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Submission- Consultation on the draft Animal Welfare (Livestock) Regulations 2019

Thank you for the opportunity to comment on the draft Animal Welfare Livestock Regulations 2019.

WA is the last state to regulate the National Standards for land Transport and Saleyards, and while this is welcomed by the community, the Land transport Standards are nearly a decade old and were slated to be reviewed after 10 years.

The draft Regulations therefore in the current form are based on Standards nearly a decade out of step with community expectation.

The Regulations, to a large part, do not address the concerns raised by animal welfare groups during the formulation of the National Standards for example the lack documentation on journeys less than 24 hours, the excessive 48hrs maximum time off water for sheep and cattle, and the transport of bobby calves for slaughter before 10 days of age.

Concerns about the draft Regulations

Fit / unfit to load, take a journey and for sale

- 1) Draft Regulation 9(1)(a) will not prevent the transport of an animal who may be bearing weight on all four hooves but who has a disease, injury or a certain condition resulting in lameness or a limp.

For example, if you refer to the Meat and Livestock Australia (MLA) publication '*Is the animal fit to load*' guide, it shows that an animal with a leg deformity, foot abscess, recent injury, old fracture, old injury, foot rot, is lame but is still weight bearing on all hooves.

The MLA guide is currently used by industry to assess whether an animal has adequate fitness for transport or sale. If draft Regulation 9(1)(a) is legislated, there will be a weakening of the existing standard of welfare.

Draft regulation 9(1)(a) must prescribe that animals showing signs of lameness including bunny hopping or head bobbing, knuckling over, carrying one leg when standing or walking, reluctance /refusing to stand or walk, or who are not bearing full weight evenly on all four legs and walking normally, must not be transported.

2) Draft regulation 11(2)(j)

The definition of lesion as provided in 11(2)(j) does not capture several painful conditions including those listed below;

- A lesion on the eye that is less than 3 cm but causing discharge due to irritation or pain, for example an eye ulcer.
- Lesions that are greater than 3 cm but not discharging, for example abscesses filled with pus but which have not burst.
- Scabby mouth lesions that are more than 3 cm but not discharging. The lesions are painful enough to cause animals to reduce feed intake and if on the teats of ewes, can stop them from feeding their lamb.
- Photosensitisation lesions less than 3 cm but not discharging. The lesions due to the extreme sensitivity to the sun can become severely sunburnt. Fluid can also build up under the skin of the face and jaw without discharging. Ears can swell up and covered in fine scabs without discharge.
- Pink eye where there is discharge but the inflamed area is less than 3 cm. Pinkeye causes weeping, cloudy eyes in livestock. The condition is painful and debilitating, leading to substantial production losses.
- Deep shearing more than 3 cm but not discharging which may lead to increased pain and may get infected during transport.
- Dog bites more than 3 cm but not discharging

Draft regulation 11(2)(j) potentially excludes all other lesions outside what is prescribed.

This draft regulation if legislated, may considerably lower existing welfare standards in the industry which has been following the MLA "*Is the Animal Fit to Load*" for years where an animal with any of the listed conditions/disease/injury would have been unfit for transport.

Even if draft regulation 9(2)(i) must be satisfied in the case where a lesion fails to meet the requirements of draft regulation 11(2)(j), this regulation is outcome based and therefore, can be harder to verify before harm occurs and also more difficult and expensive to enforce.

Draft regulation 11(2)(j) must be removed entirely and instead 11(2) must have additional prescribed conditions, disease, injury or lesions added reflecting fitness criteria as per the MLA "Is the animal fit to load", including udder infections, enlarged testicles, scabby mouth, eye lesions/disease/injury of any size that are causing sensitivity to sunlight, blinking or discharge, eyes that are cloudy opaque or white spots in the eye (from accumulation of pus and white blood cells), lumpy jaw, pink eye, deep shearing cuts, recent dog bites, photosensitisation lesions, any lesion (other than eye lesion) that is more than 2 cm or discharging.

3) Draft Regulation 11(2)(g)

A tumour that may be growing inside the body of an animal but is equal to or less than 3 cm on the surface cannot be excluded as inconsequential from a welfare perspective. Eye cancers eventually spread to the lymph nodes of the head and to other body organs if left untreated. Eye or facial cancers may spread to the respiratory system, making breathing difficult.

The animal may be showing signs of pain or distress for example if the tumour is ulcerated and/or discharging, or in the case of eye tumours, if the animal is blinking or sensitive to sunlight and/or has discharging eyes but these animals may be transported since the draft regulation expressly permits the transport of animals with tumours less than or equal to 3 cm.

In Victoria, It is illegal to bring livestock with cancer into Victoria without a licence, and is illegal to put cattle or sheep affected with malignant tumours in a Victorian saleyard. Exceptions are made for early stage skin and eye cancers that are less than the size of a 5 cent coin and are not bleeding or discharging. However these animals may be sold for slaughter only.

Draft regulation 11(2)(g) must be rewritten to ensure that only animals with cancers less than 2 cm and not discharging or bleeding are allowed to be transported

4) Draft regulation 9(1)(b) and (c)

It is the responsibility of the farmer or supplier to know the pregnancy status of their animals. If there is any doubt, they must enlist a veterinarian to test their animals.

European Council Regulation (EC) No 1/2005 Technical Rules prohibit the transport of animals within 4 weeks of parturition, within 7 days of having given birth and lactating livestock must be milked at least every 12 hours.(Technical Rules Chapter 1- 1(2)(c), 6)

Amend draft regulation 9(1)(b) and (c) so that no animals within 4 weeks of parturition, within 7 days of having given birth or lactating must be transported. A signed document from consignor stating the animal is not within 4 weeks of parturition is required before loading for transportation.

Maximum time off water, reasonable access to feed, duty to spell livestock

The RIS provided in the National Land transport Standards consultation had the option of reducing maximum journey times for sheep and cattle from 48 hours to 36 hours. It was acknowledged in the RIS that” any reduction in maximum time off water would reduce risk to the welfare of livestock in general terms.”

The maximum times off water are excessive especially under the widely acknowledged stress of transport, and given the extreme nature of the Australian climate. The RSPCA position is that;

“The majority of livestock studies focus on the clinical and physiological effects of water deprivation such as clinical dehydration, body weight loss, changes in blood cell counts and blood values including indicators of kidney dysfunction and failure. These studies are rarely conducted on animals subject to the range of stressors inherent in transportation. There is also little research available on the behavioural or emotional effects of water deprivation in livestock despite recommendations for animal welfare standards to take subjective experiences such as thirst into account.

In a comprehensive review of the impact of feed and water deprivation on sheep and cattle before and during transport commissioned by Meat and Livestock Australia in 2007, the authors recommended that “*Based on the potential for enteropathogen growth and the potential for an increase in stress to the animal, it appears prudent to ensure that total time off food and/or water does not exceed 24 hours.*”

From an animal welfare perspective, just because an animal possesses adaptations to endure a period of water deprivation does not mean the animal should be pushed to their limits. In addition, it should be noted that if given the opportunity to exercise choice, these animals would drink suitable water available in a suitable presentation. For example, in most management systems, *Bos taurus* cattle will drink several times a day.

Contemporary understanding of good animal welfare now extends well beyond simply providing the bare minimum requirements for survival. Hence, rather than approaching the issue of water deprivation by asking: what is the longest time the animal can go without water before survival is threatened, a contemporary understanding of good animal welfare would have us ask: how can we best satisfy the animals’ water needs and choices while minimising the potential clinical, physiological, behavioural and emotional effects of water deprivation.

There is a lack of studies evaluating the appropriate time off water for transported livestock in Australia. However, applying a precautionary principle and taking into account what evidence is available to date, it would appear sensible to apply a maximum time off water which best satisfies the majority of animals’ water needs and choices while minimising the potential ill-effects of water deprivation.”

<https://kb.rspca.org.au/knowledge-base/what-is-the-impact-on-animal-welfare-of-depriving-farm-animals-of-water-during-transport/>

There has always been the argument that off- loading and reloading causes more stress than driving the full period and although there is some merit in this, the length of time of 48 hours without water is excessive in the view of animal welfare groups. Europe has preventative measures in place adopting a maximum transport time of 8 hours without water or 14 hours so long as water and feed is available en route. The Transport within New Zealand Code of Welfare allows for 24 hours without water and 36 hours without feed.

New Zealand has established several lairage areas in which they off load, water, feed and rest the animals. Europe has also established stable points throughout the EU community so that the operators can offload rest and water according to their directives. Despite industry transporting animals over longer distances than New Zealand, Australia has failed to establish spell areas over most of the transport routes. It is essential that the West Australian livestock industry be compelled to develop 'spell' areas whereby animals can be offloaded, watered and fed then rested within WA and before crossing interstate in order to comply with standards of animal welfare that are considered world standard and best practice.

Ideally food and water deprivation, and therefore transport times should be limited to 24 hours as per the findings of the review into the impact of food and water deprivation before and during transport commissioned in 2007 by MLA.

- 1) At the very minimum the a new draft regulation must reflect the higher guidelines (GB4.1,GB4, GB11.1) in the Land Transport Standards where maximum time off water must be reduced as follows and the minimum spell times must apply as set out in Schedule 1 of the draft Regulations where animals must be given at least four hours of continuous access to food and water;
 - For cattle over six months old after 36 hours off water.
 - For calves, lactating cows and cows in the third trimester of pregnancy after 12 hours off water.
 - For sheep over four months old after 36 hours off water.
 - For lambs under four months old after 20 hours off water.
 - For ewes in the third trimester of pregnancy after 12 hours off water.
- 2) Further, draft regulation 21 must ensure that cattle over six months and sheep over four months must be spelled for the minimum spell times if a journey is between 24 and 36 h.
- 3) Draft regulation 7 must be amended to define "reasonable access to feed" as having continuous access for at least 4 hrs. Draft regulation 57(3) must be amended to ensure livestock are given reasonable access to feed (defined as continuous access to feed for 4 hours) within 24 hrs of arriving at a saleyard or depot.
- 4) Draft regulation 42(2) and 57(3) must state that reasonable access to feed where feed is provided for at least 4 continuous hours within 24hrs of arriving at the livestock handling facility.

Animal handling

- 1) Regulation 16(1)(f) must be amended to ensure that calves and sheep are not to be dropped and that sheep may be dropped so that the animal lands on its hooves from a maximum height of 0.5 meters. Sheep must not be dropped during the transport phase and only at sale yards or depots.

The Land Transport Standards prohibit the dropping of sheep. The draft regulation 16(1)(f) will potentially allow animals to be dropped in all sorts of manner, and does not ensure that animals do not land with their legs splaying, sliding or buckling to the point they are recumbent briefly, before regaining their balance on their hooves.

This is not humane handling and unacceptable to the community that it is proposed that animals can be dropped from the significant height of 1.5 meters.

- 2) Draft regulation 16 must be amended to reflect community expectation that animals in the livestock industry chain must not be struck and that there is no way of 'reasonably' striking an animal. The draft regulation must be amended from being outcome based to prescriptive to lift the standard of animal welfare and care in the industry.
- 3) Draft regulation 17 is alarming in the backward step in animal welfare this regulation will entrench where it permits animals to be dragged by two or more of prescribed body parts as well as the dragging of animals that are not standing in case of an emergency.

This regulation must be amended that no animal is to be dragged and that in the case of an emergency necessitating euthanasia, an animal that is not standing must be euthanised at the location it is found. Low stress handling methods must be used in all other situations.

- 4) Draft regulation 18(2) - Replace 'or' with 'and'. When lifted by a mechanical device the animal must be supported from underneath and secured to ensure the animal is humanely lifted rather than having the body parts the mechanical device is secured to bearing the full weight of the animal.
- 5) Draft regulation 19- Use of electric shock prodders
New Zealand Animal Welfare (Care and Procedures) Regulations 2018 prohibit the use of the prodder on animals less than 150kg which effectively means that sheep must not be electric shock prodded.
The usage of the electric shock prodder is also restricted to the hind and forequarters of an animal.

There is no reason for WA to not follow the lead of New Zealand. It is unacceptable that sheep are allowed to be prodded which is also against the minimum international welfare standards set by the OIE and that animals in WA can be prodded on the head and sensitive areas like the belly.

Humane killing

Given that the Firearms Act 1973 has excluded captive bolt guns from the definition of ammunition, all livestock industry participants must be trained and have immediate access at all times for the humane killing of an animal.

Draft regulation 14 must prohibit all forms of humane killing except the use of a captive bolt gun. Mandatory training must also be a requirement in this regulation.

Records relating to journey

Draft regulation 23(2)-Amend to make documentation on all journeys mandatory.

The risk of the cumulative effect of the water deprivation times prior to any journey (often not taken into account) is immense, and as such creates the circumstances for suffering regardless of the journey time- whether it is over 24 or less. Animal welfare groups believe that in order to provide better control over water denial, thus lessen the chances of suffering, all journeys must be documented and provide information on the last watering and feeding taken by each consignment of animals; date and time of livestock inspections and by whom; actions if any taken; emergency contacts; contingency plans for delays; spell stop arrangements.

Suitability of vehicles

Animals should be able to stand naturally and have enough room so that they are not forced to crouch - if animals are forced to crouch for any length of time, the potential for suffering is extreme, as is the risk of injury. In my opinion, standing naturally means to stand with their head up, in part because sheep and goats stand with their head up when alert. Being in a situation where senses are heightened due to the stress of new surroundings when in transportation, alert animals stand with their head up.

European Council Regulation (EC) No 1/2005 Technical Rules Chapter 2-1.2 requires that "there is adequate ventilation above the animals when standing they are in a naturally standing position, without on any account hindering their natural movement"

Draft reg 28 must be amended to ensure that animals can stand in their natural position with their heads held upright and their backs not touching overhead structures. It is not acceptable that animals could be transported for up to 48 hours with their back touching the roof and their heads down.

First Reasonable Opportunity

In Regulations 33 (2) and 40 (2) 'at the first reasonable opportunity' should be more clearly defined and in most cases would be 'immediately'. There must be someone immediately contactable at the saleyard at all times who has been trained and has access to a firearm or captive bolt if 'humane euthanasia is necessary to stop an animal suffering.

Weather

Draft Regulation 36 requires that a person responsible for a livestock animal undertaking a transport process must take reasonable steps to minimise the impact of extreme weather conditions on the livestock animal. This has to be more specifically defined including but not limited to:

- Maximum wet bulb globe temperatures at which animals must not be transported.
- Wet bulb globe temperatures and corresponding density reduction.
- Prohibition on vehicle parking with animals on board in full sun or at specified wet bulb globe temperatures.

A Wet bulb globe temperature is based on an equation that uses a combination of environmental elements to calculate the temperature reading in direct sunlight which takes into account temperature, humidity, wind speed, sun angle and cloud cover.

During wet weather the vehicle should be covered in the front and over the top to reduce wind chill. I understand the front cover will not offer protection for animals further along the crate.

A contingency plan must be in place for the case of a vehicle breaking down. This regulation must include specifics as to what the contingency plan should entail to ensure the animals are unloaded from the vehicle as soon as possible.

Bobby Calves

The draft Regulations still permit young bobby calves to be subjected to an arduous day of travel and deprivation of liquid food prior to slaughter. Yet by way of comparison, EU Welfare in Transport Regulations (No 1/2005) do not allow 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 (Chapter 1-2(e), and journeys not exceeding 8 hrs for calves of less than 14 days of age are permitted (Chapter 6-1.9). These are vulnerable animals that must have their needs catered for. The following recommended regulations are in line with those of animal welfare groups like Animals Australia and RSPCA.

A new regulation must be inserted to apply to calves less than ten days of age – i.e. calves from birth to 9 days old that;

- They may only be transported to a calf-rearing property less than 100 kms.

Remove draft regulation 43 and 44.

A new regulation must be added to apply to calves between 10 and 30 days of age travelling without their mothers to ensure that;

- They are to be transported to ensure no more than 12 hours since the last feed.
- Ensures all calves have space to lie down on the transport.

- Ensures all calves have thick comfortable bedding material on the vehicle.
- Ensures they travel to the closest available abattoir with facilities to slaughter calves.
- They are not to be consigned through saleyards or depot.

Remove draft regulation 44 and 45.

Thank you.

Sincerely,

Ruchita Saklani

