- A qualified and independent veterinarian must be present during loading for any journeys of longer than eight (8) hours in order to ensure that all animals are fit for travel and that stocking density is such that all animals are able lie down at once.
(Vehicles breaking down, and animals being stranded in hot sun for many hours is unacceptable, particularly since current state codes of practice determine that it is "acceptable" for animals to suffer "curfew", or deprivation of food and water for many hours, and even days).
- ALL drivers must receive training in the care of livestock during transport and undertake competency assessments EVERY YEAR with independent assessors as determined by an independent National Animal Welfare Authority other than the RSPCA, or together with the RSPCA.
- The establishment of an independent national animal welfare authority must be a priority and that authority must be appropriately funded and resourced. Those represented must not be individuals or representatives of corporations with a commercial interest in livestock, h, or sufficiently rigorous inspections undertaken under the current state-by-state fragmented system, nor are animals crossing state and territory borders adequately cared for
- All inspections and testing must be in accordance with a National enforceable animal welfare code of practice and appropriate sanctions must be taken in the cases of all breaches.
- The Police Service National Training Package must be reviewed in order that Police Officers in all states are able to recognize and act upon breaches of national codes of practice.
- The most efficient means of tracking livestock transport is by means of legally enforceable "log book" maintenance and with tracking devices which monitor compliance.

2.1.2 "FARM" ANIMALS ON FARMS, IN FARM PREMISES, SALEYARDS AND FEEDLOTS (including AQIS accredited premises)

Recommended minimum standard (all species):-

- ◆ All farming operations, saleyards, and all feedlots shall be monitored at least weekly by nationally appointed independent animal welfare inspectors. All saleyards and feedlots are to provide **shade/shelter, food and clean water**, and sufficient space and appropriate conditions for animals' comfort and for them to be able to express natural behaviours at all times. RSPCA inspectors may monitor saleyards and feedlots if the RSPCA so determines.

- ◆ With the enforcement of national standards in relation to the welfare of livestock from birth to slaughter, a national animal welfare body is to be created with full prosecutorial powers and it will be appropriately resourced. Representatives shall not be individuals or representatives of corporations with interests in livestock. All individuals and organizations involved in the farming and transport of livestock shall be appropriately accredited, and shall fulfil any or all provisions of national animal welfare determined to be appropriate by independent national animal welfare inspectors. Accreditation of these individuals or organizations shall be withdrawn in the event of a breach of national animal welfare legislation and/or national, enforceable codes of practice and commensurate penalties applied.
- ◆ The use of electric prodding devices and unmuzzled dogs must be banned
- ◆ AQIS is to employ appropriate personnel and policies and procedures to ensure that all these requirements are met at all feedlots under its jurisdiction

1. Where animals are awaiting loading at AQIS accredited premises/at wharves

(These comments are qualified by animal welfare opposition in the strongest possible terms to the export of live animals, and are intended to be interim arrangements until such time as the live export trade is banned)

Recommended minimum standard (all species)

- Loading of live export vessels, in all cases, shall be monitored by independent nationally appointed animal welfare officers who are to ensure that animals do not remain on hot transport vehicles for more than eight hours without food and water
- The use of electric prodding devices and unmuzzled dogs must be banned
- AQIS and AMSA staff, along with independent, qualified and experienced officers from a National independent animal welfare authority must inspect EVERY FEEDLOT and EVERY SHIP upon which ANY animals are to be loaded.
- Every animal is to be checked for absolute fitness prior to loading on a live export vessel
- All vessels are to be inspected both before and after loading. Should any defects be noted on board these vessels, in particular those to do with feeding, watering and ventilation, then loading is to cease immediately and appropriate arrangements made for any animals already on board
- Currently, neither the RSPCA nor AQIS adequately provides such inspections in most Australian ports.
- A qualified and totally independent veterinarian shall accompany each and every shipment IRRESPECTIVE OF ITS DURATION.
- The veterinarian will be in control of all animals at all times. Any animals who fall ill during voyages shall HUMANELY DESTROYED (as opposed to being thrown alive into on board "macerators" or overboard). Should this veterinarian encounter any acts of cruelty, he or she shall have the power to institute proceedings in Australia against the live export agent concerned, and/or LiveCorp. Fines should be commensurate with the degrees of

cruelty regularly encountered on board these ships, proper meaningful sanctions must be imposed and licences must be withdrawn from the guilty parties.

ANIMALS BEING TRANSPORTED BY AIR

- Current IATA provisions are manifestly inadequate. Animals are transported in the “holds” of aircraft, where temperatures can be extreme, and the spaces extremely confined (a Sydney veterinarian was charged with cruelty to goats as a result of stocking them so densely that they were unable to stand or breathe.
- The holds of aircraft must be air conditioned, and temperatures able to be monitored by the Captain and crew of the aircraft. The aircraft must be required to land as soon as possible after a problem is identified.
- Video surveillance equipment is to be installed on all aircraft carrying animals in order to monitor their conditions at all times.
- Specialized personnel must be on board any aircraft carrying animals.

2.1.3 TRANSPORT OF ANIMALS ACROSS BASS STRAIT FROM TASMANIA

Of particular concern to StopTAC is this journey, and especially where animals are then transported to Portland for live export.

2.1.3.1 Live Export of Tasmanian sheep

In February 2006, 70,309 sheep were exported from Devonport on the “*Al Messilah*”, an aging converted car transporter. Of those sheep 1,632 died on board, from a variety of causes, including, as was noted in the AQIS mortality report, the fact that Tasmanian sheep are not as adapted to the rigours of such an extended, cross-equatorial journey. Furthermore, a substantial number of sheep was delivered to the AQIS accredited premises already suffering from keratoconjunctivitis (“pink-eye”), a condition which manifested itself amongst the sheep on the ship. Another issue identified was a lack of sufficient feed on board the ship for the duration of the journey, resulting in “rationing”. No meaningful sanctions were imposed upon the exporter (Roberts Limited/RuralCo), which we find deplorable.

We are advised by the Tasmanian government that since that time at least 20,000 Tasmanian sheep have been exported from Portland in Victoria to the Middle East. We have informed the Tasmanian government that if it is indeed allowing such exports to occur, in the knowledge of the content of the mortality report, it is breaching its own Animal Welfare Act. We regard this as further evidence of the complete lack of concern for the welfare of these animals by all parties concerned in the export process.

2.1.3.2 Transport across Bass Strait

We are informed by the Animal Welfare Unit of the Tasmanian Department of Primary Industries that this is the “most regulated journey in the country”. It is a lengthy and highly stressful journey, between truck, ship, landing and further transport. Animals so transported may be trucked as far as Dubbo in NSW for slaughter. It may well be the case that regulations exist, but enforcement of these regulations is an entirely different matter. As an example, we have observed truckloads of cattle left at the wharf in Devonport at 12 noon, in the heat of a summer’s day, waiting for a ship due to sail at 4.00p.m. We find this unconscionable.

Conclusions

Regardless of s109 of the Australian Constitution, which provides for free trade between the states, s118 provides for the protection of the laws of each state, and we would argue that, in the case of animal protection laws, that the welfare of the animals must be the primary consideration. There can be no possible justification for transporting animals across the country simply for a better price given the suffering of these animals.

In summary, our key positions are:-

- ◆ A national independent animal welfare authority must be established which places the welfare of the animals over the interests of the industry. We contend that the RSPCA in each state and nationally has neither the will nor the means to properly safeguard the welfare of “farmed”: animals and that the proposed system is expressly designed to be in the interests of the industry, adhoc and fragmented.
- ◆ There must be more police involvement in animal cruelty matters, with appropriate training provided to police officers
- ◆ All transport for all species must not exceed 8 hours as has been proposed in New Zealand
- ◆ The use of electric prodding devices and unmuzzled dogs must be banned
- ◆ Livestock transport vehicles must provide for all animals to be able to stand comfortably and all lie down at once
- ◆ A nationally accredited training and assessment system must be implemented with the minimum standard being a Certificate Level IV for those in charge of animals
- ◆ Clearer definitions of the terms listed in this paper must be provided
- ◆ Proper documentation must be implemented in relation to water, feed and rest of animals on transport
- ◆ “Curfew” times described in the Proposed Standards/Guidelines are manifestly excessive and in fact constitute cruelty.

SUZANNE CASS (for)

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