



3 February 2011

C33
RB;rp

Bobby Calf TOF RIS Submissions
Animal Health Australia
Suite 15 26-28 Napier Close
DEAKIN ACT 2600

Dear Sir/Madam

Proposed amendment to the Land Transport of Livestock Standard (SB4.5) – Bobby Calves Time Off Feed Standard

The Animal Law Committee of the Law Society of South Australia (the ALC) would like to comment on the proposed amendment to the *Australian Animal Welfare Standards and Guidelines - Land Transport of Livestock* as outlined in the Regulatory Impact Statement (the RIS).

The ALC does not support the proposed standard amendment of 30 hours Time Off Feed (TOF).

The ALC believes that the proposed standard amendment fails to strike any balance between the interests of the dairy industry and the interests of animal welfare. In addition, the proposal fails to provide any assurances for the protection of bobby calf welfare and simply entrenches and protects poor industry practice. The ALC submits that this is contrary to the purpose of the *Australian Animal Welfare Standards and Guidelines* as well as the legislative mandate of State and Territory prevention of cruelty to animals Acts. It is likely that the proposed amendment will diminish public confidence in animal welfare regulatory standards.

The ALC supports RSPCA Australia's position of euthanizing calves on farms, or if transport is necessary, slaughtering calves as soon as possible upon arrival with a maximum TOF of 18 hours as the "outer legal limit".¹

The ALC notes that the 'Model Code of Practice for the Welfare of Animals – Cattle' recommends that **calves should not be deprived of liquid feed or water for more than 10 hours.**² The proposed standard amendment effectively triples this time period. Whilst the ALC acknowledges that compliance with the *Code of Practice* is voluntary in most States and Territories, it still represents an accepted and agreed standard by industry. The RIS has failed to provide adequate reasons as to why it is necessary to triple an industry standard time period.

¹ RSPCA Australia Submission, page 1.

² Primary Industries Standing Committee (2004) *Model Code of Practice for the Welfare of Animals – Cattle*, 2nd edition, PISC Report 85, paragraph 5.11.2.

The ALC submits, in accord with RSPCA Australia, that regard must be had to the fact that producers, transporters and processors may still be subject to prosecution for breaches of State and Territory prevention of cruelty to animals Acts, despite compliance with the proposed 30 hour TOF. In other words, there is no guarantee that complying with a *Code of Practice* is a defence to a prosecution pursuant to a prevention of cruelty to animals Act.

Further, the ALC holds serious concerns regarding the adequacy and independence of the science relied upon in support of the proposed amendment. We note that the single Australian study referred to in the RIS was commissioned by the very industry subject to the proposed regulation. We ask Animal Health Australia the question: how can this study be labeled 'independent scientific research'?

We understand that animal protection organisation *Animals Australia*, commissioned Professor Clive Phillips and Jim Hogan from the Centre for Animal Welfare and Ethics at the School of Veterinary Science, University of Queensland, to review the *Dairy Australia* study. In response to the study, Phillips and Cogan concluded:

*"We do not agree with their conclusion that 30h with good practice in other aspects of calf management and transport is defensible as an outer 'legal' limit for time off feed for bobby calves ... In particular we believe that the calves experienced hunger for the majority of the study and probably tiredness as well."*³

We submit that Animal Health Australia has an obligation to consider and evaluate the Phillips and Cogan study.

We also note that countries comprising the European Union introduced the *Welfare in Transport Regulations* (EC) No 1/2005 in 2007 which forbids the transport of

- *Very young animals except if the journey is less than 100 km, e.g. calves of less than 10 days of age...*
- *Calves of less than 14 days of age on journeys exceeding 8 hours will not be permitted.*⁴

The United Kingdom and Canada⁵ limit TOF to 12 hours.

Therefore, the time limits implemented in the United Kingdom, Canada and countries comprising the European Union, are at odds with the time limits espoused in *Dairy Australia's* study. We note that the *Journal of the British Veterinary Association* published a study in 1999 which stated that "*young calves are especially vulnerable when transported and losses can be high*"⁶.

Finally, the ALC has concerns about the accessibility of the *Dairy Australia* study. The entire study should be readily available to the public for consideration. Without this access, the ability of members of the public

³ <http://www.animalsaustralia.org/documents/pdf/bobby-calves-public-consultation-fact-sheet.pdf> viewed 27/01/2011

⁴ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32005R0001:EN:HTML> viewed 31 January 2011. Note that calves that are transported for longer than 8 hours must be accompanied by their mother.

⁵ <http://nfacc.ca/pdf/english/VealCalves1998.pdf> *Recommended Code of Practice for the Care and Handling of Farm Animals: Veal Calves: s 7.8.1* viewed 28/01/2011

⁶ G. Knowles. *A Review of the Road Transport of Cattle*. *Veterinary Record* 1999;144:197-201 doi:10.1136/vr.144.8.197. Cited from <http://veterinaryrecord.bmj.com/content/144/8/197.abstract#aff-1> Viewed 28/01/2011

and concerned interest groups to participate in the consultation process is hindered. As a consequence, the proposed amendment cannot be subject to the level of scrutiny that a public consultation process should permit. It is of fundamental importance that consultation be open and transparent.

The ALC strongly objects to the proposed standard amendment. The ALC believes the proposal is unethical and cannot be justified by any economic gain.

I trust these comments are of assistance.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ralph Bönig', with a vertical line extending downwards from the end of the signature.

Ralph Bönig
PRESIDENT