



# LIVESTOCK TRANSPORTERS & COUNTRY BULK CARRIERS ASSOCIATION OF W.A. (INC.)

27<sup>th</sup> May 2008

Land Transport RIS Submissions  
PO Box 196  
DICKSON ACT 2602

## **PUBLIC CONSULTATION – AUSTRALIAN STANDARDS AND GUIDELINES FOR THE WELFARE OF ANIMALS**

Please find attached a written submission on behalf of the Livestock Transporters and Country Bulk Carriers Association of Western Australia (Inc).

Our Association represents the majority of livestock transporters in Western Australia. We have a professional interest in ensuring high quality animal welfare outcomes that are compatible with efficient transport.

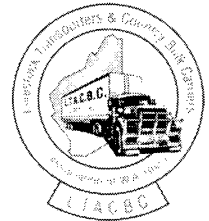
The Submission has been prepared following broad consultation with members. We would be very pleased to make verbal submissions to any further public consultation venue should that occur.

If you have any queries please do not hesitate to contact me on 0427 801 329.

Yours faithfully

Grant Robins  
**President**

LTCBC/Submissions/AnimalWelfareStandardsSubm.Cov.Ltr.28.05.08



**LIVESTOCK TRANSPORTERS AND COUNTRY BULK CARRIERS ASSOCIATION OF WESTERN  
AUSTRALIA (INC)**

**SUBMISSION ON THE**

**AUSTRALIAN STANDARDS AND GUIDELINE FOR THE WELFARE OF ANIMALS**

**Land Transport of Livestock**

**May 2008**

## **INTRODUCTION**

The Livestock Transporters and Country Bulk Carriers Association of Western Australia (LTACBC of WA) appreciates the opportunity to make a submission on the draft Australian Standards and Guidelines for the Welfare of Animals – Land Transport of Livestock. Our Association led the way in developing simple, user friendly Animal Welfare Codes of Practice for transporting sheep and cattle and we have successfully operated under them for many years. Many of the elements of those Codes are addressed in the draft Standards, albeit in more detail. Our experience with the application of the Codes provides compelling practical evidence that should be applied to any debate about the likely success of the proposed Standards in improving animal welfare outcomes. Genuine improvements in animal welfare will only be achieved if the Standards place the various responsibilities on those members of the supply chain who can actually influence the results – be they grower, transporter, agent, depot, feedlot or processor. Shared responsibilities have a role to play but they can lead to a diminution of obligation which in turn can lead to uncertainty and an eventual contest of legal might.

The draft Standards released for public consultation are the culmination of a lengthy consultation process with a large number of diverse stakeholders throughout Australia. Industry consultation is an important element in developing public policy, however with an issue as significant as animal welfare the consultation process must guard against delivering an outcome that satisfies special interests at the cost of seizing an opportunity to make radical improvements.

There are dangers inherent in trying to cover the fields of long distance and short distance livestock transport. In accommodating some of the unique requirements of long distance there is a risk of introducing impracticalities for short distance transport that will not improve animal welfare.

Addressing the Land Transport Standards prior to any other area in the supply chain is in our view inappropriate. Whilst we are aware of the justification being given for this approach we believe there is potential for an imbalance of obligations on transport that could be avoided if a more logical approach had been employed. Some of these dangers are highlighted elsewhere in the document.

A major concern for livestock transport operators is their ability to attract and retain suitably qualified drivers. In this context “suitably qualified” means drivers that are experienced in handling livestock. Some of the standards and guidelines referred to require a reasonable level of experience to ensure compliance. The industry is concerned that onerous and legally potent rules will contribute to further alienation of the pool of experienced people. In other words the Standards risk creating the very environment they were created to overcome unless the drafters are mindful of the practical considerations.

## **GENERAL**

### Standards

To ensure maximum compliance and therefore an optimum state of animal welfare it is important that the Standards are clear, verifiable, enforceable and strictly related to welfare. Standards should describe the required outcome in global terms, but not be so general that uncertainty is built in. Description of how the Standard might be achieved is more appropriate for Guidelines.

Each issue that is currently proposed as a standard should be measured against the criteria of clarity, enforceability and scientific robustness. Any standards that are open to varying interpretations or fail the test previously outlined should be rejected totally or considered for inclusion as a guideline. A key objective should be a minimal set of guidelines that become well known in the industry.

A minimal set of standards will also assist in gaining national consistency as there will be a greater likelihood of compatibility with existing State laws. In this way the potential for different outcomes between States is reduced.

## Status of the Guidelines

The glossary defines “guidelines” as being complementary to the standards, advisory, and intended to provide a basis for good livestock welfare practices. If that is the legal status to be accorded the guidelines the LTACBC of WA accepts them in that context. We note however that the **Interpretation** in the body of the document states that non-compliance with one or more guidelines will not in itself constitute an offence under law. This contemplates the status of guidelines being something more than “advisory”. If there is the potential for non compliance with guidelines to be used as a causal link to a breach of the Standards, the assessment of the standards needs to be made on a different basis. We emphasize that the current assessment is not being made on this basis and greater clarity and transparency is needed.

### **SPECIFIC AREAS OF COMMENT**

#### SA1.1

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

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

*iii) the transporter for the loading, journey and unloading including selection as “fit for the intended journey” and additional inspections of livestock and spelling periods.*

#### **Comment:**

The LTACBC of WA rejects any notion that a transporter should share the responsibility for selecting livestock that are “fit for the intended journey” with others in the supply chain who are legitimately responsible for an animal’s fitness and selection for transport. This is an obvious example where real gains in animal welfare outcomes can be achieved if this simple but vital issue is dealt with robustly. It is inconceivable that a transporter should be held accountable for the fitness of livestock that may be presented for loading in poor light; may not have been prepared properly; or may be unfit for some other reason.

The issue of “fit for load” is fundamental to high animal welfare standards and positive transport experiences. It has been a contentious issue for transporters in the past as they have been frustrated by an ineffectual regulatory regime in this regard. Transporters have been held accountable for the actions of others even though they have had no influence over the livestock being presented. It is one of the key areas where the existing Codes have lacked strength. Animals that are prepared properly for loading will load better and travel better. The Standards represent a perfect opportunity to address this problem and the chance should not be squandered.

Where the transporter is not involved in the rearing, mustering or drafting he must assume only that the animal has had the correct handling, preparation (access to water in the yards and hay or some type of dry feed) and is not predisposed to any illness or injury. This is the sole responsibility of the person/s in control of the mustering and drafting.

The transporter should retain the right to reject an animal for loading, including animals that are injured during the loading process.

Inclusion of specific words such as ‘the consignor has the ultimate responsibility for preparing livestock for the intended journey. This responsibility cannot be transferred to another party except as provided by law’ would assist in clarifying this issue.

The ALTA is currently preparing “Guidelines for Preparing Sheep and Cattle for Transport”. It is intended that these guidelines will be available shortly. We propose that the Standards and

Guidelines being discussed here should make provision for the industry guidelines to accompany them.

SA1.2

*For a journey reasonably expected to exceed 24 hours, there must be one or more documents that accompany the livestock.....*

**Comment:**

Transport operators are required to complete a substantial amount of paperwork as part of every journey. Additional animal welfare paperwork will not aid compliance.

We believe that the status of NVD declarations for all classes of livestock should be raised to accommodate any further regulations for records, particularly in relation to time off feed and water. This paperwork must be handed to the transporter by the consignor/ee, prior to loading i.e a declaration of the animal's fitness and preparation.

Although we think this is a simple and workable solution there appears to be a reticence to embrace the NVD's as an existing solution. The Standards should forcefully address this reluctance. .

**Attachment 1** includes correspondence recently received by our Association in relation to this issue.

*GA1.19 A maintenance logbook or record of servicing should be kept for the vehicle*

**Comment**

The maintenance of a vehicle is not a specific welfare concern. The law requires the vehicle to be fit for purpose and is subject to considerable regulation in this regard. Animal Welfare compliance officers will find it difficult to enforce this provision.

*GA 3.8 The floor of multideck, vehicles, excluding poultry vehicles, should be constructed in a way that prevents the soiling of livestock on lower decks.*

**Comment:**

We consider the words "and maintained" should be included after "constructed".

GA2.1

*iv) maintaining records and taking action to determine the time livestock were deprived of water and food and calculating total time off or water and food*

**Comment**

The concerns expressed under SA 1.1 apply equally to this guideline. The stock handling competency of a transporter should not include taking action to determine the time livestock were deprived of feed and water. There should be a mandatory requirement for the grower, depot owner, feedlot owner and/or agent to provide documentation (i.e NVD) that declares the last feed and water status. The onus on the transporters should only be to obtain this declaration and ensure it is

completed correctly before loading and transporting livestock. Again this is a minimum requirement if animal welfare is to be ensured.

*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:*

- i) be appropriate to contain the species*
- ii) have effective ventilation*
- iii) have flooring that minimises the risk of injury or of livestock slipping or falling*
- iv) be free from internal protrusions and other objects that could cause injury*
- v) have sufficient vertical clearance for livestock to minimise the risk of injury.*

#### **Comment**

This Standard is considered to be more appropriate as a guideline as there is doubt about how this could be audited. There are also other issues of importance in this area that have a strong bearing on animal welfare such as ensuring a driver can access injured livestock.

*GA3.4 Vehicle exhaust gases should not significantly pollute the livestock crate.*

#### **Comment**

This is a design issue and is adequately addressed elsewhere. This guideline is unnecessary.

*GA 3.6 Limbs of livestock should not protrude from the livestock crate. Limbs should be contained within the livestock crate using an appropriate crate design, sound side panelling and appropriate loading densities*

#### **Comment**

Limb protrusion is a visual and emotive issue. It is satisfactory if the livestock can retract their limbs inside the crate without being impeding by the equipment. To eliminate the possibility of limb protrusion the crate would need to be completely enclosed which would adversely affect access to livestock and impede ventilation. Care must be taken in drafting these standards that only matters that are supported by adequate scientific evidence are included.

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:*

- i) able to walk on its own by bearing weight on all legs*
- 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*
- v) not blind in both eyes*
- vi) not known to be, or visually assessed not to be, within 2 weeks of parturition, unless the water deprivation time and journey is less than 4 hours duration to another property.*

SA4.2 *Any livestock judged as not fit for the intended journey must only be transported under veterinary advice.*

**Comment:**

This Standard incorporates issues that are open to interpretation specifically ii), iii) and iv). Overall we believe that a more appropriate Standard is that the "livestock is fit to load".

SA5.1 *If the maximum permitted time off water is reached, livestock must be provided with water, food and rest before starting another journey.*

**Comment:**

SA 5.1 is a noble objective, however in Western Australia many saleyards do not have water troughs available in the pens. This is a case where the Animal Welfare Standards for Saleyards need to be compatible with the Transport Standards if animal welfare is to improve.

- SA5.2 *Time off water must be managed to minimise risk to the welfare of the livestock according to:*
- vi) *the increased risk to livestock welfare of longer journeys up to the permitted maximum time off water*
  - vii) *assessed fitness of the livestock for the remainder of the intended journey*
  - viii) *predicted climatic conditions, especially heat or cold*
  - ix) *class of livestock, especially if weak, pregnant, recently having given birth, lactating or immature*
  - x) *nature of the intended journey.*
- 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:*
- xi) *species*
  - xii) *class*
  - xiii) *size and body condition*
  - xiv) *wool or hair length*
  - xv) *horn status*
  - xvi) *climatic conditions*
  - xvii) *nature of the intended journey.*
- SA5.4 *Drivers (except for train drivers and drivers of poultry) must have the final decision on the loading density. Poultry pick-up crews loading poultry into containers must have the final decision on the loading density.*
- SA5.5 *Livestock must be segregated by sufficient internal partitions to minimise risk to the welfare of other livestock based on:*
- xviii) *species, class and size*
  - xix) *level of fitness*
  - xx) *level of aggression*
  - xxi) *nature of the intended journey.*

**Comment:**

Whilst SA 5.3 includes a practical provision that drivers have the final decision on loading density, there is a lack of clarity on which person is responsible for assessing the weight of the livestock; and indeed how this would occur in all circumstances.

In general SA5.2; SA 5.3; and SA 5.5 are more appropriate as guidelines. SA 5.2 and SA 5.3 require a basic assessment of risk and incorporate many subjective elements. It will be difficult to verify and prove that the factors outlined were considered. This Standard certainly fails the recommended test outlined earlier in the document.

*SA 5.8 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 must be muzzled.*

**Comment:**

SA 5.8 is open to interpretation. The definition of “dogs under control” and “habitually bite” is problematic and as such this requirement does not belong in the Standards.

*SA 5.9 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:**

SA 5.9 is not accompanied by a corresponding standard on the owner of the ramp to require;

- a. a certain standard and quality of ramp to assist in a proper alignment;
- b. sufficient room for manoeuvring to the ramp; or
- c. a level and compacted hardstand.

Without such a requirement SA 5.9 is one-sided and not consistent with obtaining sound animal welfare outcomes.

*SA5.10 The driver must inspect:*

- i) the livestock crate immediately before departure, to ensure that doors are closed*
- ii) the receival yard immediately before unloading, to ensure that there is free access and sufficient space for the livestock intended to be unloaded.*
- iii) within the first hour of the journey and then at least every three hours or at each rest stop, whichever comes first*
- iv) at unloading.*

**Comment:**

SA 5.10 has the potential to create evidentiary difficulties for drivers. The existence of an open door will not necessarily be proof that the driver did not check it. Unfortunately it is not infrequent that other people intervene in the security of livestock vehicles and there have been reported cases of crates being opened during the journey in a misguided attempt to free the livestock.

Whilst it is possible to defend a claim of this nature by demonstrating reasonable steps were taken to prevent such action, we believe the requirements have the potential to cause unnecessary repercussions for drivers and are more appropriately placed in the guidelines.

Consistent with our concerns in this regard we believe it should be an offence for any person to interfere in the transportation of livestock in such a way as to risk the welfare of the animals being transported or likely to be transported.

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:**

The determination of "extreme hot or cold conditions" will depend on the environment the animal is accustomed to. In some areas of Australia temperatures above 40 degrees celsius are the norm; in other areas there could be significant variations. This standard should require the Driver to take these issues into account in planning the journey. A requirement to "take action" is too unspecific to be useful.

SB 4.2 *If cattle over 6 months old have been off water for 48 hours, they must be spelled for 36 hours before starting another journey*

**Comment:**

In the interests of animal welfare we believe a more appropriate timeframe would be to spell for 24 hours. For example cattle that come from the north of WA into saleyards at Midland on a Sunday afternoon; and sold on Monday morning would be unable to leave the yards until Tuesday under the SB4.2 scenario. It would be far preferable for the livestock to leave earlier.

SA6.2 *Humane destruction must be carried out:*

- i) on moribund livestock*
- ii) by a competent person or under direct supervision of a competent person*
- iii) using an approved method for the species*
- iv) at the first opportunity.*

SA6.3 *Where a competent person is not immediately available to humanely destroy an animal, a competent person must be contacted to carry out the procedure at the first opportunity.*

**Comment:**

The issue of humane destruction is controversial for transport operators. Drivers do not carry the means for humane destruction with them in the vehicle. There is little likelihood in many cases of contacting and securing the services of a competent person such as a police officer or veterinarian. Police Officers in WA are reluctant to attend to these requests. In addition there are practical issues associated with discharging a firearm into a loaded vehicle, the responsibility for costs associated with veterinary assistance. This leaves the driver in an invidious position with no means to destroy an animal but nonetheless has the responsibility. Confusion that arises from these issues will result in non-compliance and no benefit to animal welfare.

SA5.13 ensures the person receiving the livestock makes arrangements for separating weak, ill or injured livestock for rest and recovery, appropriate treatment, humane destruction and disposal of dead stock. Clearly the driver cannot be responsible for humane destruction and it is more appropriately placed with the receiver.