

Department of Agriculture and Food Western Australia

SUBMISSION ON THE AUSTRALIAN STANDARDS AND GUIDELINES FOR THE WELFARE OF ANIMALS

Land Transport of Livestock

Introduction

The Department of Agriculture and Food, Western Australia (DAFWA) has to date had a significant role in the development of these Standards and Guidelines (S&G). DAFWA is represented on Animal Welfare Working Group where the process for developing these S&G was approved and the priority for this Livestock Transport S&G agreed. It is also represented on the Standards Reference Group which has discussed the detail of the S&G and recommended this version for public consultation.

DAFWA has consulted widely with stakeholders in Western Australia on this and previous versions of the S&G.

DAFWA has also been involved in the development of the Pig Code. The development of this Code has used a process somewhere between the old methodology of Code development and the new S&G development process. DAFWA is also represented on the Implementation Working Group (IWG) charged to determine which of the roughly 90 standards in this Code should be enforced by regulation in jurisdictional legislation. This places DAFWA in an experienced position to make recommendations about the structure and detail of the Livestock Transport S&G.

The Suitability of the Standards

The majority of standards contained in the S&G are well written and suitable for the purpose for which they are intended. They reflect the significant effort to gain consensus by all stakeholders to improve livestock welfare standards.

The aim of introducing the concept of standards in the new national document prescribing animal welfare standards for livestock was for these standards to be enforced as regulations in jurisdictional legislation. The definition of a standard as stated in the business plan for the development of these documents is:

“The requirements that must be met under law for livestock welfare purposes. The standards are intended to be clear, essential and verifiable statements.”

The experience with the Pig Code has shown that when standards are not written in a form which is measurable or verifiable they are not seen as suitable by jurisdictions to be adopted as regulations.

The work of the IWG for the Pig Code has shown that significant resources need to be expended after a Code is approved if standards intended to be enforceable are written in a way which is neither measurable nor verifiable. It is essential that the “standards” in the S&G are written in a way that meets their intended purpose.

Specific Comments

In DAFWA's view, "standards" must meet the criteria of being clear and unambiguous, verifiable and related directly to animal welfare. **Proposed standards that failed to meet these criteria should be classified as guidelines or reworded so that they do meet the criteria.** Throughout this document DAFWA has recommended for former, however, in some cases it would be equally valid to establish a practical standard via rewording.

PART A

SA1.1 A person in charge must exercise a duty of care to ensure the welfare of livestock under their control and compliance with the livestock transport standards.

The responsibility for livestock welfare in the transport process is: etc

Comment

DAFWA considers that this standard does not meet the criteria because it simply describes responsibilities and is not verifiable (how can compliance/non-compliance be demonstrated?). Therefore it is not a standard. Further, DAFWA considers that this standard is not suitable to be written into regulation in Western Australia. DAFWA recommends that all of SA1.1 becomes a guideline.

Also, DAFWA considers that the consignor is clearly responsible for the preparation and selection of animals that are suitable for transport. It is the responsibility of the consignor to present for loading, only those animals which have been selected as fit for transport and are prepared according to the required criteria.

The truck driver should retain responsibility for excluding any animal that gets injured during the loading process.

GA1.3 ii) taking action to determine the time that livestock were deprived of water from the previous owner or person responsible, including time without water during assembly, holding, loading or previous transport

Comment

DAFWA considers that it is the responsibility of the consignor to provide this information to the truck driver. Although this responsibility is placed on the consignor under GA1.2, if the consignor does not provide the relevant information to the truck driver (and may not even be present at loading), what is expected of the truck driver under "take action to determine the times...?"

DAFWA suggests a change of wording from "taking action to determine the time... "to something like "recording the time..."

SA3.1 Vehicles and facilities must be constructed, maintained and operated in a way that minimises risk to the welfare of livestock.

Vehicles and facilities must: etc

Comment

DAFWA considers that this standard is not verifiable and therefore does not meet the required criteria. How does an auditor/regulator verify that "Vehicles and facilities... in a way that minimises risk to the welfare of livestock"? What exactly is meant by minimises risk to the welfare of livestock? DAFWA considers that all of SA 3.1 should be a guideline.

SA4.1 Livestock must be assessed as fit for the intended journey at every loading. An animal is fit for a journey if it is:

ii) not visibly dehydrated

iii) not showing visible signs of severe injury or distress

iv) free from conditions that are likely to cause increased pain or distress during transport

Comment

DAFWA considers that SA4.1 sections ii), iii) & iv) are not verifiable because they are not measurable or quantifiable and are therefore open to subjective interpretation. DAFWA considers that these sections would be more appropriate as guidelines.

SA5.2 Time off-water must be managed to minimise risk to the welfare of the livestock according to: etc

Comment

DAFWA considers that SA5.2 sections i) to v) are not verifiable because they are not measurable or quantifiable and are therefore open to subjective interpretation. How does one demonstrate that one has or has not been able to "minimise the risk to animal welfare"? DAFWA considers that all of SA5.2 would be more appropriate as guidelines.

SA5.3 Loading density must be assessed for each pen or division in the livestock crate or each container, based on average liveweight of the intended livestock loading, and must be managed to minimise risk to the welfare of the livestock.

Determination of loading density must consider all of the following factors:

i) species

ii) class

iii) size and body condition

iv) wool or hair length

v) horn status

vi) climatic conditions

nature of the intended journey.

Comment

DAFWA considers that SA5.3 sections ii) to iv) & vi) are not verifiable because they are not measurable or quantifiable and are therefore open to subjective interpretation. As with other proposed standards, how does one demonstrate compliance/non-compliance with "minimise risk to the welfare..."? What exactly is meant by "nature of the intended journey" and how does one demonstrate compliance/non-compliance with this element? DAFWA considers that these sections would be more appropriate as guidelines.

SA5.5 Livestock must be segregated by sufficient internal partitions to minimise risk to the welfare of other livestock based on:

i) species, class and size

ii) level of fitness

iii) level of aggression

nature of the intended journey.

Comment

DAFWA considers that all sections in SA5.5 not verifiable because they are not measurable or quantifiable and are therefore open to subjective interpretation. How does one demonstrate that one has or has not been able to "minimise the risk to animal welfare"? How can "level of fitness" or "level of aggression" be quantified so as to assess compliance/non-compliance? DAFWA considers that all of SA5.5 would be more appropriate as guidelines.

SA5.7 Electric prodders must not be used:

iv) excessively on an animal.

Comment

DAFWA considers that all sections in SA5.7, section iv) is not verifiable because it is not measurable or quantifiable and is therefore open to subjective interpretation. What is meant by "excessively"? DAFWA considers that the section would be more appropriate as a guideline.

SA5.8 Dogs must be under control at all times during loading, transporting and unloading livestock. Dogs must not be transported in the same pen as livestock. Dogs that habitually bite; deer, goats, pigs, poultry, sheep, and ratites must be muzzled.

Comment

Except for "Dogs must not be transported in the same pen as livestock" which is verifiable, DAFWA considers that the rest of SA5.8 is not verifiable because it is not measurable or quantifiable and is therefore open to subjective interpretation. What is meant by "under control" and "at all times" (what the dog is totally under control at any time) and what is meant by "habitually bite" (how often does the dog have to bite to fall into this category)? DAFWA considers that this section, except for the sentence identified above, would be more appropriate as a guideline.

SA5.9 Drivers must ensure that the ramp and the vehicle are properly aligned and that any gap between the ramp and the vehicle is sufficiently narrow to avoid causing injury during loading and unloading.

Comment

There seems to be a lack of corresponding responsibility for the consignor/landholder to provide appropriate facilities (yards as well as loading ramp) to enable loading without causing injury or distress to the livestock.

SA5.14 The driver must make arrangements or take action during extreme hot or cold conditions to minimise the risk to the welfare of livestock.

Comment

Although the intent of this Standard is laudable, what is meant by "extreme hot or cold" and "minimise the risk..."? In some areas of Australia, animals are well adapted to temperatures above 35 to 40C (how hot or cold does the weather need to be to be classified as extreme). As with other proposed Standards, DAFWA considers that this Standard is open to subjective interpretation and would be more appropriate as a guideline.

SA6.2 Humane destruction must be carried out: etc

Comment

Truck drivers in Western Australia are not permitted to carry a firearm in the vehicle, and police or others who may be able to legally destroy an animal may not be readily available at short notice. There are also OHS issues in attempting to destroy one or more cattle on a vehicle without unloading it, and there are biosecurity and legal issues in taking a truck onto a property to unload livestock during the journey. When approached by DAFWA, pastoralists and mining companies have raised these concerns and undoubtedly, the same concerns would apply in agricultural areas. This raises the issue of what is meant by "at the first opportunity".

PART B

SB6.5 Containers of ratite chicks must:

- i) be lifted and placed with care**
- ii) be positioned on the vehicle in an upright position without excessive tilting**

Comment

DAFWA considers that statements such as "placed with care" and "positioned without excessive tilting" are difficult to verify and therefore it would be difficult to demonstrate compliance/non-compliance. DAFWA considers that these sections would be more appropriate as a guideline.

SB10.4

Comment

Same comments as for SB 6.5

Rob Delane
DEPUTY DIRECTOR GENERAL
(BIOSECURITY AND RESEARCH)