

AUSTRALIAN PORK LIMITED

**APL Submission to:
Land Transport Code of Practice Public
Consultation – Standards & Guidelines
and RIS**



May 2008



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1. Executive Summary

This is a submission from Australian Pork Limited (APL) to Animal Health Australia's (AHA) Public Consultation into the *Land Transport Code for the Land Transport of Livestock*.

Proposed changes to the Land Transport Code may impact on the Australian pig industry by imposing unnecessary compliance costs and this impact on the pig industry must be considered and addressed by AHA when reviewing public submissions. APL has participated fully in Standard Reference Group (SRG) meetings and hosting the Pig Writing Group as part of the consultation process.

By securing Australian pig producers' interests, the industry is better placed to deliver on improved welfare outcomes for pigs transported. However, policy changes which significantly increase production costs may negatively impact on the industry's ability to compete on our domestic and international markets. The Australian pig industry already faces ongoing high grain costs, high volumes of imports, the drought, high freight costs and recent animal welfare legislation for pigs on-farm through the revised Model Code for Animal Welfare of Pigs (2007). This is particularly the case with imports from the United States and Canada that may not have similar welfare requirements that the Livestock Land Transport Code may impose on Australian pig producers.

These potential impacts on the pig industry must be considered and addressed by AHA when reviewing public submissions.

The draft Standards and Guidelines have been developed with the understanding and contribution from a wide sector of interested parties. This has resulted in some compromise which APL supports. However, APL can only support further changes to the draft Standards and Guidelines given an opportunity for further input. Any changes to the draft Standards and Guidelines can only be supported by APL provided they are scientifically sound, not excessively prescriptive and are proportionate to the animal welfare concern.

APL is concerned that although the interpretation of Standards and Guidelines have been clarified in the draft Land Transport Code, there are still differing views within the parties involved in the process on the position of the Guidelines in legislation. APL reiterates it cannot support a process whereby the Guidelines are referred to or regulated within State or Territory legislation.

APL supports the current interpretation of the function of the Standards and the Guidelines as outlined in the Public Consultation draft. APL supports the statement that non compliance with one or more of the Guidelines will not in itself constitute an offence under law. APL also supports that Guidelines are other actions or activities complementary to the

Standards that positively impact on the welfare of transported livestock. Guidelines are only examples of some of the recommended practices that can be applied to achieve good animal welfare outcomes associated with land transport of livestock as defined in the Standards.

Some areas with the Livestock Standards and Guidelines and the Pig Specific Chapter which concern APL are highlighted, including unresolved issues at SRG6. In particular, APL does not support other stakeholder's views to have loading density specifications in the Standards, nor does APL support additional guideline development in absence of loading densities in the Standards.

It is APL's view that the terminology used in the Livestock Standards and Guidelines and the Pig-Specific chapter of the Land Transport Code should reflect only technical or practical actions that prevent or minimise risks to the welfare of livestock.

Saleyards and transit yards are an important part of animal welfare, yet outside the scope of the Land Transport Code. APL discourages duplication of Standards and Guidelines where they can already be found in existing legislation (such as Standards and Guidelines for saleyards and holding yards) for the sake of policy harmonisation nationally and on a state basis concerning the current Land Transport Code. Nevertheless at some stage this area needs to be addressed as there needs to be a seamless transition between the two areas to ensure that animal welfare is integrated throughout the supply chain.

APL believes the Land Transport Code, which follows an appropriate and considered consultation process, will assist the Australian pig industry in being a progressive, forward-looking industry. APL generally supports the current Livestock Standards and Guidelines and the Pig-Specific Chapter in the Public Consultation draft. APL will continue to provide feedback with subsequent Land Transport Code drafts until the Land Transport Code is finalised.

2. Important Details

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3. APL Overview of Current Standards and Guidelines

APL recognises the Land Transport Code, the Standards and Guidelines (Part A) and the Pig-Specific Chapter (Part B:9) as the expected outcome from stakeholder consultations. It reflects APL’s commitment to represent Australian pig producers and the welfare of all Australian pigs.

There are some areas which remain of concern to APL:

Livestock Standards and Guideline Reference No.	Concern
5 – Loading, transporting and unloading livestock	Concern
<p><i>SA5.11 – “The driver must inspect livestock (except poultry):</i></p> <p><i>i) On the vehicle before departure</i></p> <p><i>ii) Within the first hour of the journey and then at least every three hours or at each rest stop, whichever comes first</i></p> <p><i>iii) At unloading</i></p>	<ul style="list-style-type: none"> • Transporters may not be able to stop because there are no facilities; • Issue of practicality, word ‘at first opportunity’
<p><i>GA5.3 “Transport arrangements (including spells) should be appropriate for the class and condition of the livestock. In all circumstances, transport of the following classes of livestock should be carefully managed to minimise risk to animal welfare:</i></p> <ul style="list-style-type: none"> • <i>Livestock in third trimester of pregnancy</i> 	<ul style="list-style-type: none"> • Pigs have a gestation period of 3 months, 3 weeks and 3 days and there are specific requirements for pregnant sows in GB9.2, possibly change guideline to state ‘in the last stages of pregnancy as defined in Part B’. • Using the terminology, ‘third trimester’ is inappropriate for pigs and for all livestock which have different gestation periods.

Pig Specific Standard or Guideline Reference No.	Concern
<p>GB9.90 - GA 5.29 specifies the possible provision of food before loading as a management action to help pigs during cold weather. It is important to note that as monogastrics (i.e. one stomach), if pigs are fed before loading, they will</p>	<ul style="list-style-type: none"> • It should be included in GB9.9 that feeding pigs before loading is not appropriate. • Adding this to the guideline would protect producers from accusations of a

experience motion sickness and vomit.	failure of duty of care and is a recommended practice.
GB 9.15 –“For piglets, a rifle should deliver at least the power of a standard 0.22-long rifle cartridge and should be aimed in the frontal or temporal positions.”	<ul style="list-style-type: none"> • Blunt trauma is the preferred method for humane destruction of piglets less than 15kg. • APL would like GB9.15 to state that this is a firearm recommendation for other pigs but not a statement of preference for technique.

4. Feedback from producers

APL received feedback during the Public Consultation:

- Likely shortage of lairage for pigs within an acceptable time travel distance given abattoir closures.

5. Unresolved Issues

a. Time off water:

At SRG6, there were outstanding issues where consensus could not be reached. Some stakeholders have argued that the specifications in the Standards for the maximum time for livestock to be deprived of water are too long. The Standards currently have extra planning and documentation requirements for journeys reasonably expected to exceed 24 hours (SA1.2). Feedback to APL from the Pig Writing Group is that pig transport journeys do not approach the maximum times permitted.

b. Loading density

APL does not support other stakeholder’s views to have loading density specifications in the Standards. APL believes that there are many variable conditions and situations in Australia to develop fixed loading densities specifications for all livestock species. APL does not support additional guideline development to cover common transport circumstances for all livestock as suggested in the *Abridged RIS – Appendix 8*. There are already Standards and Guidelines in Part A to deal with common livestock transport circumstances, and Part B to deal with pig specific travel circumstances. APL still believes that the final responsibility for determining loading density should be with the consignor and not with the driver.

c. Appropriate interpretation of the Standards and Guidelines

In *RIS: Appendix 8 - LTS SRG6 Unresolved issues and in Appendix 1*, APL supports that Guidelines are not meant to provide compliance specifications for the Standards. APL supports the current interpretation of Standards in the Public Consultation draft as:

Standards – The acceptable animal welfare requirements designated in this document. The requirements that must be met under law for livestock welfare purposes.

The Standards are intended to be clear, essential and verifiable statements; however, not all issues are able to be well defined by scientific research or are able to be quantified. Standards use the word ‘must’.

Similarly for the Guidelines:

Guidelines – The recommended practices to achieve desirable animal welfare outcomes. The Guidelines complement the Standards. They should be used as guidance. Guidelines use the word ‘should’. Noncompliance with one or more Guidelines will not in itself constitute an offence under law.

The Standards should become mandatory and the Guidelines as Guidelines only. The *RIS: Appendix 1 - Guidelines* state however, “...the Guidelines are regarded to be a better welfare position than described by the Standards.”¹ APL cannot support this as the basis of the Guidelines. Guidelines are other actions or activities complementary to the Standards that positively impact on the welfare of transported livestock. If Guidelines are of a ‘better welfare position than described by the Standards’, this opens the livestock industry to criticism of the legitimacy of the Standards.

d. Competency for operating vehicles

APL agrees with the *RIS: Appendix 8 - LTS SRG6 Unresolved issues* assessment, questioning the need to include vehicle operation competency in the Guidelines, particularly as these may already be included in current road transport laws and arrangements. Where duplication can be avoided, it should not be incorporated but referred to as part of the Land Transport Code.

e. Definition of welfare risks

In the discussion on *RIS: Appendix 8 - LTS SRG6 Unresolved issues*, APL prefers technical and practical measures are enforced to ensure risks to the welfare of livestock are minimised or actions that prevent welfare risks. It is in the interest of farmers to look after their pigs. APL acknowledges the broad community concern to animal welfare and recognises the proposed Standards and Guidelines in addressing these concerns; however APL cautions against anthropomorphism, where attribution of human characteristics is applied to animals.

¹ Regulatory Impact Statement Abridged – March 2008.

f. Additional issues associated with time-off water

Saleyards and transit yards are an important part of animal welfare, yet outside the scope of the Land Transport Code. There are separate regulations for saleyards and transit yards. A move to Option E or EI as specified in the RIS would significantly increase cost of production to Australian pig producers and may compromise the welfare of pigs transported in the supply chain. Nevertheless there needs to be a seamless transition between the two areas to ensure that animal welfare is integrated throughout the supply chain.

g. Handling

In the *Abridged Public Consultation Version – March 2008 of the RIS*, it states, “In the species chapters in part B, the use of prodders is prohibited on alpacas, horses, pigs, poultry and ratites; consistent with current industry practice.” For pigs, this is inaccurate. It should instead be included in the final sentence where it states, “Use on buffalo, camels, deer **and pigs**, is an option of last resort.”

6. Regulatory Impact Statement (RIS)

APL endorses the current RIS as a representative cost-benefit analysis of the proposed changes to livestock transport regulations. APL prefers “Option B: the proposed Standards”, the proposed Standards as recommended by the RIS. We encourage the Primary Industries Ministerial Council (PIMC) to adopt and incorporate into regulations, with due consideration to national and state regulation harmonisation the Standards and Guidelines as they are.

7. Conclusion

APL supports a successful Land Transport Code Public Consultation where the interests of the Australian pig industry are reflected in the Livestock Standards and Guidelines as well as the Pig-Specific chapter. Of importance is the need for clear and consistent legislation and enforcement nationally.

Proposed changes to the Land Transport Code may impact on the Australian pig industry by imposing unnecessary compliance costs, increasing costs of production and impact on the industry's ability to compete on our domestic and international markets. These potential impacts on the pig industry must be considered and addressed by AHA when reviewing public submissions. This is particularly the case with imports from the United States and Canada that may not have similar welfare requirements that the Livestock Land Transport Code may impose on Australian pig producers.

APL is concerned that although the interpretation of Standards and Guidelines has been clarified in the Land Transport Code there are still widely differing views within the parties involved in the process on the position of the Guidelines in legislation. APL reiterates it cannot support a process whereby the Guidelines are referred to or legislated within state or territory legislation. APL supports that Guidelines are other actions or activities complementary to the Standards that positively impact on the welfare of transported livestock.

APL has commented where changes to the current Standards and Guidelines could impact on our industry. APL believes the Land Transport Code which follows an appropriate and considered consultation process will assist the Australian pig industry in being a progressive industry. APL generally supports the current Livestock Standards and Guidelines and the Pig-Specific Chapter in the Public Consultation draft. APL can only support further changes to the draft Standards and Guidelines given an opportunity for further input and any such changes to the draft are scientifically sound, not excessively prescriptive and are proportionate to the animal welfare concern.

APL will continue to provide feedback with subsequent Land Transport Code drafts until the Land Transport Code is finalised.

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