



SUBMISSION ON THE PROPOSED AMENDMENT TO THE LAND TRANSPORT OF LIVESTOCK STANDARDS (SB4.5) – BOBBY CALVES TIME OFF FEED STANDARD

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As an innovator, capacity builder and ideas-generator, Voiceless plays a leading role in the development of a cutting edge social justice movement, animal protection.

With a highly professional and well-educated team, Voiceless brings together like-minded compassionate Australians from the legal, academic, non-profit and education sectors to form strong and effective networks.

Voiceless believes in the provision of quality information, analysis and resources to inspire debate and discussion and to empower individuals and organisations to generate positive social change.

Voiceless is a non-profit Australian organisation established in May 2004 by father and daughter team Brian and Ondine Sherman.

To build and fortify the animal protection movement, Voiceless:

- Creates and fosters networks of leading lawyers, politicians and academics to influence law and public policy;
- Conducts high quality research and analysis of animal industries, exposing legalised cruelty and promoting informed debate;
- Creates a groundswell for social change by building and fortifying the Australian animal protection movement with select grants and prizes; and
- Informs consumers and empowers them to make animal-friendly choices.

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1 Introduction

- 1.1 This submission addresses the proposed amendment to the Land Transport of Livestock Standards (SB4.5) – Bobby Calves Time Off Feed Standard. The proposed amendment will result in a requirement that bobby calves between 5 and 30 days old travelling without mothers must be slaughtered or fed within 30 hours from last feed. Voiceless has reviewed the Public Consultation Version of the Regulatory Impact Statement (RIS) and is of the opinion that the proposed amendment does not adequately consider the welfare of bobby calves. The reasons for this opinion are addressed below.

2 The science

- 2.1 The proposed amendment is said to be supported by Australian and New Zealand scientific research indicating that 30 hours is a reasonable outer 'legal' limit for time off feed (TOF) for bobby calves, when combined with appropriate calf management and transport practices¹.
- 2.2 The RIS states that the conclusion of the (unpublished) Australian research is that "*transport per se was not a significant additional impost on [bobby calves]*" and that "*30 hours, with good practice in other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*"².
- 2.3 The first issue with the research is that the full report (by Fisher et al) has not been released. The only information available regarding the research is the summary produced by Dairy Australia³. Without the release of the full report, or the independent assessment of the report which Dairy Australia's David Basham says has been carried out⁴, it is difficult to assess the legitimacy of the research and the legitimacy of the public consultation.
- 2.4 The second issue is the proviso that there be "*good practice in other aspects of calf management and transport*". This proviso creates uncertainty. What is good practice? How many in the industry are carrying out good practice? Voiceless is aware that experienced dairy veterinarians have advised that large numbers of bobby calves are currently not well prepared for transport. For example, they are underage and have inadequate colostrum / milk and would not cope with 30 hours off feed⁵. In order for there to be an adequate science based standard for maximum allowable time off feed, all factors need to be taken into consideration, including where good practice is not carried out. The proposed standard is said to be an outer 'legal' limit. If true concern is to be had for animal welfare, something less than the "outer 'legal' limit" should be implemented.
- 2.5 The third issue is the limited scope of the study that the research relies upon. The study relied on absolutely ideal conditions. There were only 60 bobby calves in the study. The calves were from one dairy farm, ranged in age from 5 to 10 days and were in very good health. The workers were aware that an animal welfare study was taking place and therefore all of the calves were properly prepared, fed before transport, handled quietly and in a low stress manner. No climatic data has been presented except for the comment that the study took place in early spring in Eastern Victoria. Simply put, the study does not take into consideration realistic conditions such as:

¹ RIS, p iii

² RIS, p 8

³ Accessed at www.animalwelfarestandards.net.au

⁴ *Bobby Calf Welfare* by Miranda Saunders: ABC Rural 28.01.2011

⁵ *Bobby calves: the facts* accessed at <http://www.animalsaustralia.org/documents/pdf/bobby-calves-public-consultation-fact-sheet.pdf>

- (a) the variable Australian climate⁶;
- (b) different transporters;
- (c) different transport routes;
- (d) the births that have been artificially induced and therefore the immaturity and greater susceptibility to stress than calves born naturally⁷;
- (e) generally, the reality that good welfare practices are not carried out across the board.

2.6 Further issues include the following:

- (a) despite the suggestion that the research considers the impact of time off feed, the investigation carried out concerned various durations of transport in isolation not the effect of removal from feed;⁸
- (b) there was no control group that was offered feed in a conventional calf management programme by which a comparison could be made⁹;
- (c) no information has been provided about whether the 5 litres of milk provided per calf was whole milk or reconstituted powdered milk and therefore it is not possible to determine the calves' nutrient intake¹⁰;
- (d) all calves were offered water after 24 hours from the start of the study and therefore the recommendation that 30 hours off feed is acceptable would only apply if all calves are similarly offered water after 24 hours¹¹;
- (e) no mention is made of the hunger experienced by the calves. There were reductions in blood glucose. Small reductions in blood glucose stimulate hunger in monogastric animals and the existence of hunger is more relevant to welfare than whether the calves are within reference ranges. It is suggested that the calves began to experience hunger at 3 hours after the start of the study (9 hours after feeding) and the hunger then increased exponentially until 30 hours¹²;
- (f) the failure to assess levels of cortisol or other hormones as a measure of stress results in a study on welfare impact without any reliable stress or behaviour measures¹³;
- (g) the research states that "*best practice management of transported calves would involve time off feed not longer than around 24 hours*"¹⁴. Despite this conclusion, the RIS prefers the 24 hour limit to be a voluntary guideline rather

⁶ *Independent Assessment of Dairy Australia Project No. TIG 124* by Clive Phillips and Jim Hogan, Centre for Animal Welfare, School of Veterinary Science, University of Queensland

⁷ *Independent Assessment of Dairy Australia Project No. TIG 124* by Clive Phillips and Jim Hogan, Centre for Animal Welfare, School of Veterinary Science, University of Queensland

⁸ *Independent Assessment of Dairy Australia Project No. TIG 124* by Clive Phillips and Jim Hogan, Centre for Animal Welfare, School of Veterinary Science, University of Queensland

⁹ *Independent Assessment of Dairy Australia Project No. TIG 124* by Clive Phillips and Jim Hogan, Centre for Animal Welfare, School of Veterinary Science, University of Queensland

¹⁰ *Ibid* 3

¹¹ *Independent Assessment of Dairy Australia Project No. TIG 124* by Clive Phillips and Jim Hogan, Centre for Animal Welfare, School of Veterinary Science, University of Queensland

¹² *Independent Assessment of Dairy Australia Project No. TIG 124* by Clive Phillips and Jim Hogan, Centre for Animal Welfare, School of Veterinary Science, University of Queensland

¹³ *Independent Assessment of Dairy Australia Project No. TIG 124* by Clive Phillips and Jim Hogan, Centre for Animal Welfare, School of Veterinary Science, University of Queensland

¹⁴ RIS, p 8

than as an enforceable standard relying upon what is said to be a conclusion of the report that “*we would still advocate the use of science-based standards*”¹⁵. Best practice must be lesser time off feed¹⁶. Furthermore, it has been suggested that scientists should not make definitive judgments on the acceptability of their findings by the community¹⁷. Rather, it is the scientists’ job to research and for the community to make the judgement about what is acceptable¹⁸;

(h) Voiceless understands that Dairy Australia has had an independent assessment of the report done but it hasn’t been published in a peer review magazine “*purely on a timely basis*”¹⁹. The excuse of timeliness is not appropriate where animal welfare is at stake. Further, an independent assessment should have been included in the public consultation for transparency.

2.7 The New Zealand research suggests that “*food withdrawal for up to 30 h and transport for up to 12 h have no detrimental effects on the metabolism of healthy calves. With correct feeding regimes and transport protocols, welfare compromise in young, healthy calves being transported for up to 12 h can be minimized when they are slaughtered within 30 h of the start of transport*”. This research suffers from at least one of the same issues as the Australian research: the proviso that there be “*correct feeding regimes and transport protocols*”. Again, what are “*correct feeding regimes and transport protocols*” and to what extent are these regimes and protocols carried out? As far as could be gathered, this research is not readily available to the public and, accordingly, there is no opportunity for this research to be examined in its totality. This is necessary before an opinion can be formed on the validity of this research.

3 Reference to guidelines

3.1 The RIS provides that there is no state or territory standard or guideline dealing directly with TOF for bobby calves, except in Victoria. This is not correct.

3.2 Firstly, there is the *Model Code of Practice for the Welfare of Animals: Land Transport of Cattle*, which has federal application. It provides that all bobby calves should be fed at least within 6 hours of transportation and those being transported or awaiting sale or slaughter should not be deprived of appropriate liquid feed for more than 10 hours²⁰. Despite the unenforceability of this code, this standard should be considered. The code was developed by the Primary Industries Ministerial Council of Australia and has been adopted in Queensland and South Australia (the only jurisdiction to make the Model code mandatory). It is a Government and industry agreed set of principles and practices that provides *minimum* standards, guidelines and information.

3.3 Secondly, in Tasmania, there are the *Tasmanian Animal Welfare Guidelines – Trade and Transport of Calves, Including Bobby Calves* which provide minimum requirements for feeding which include that calves should be fed at least once a day. These guidelines were developed by the Department of Primary Industries and Water in consultation with the dairy industry. Importantly, the guidelines state that:

¹⁵ RIS, p 8

¹⁶ *Independent Assessment of Dairy Australia Project No. TIG 124* by Clive Phillips and Jim Hogan, Centre for Animal Welfare, School of Veterinary Science, University of Queensland

¹⁷ *Independent Assessment of Dairy Australia Project No. TIG 124* by Clive Phillips and Jim Hogan, Centre for Animal Welfare, School of Veterinary Science, University of Queensland

¹⁸ *Independent Assessment of Dairy Australia Project No. TIG 124* by Clive Phillips and Jim Hogan, Centre for Animal Welfare, School of Veterinary Science, University of Queensland

¹⁹ *Bobby Calf Welfare* by Miranda Saunders: ABC Rural 28.01.2011

²⁰ Clause 5.11.2

- (a) the trade in bobby calves *"is a trade which subjects very young orphan calves to the rigors of transport, sale and slaughter. The trade is open to criticism from an animal welfare viewpoint"*²¹;
 - (b) the guidelines take into account five basic requirements to safeguard the welfare of young calves, which include:
 - (i) freedom from thirst, hunger and malnutrition;
 - (ii) the provision of appropriate comfort and shelter; and
 - (iii) freedom of distress²²;
 - (c) as a general guide, colostrums... should be fed at the rate of 10-12% of body weight per day, ie about 2-4 litres per day during the first week of birth, depending on birth weight. The higher rate... for lower body weight calves²³;
 - (d) calves should be fed within 12 hours of transportation²⁴;
 - (e) the maximum allowable duration of journey for calves covered by these Guidelines is 10 hours. No journey transporting such calves, including bobby calves shall be undertaken if the first calf collected will take more than 10 hours to reach the final destination²⁵.
- 3.4 Thirdly, Western Australia has a *Code of practice for the transportation of cattle in Western Australia* which provides that *"Calves are especially susceptible to stress and care is required to ensure they are strong enough to withstand transportation... they should be fed within 6 hours of transportation and must not be left without food or water for more than 12 hours"*²⁶.
- 3.5 The RIS makes no mention of the Western Australian code and disregards reliance upon the Victorian code and Tasmanian guidelines²⁷. The reason given for this disregard is because they are guidelines and compliance with guidelines is not mandatory, they cannot be considered for cost/benefit comparisons²⁸. As with the model codes, the state codes are intended to prescribe the *minimum* acceptable animal welfare practices.
- 3.6 The Victorian guideline, which is acknowledged in the RIS, is the *Code of accepted farming practice for the welfare of cattle*. The code is considered in the RIS with a conclusion reached that the code recommends slaughter within 30 hours of leaving the farm or strategies to achieve daily feeding. The code clearly states that *"in any event, calves should be fed at least once every 24 hours"*²⁹.
- 3.7 As shown, all of these standards have a minimum requirement that bobby calves be fed at least once a day. Voiceless questions the legitimacy of the Government's disregard of these minimum standards contained in the Model code and the state codes, all of which have been accepted by industry.

²¹ Guideline 1.1

²² Guideline 1.2(2)

²³ Guideline 3.1

²⁴ Guideline 3.2

²⁵ Guideline 3.3

²⁶ Paragraph 5.4.5

²⁷ RIS, p 9

²⁸ RIS, p 9

²⁹ Clause 7.3

- 3.8 The RIS provides that there is no relevant international standard or guideline dealing with TOF for bobby calves³⁰. This is wrong. While there may not be any explicit mention of “time off feed” for bobby calves, legislation in the UK³¹ and Europe³² require that calves be fed, at a minimum, once per day. Significantly, the primary position in the UK is that animals must have access to feed at intervals appropriate to their physiological needs. Bobby calves are vulnerable young animals. They are hungry from shortly after birth and become hungrier if not fed. In New Zealand, the “*recommended best practice*” is that calves be fed not less than twice a day³³.
- 3.9 As acknowledged in the RIS, “*bobby calves are physiologically immature with little fat reserves, poorly developed thermoregulatory mechanisms and a lack of responsiveness to external stimuli. These factors predispose them to difficulties in coping with transport and handling. Excessive time without feed increases the risk of bobby calves becoming hypoglycaemic and even more difficult to handle*”³⁴. It is therefore imperative that they are not starved for 30 hours.

4 Assessment of costs and benefits

- 4.1 The RIS sets out to compare the costs and benefits of the proposed standards, the benefits of which are said to include animal welfare. This is a flawed exercise; care for animal welfare should be separate from interests of economic production.
- 4.2 The RIS alleges that one of the expected benefits of the proposed standard amendment is improved bobby calf welfare outcomes; that “*no animal will be worse off and risks to bobby calf welfare in terms of frequency and magnitude will be minimised*”³⁵. For the reasons stated within the following section, this assertion is unjustifiable.
- 4.3 The alleged benefit of “*enhanced international reputation*”³⁶ is misconceived. This is clear from the international standards discussed in the previous section which outweigh the proposed amendment in terms of animal welfare.
- 4.4 As will no doubt be shown by submissions received from the public, the benefit of meeting the expectations of the Australian community will not be met if the 30 hour TOF standard is imposed. This benefit will have much more chance of being realised if the TOF standard is less than 30 hours.
- 4.5 The expected costs are said to be enforcement costs for the 30 hour TOF standard³⁷ and costs associated with an assumption by industry that a proportion of non-replacement bobby calves normally destined for slaughter would become unavailable due to an inability to comply with the 24 hour and 18 hour TOF standard³⁸.
- 4.6 The enforcement costs seem to be legitimate costs, if enforcement was actually to occur. The costs assumed to result from the unavailability of bobby calves however, have no validity.
- 4.7 Firstly, the inability to comply with an 18 or 24 hour TOF standard is an *assumption* made by industry. What research has been conducted, what evidence is there to support this assumption? If such research or evidence exists, it should have been

³⁰ RIS, p 11

³¹ *The Welfare of Farmed Animals (England) Regulations 2007*, Schedule 1, regulation 24

³² Council Regulation (EC) No 1/2005 and amending Directive 64/432/EEC

³³ *Animal Welfare (Dairy Cattle) Code of Welfare 2010*

³⁴ RIS, p 8

³⁵ RIS, p 21

³⁶ RIS, p 21

³⁷ RIS, p 22

³⁸ RIS, p 23

included in the public consultation. Without this evidence or research, the assumption lacks legitimacy. Elsewhere in the RIS it is stated that *"the vast majority of bobby calves are slaughtered at less than 24 hours TOF"*³⁹. If this is the case, how does the assumption arise that there will be 87.5% inability to comply with the 24 hour TOF standard?

4.8 Secondly, the costs assumed to arise from the inability to comply with the 18 hour or 24 TOF standards are not additional costs. Rather, they are losses and it is misleading to describe them in any other way.

4.9 The comparison of costs and benefits is flawed and unreliable.

5 Guarantee of animal welfare

5.1 The RIS makes numerous references to animal welfare including:

- (a) its *"overarching policy objective... to ensure that the conditions under which bobby calves are transported on land are consistent with reasonable animal welfare standards"*⁴⁰;
- (b) *"the need for [a TOF standard] ... to further minimise risks to animal welfare"*⁴¹;
- (c) *"a high priority must be given to ensuring that the conditions under which calves are transported are consistent with reasonable animal welfare standards"*⁴².

5.2 There is however no genuine attempt to address the welfare of bobby calves. Rather, there seems to be more regard for costs and national consistency than animal welfare.

5.3 Of most importance is the fact, as acknowledged in the RIS and stated earlier, that *"bobby calves are physiologically immature with little fat reserves, poorly developed thermoregulatory mechanisms and a lack of responsiveness to external stimuli"*⁴³. Bobby calves are therefore more prone to stressors such as transport and food deprivation than older livestock. Accordingly, the welfare considerations will be greater, especially with such matters as food deprivation.

5.4 The RIS makes it clear that hunger and discomfort experienced by bobby calves are entirely disregarded, stating that *"the ethical questions and value judgments of hypothetical animal 'hunger' and 'discomfort' are beyond the scope of the RIS"*⁴⁴ and that the RIS only utilizes *"existing scientific research which measures physiological and behavioural indicators"*⁴⁵. Study indicators show that calves experienced hunger from around 9 hours after their last feed. This is not surprising considering that calves normally suckle about 5 times a day⁴⁶. Study indicators also show that the transportation prevented adequate lying and muscle strain through transportation was evident⁴⁷. The scientific research concerning hunger and discomfort is there in the blood chemistry responses and the increased creatinine kinase concentrations⁴⁸. The

³⁹ RIS, p 36

⁴⁰ RIS, p 15

⁴¹ RIS, p 14

⁴² RIS, p 27

⁴³ RIS, p 8

⁴⁴ RIS, p 22

⁴⁵ RIS, p 26

⁴⁶ *Independent Assessment of Dairy Australia Project No. TIG 124* by Clive Phillips and Jim Hogan, Centre for Animal Welfare, School of Veterinary Science, University of Queensland

⁴⁷ *Independent Assessment of Dairy Australia Project No. TIG 124* by Clive Phillips and Jim Hogan, Centre for Animal Welfare, School of Veterinary Science, University of Queensland

⁴⁸ *Independent Assessment of Dairy Australia Project No. TIG 124* by Clive Phillips and Jim Hogan, Centre for Animal Welfare, School of Veterinary Science, University of Queensland

reasons for ignoring this research are unjustified, especially considering the references to animal welfare throughout the RIS, including those set out above.

- 5.5 On a similar note, the existence of hunger is more relevant to welfare than whether the calves are within reference ranges⁴⁹. Calves should be fed the minimum of the equivalent of 10 per cent of their body weight (4 litres for a 40 kilogram calf) per day in one or two feeds and two feeds per day is preferable for the first week of life.⁵⁰
- 5.6 As much as the Government or the industry might like to sweep this under the carpet, calves are sentient beings. They feel pain, stress, fear, vulnerability, grief, hunger and thirst. With this in mind, the proposal to deprive them of feed for 30 hours on top of the stress suffered from being taken from their mother, transported within their first few days of being born and their looming slaughter, has total disregard for their welfare. From a genuine welfare perspective, the best alternative is for unwanted bobby calves to be slaughtered on farm.

6 Conclusion

- 6.1 The proposed amendment lacks foundation. It makes no attempt whatsoever to improve welfare for bobby calves. What it does do, is enable the industry to continue to have little or no regard for bobby calves. Its primary concern is the dollar and how many dollars the industry *might* lose if it were to improve animal welfare. It relies upon an unpublished scientific study that is very limited in scope, which was commissioned by the dairy industry, contains a number of flaws and allegedly has been independently assessed but not published due to time limitations.
- 6.2 Industry relies upon calves for the production of milk. Without the birth of calves, there would be no milk to make a profit. Sadly, industry is quick to discard the welfare of calves in favour of making a profit. It is time that Government and industry took into consideration the community's views and decreased the amount of suffering inflicted on bobby calves for the sake of profit.
- 6.3 It is Voiceless's position that the dairy trade is unconscionable and arguing about the number of hours a newborn calf can be deprived of milk before his or her slaughter fails to address the core issue: that the exploitation and commodification of animals like this is unethical. However, if the trade is to continue, the ideal scenario is that the standard should require slaughter of bobby calves on farm. At a bare minimum, Government and industry should follow current guidelines at home and abroad and impose a time off feed standard of no more than 24 hours. Further, there should also be a mandatory requirement for the producer to record the time of the last feed and pass that information onto the transporter.

⁴⁹ *Independent Assessment of Dairy Australia Project No. TIG 124* by Clive Phillips and Jim Hogan, Centre for Animal Welfare, School of Veterinary Science, University of Queensland

⁵⁰ *Calf Management: The First Week of Life* (DVD produced for the Department of Primary Industries)