

Animal Law Committee

Submission on Australian Animal Welfare Standards and Guidelines for Sheep

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*Att: Animal Welfare Standards Public Consultation
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The NSW Young Lawyers Animal Law Committee is grateful for the opportunity to make brief submissions on the *Australian Animal Welfare Standards for Sheep* (**the proposed Standards**) and associated Regulatory Impact Statement (**RIS**).

NSW Young Lawyers

The NSW Young Lawyers (**the NSWYL**) supports practitioners in their professional and career development in numerous ways, including by encouraging active participation in its 15 separate committees, each dedicated to particular areas of practice. Membership is automatic for all NSW lawyers under 36 years and/or in their first five years of practice, as well as law students.

The NSWYL Animal Law Committee (**the Committee**) comprises of a group of approximately 180 lawyers and law students interested in animal welfare and laws regulating the treatment of animals. The Committee aims to raise awareness and provide education to the legal profession and wider community, while increasing understanding about the importance of protecting animals from abuse and neglect. A common theme amongst Committee members is a passion and desire to use our legal skills and the law to help improve the lives of animals.

General observations and submissions

The Committee welcomes the development of nationally consistent standards and guidelines for sheep as part of the Australian Animal Welfare Strategy (**AAWS**). However, the Committee submits that the proposed standards will fail to achieve the AAWS goal of ensuring high standards of animal welfare.¹ The Committee has three general concerns about the proposed standards:

- **Over representation of industry interests:** The membership of Animal Health Australia (a government/industry partnership) makes it inappropriate to facilitate the development of standards that are intended to improve animal welfare through lack of independence. Also, the Committee is of the view that the writing group was not widely representative. The Committee recommends that writing groups in the future include at least one animal welfare representative to ensure balanced contributions in the vital initial stages of drafting.
- **Lowest common denominator:** The proposed standards are not based on international best practice and instead adopt the lowest animal welfare standards of the States and Territories.² It appears that the proposed standards simply

¹ See Department of Agriculture, Fisheries and Forestry, *AAWS Goals, Objectives and Activities* (27 April 2013) www.daff.gov.au/animal-plant-health/welfare/aaws/online/goals.

² For a comparison, see the United Kingdom's *Code of Recommendations for the Welfare of Livestock: Sheep* (2000): www.gov.uk/government/uploads/system/uploads/attachment_data/file/69365/pb5162-sheep-041028.pdf.

reflect current industry practice and no serious consideration has been given to prohibiting or phasing out controversial practices such as mulesing. If Australia is to validate its claim of being a world leader in animal welfare, the proposed standards must give greater consideration to the pain and distress caused by some animal husbandry practices.

- **Unenforceability:** While the Committee welcomes the introduction of nationally enforceable standards, many of the proposed standards lack the detail necessary to be enforceable. This could be remedied by expanding the standards to include some of the detail currently outlined in the proposed guidelines. Terms such as ‘reasonable actions’, ‘reasonable access’ and ‘appropriate feed and water’ should be defined.

Feed and water

The Committee submits that the standards should require that sheep have access to water at least daily and access to enough feed to ensure that sheep maintain “good body condition”³. Without this detail, proposed S2.1 would be very difficult, if not impossible to enforce.

Facilities and equipment

The Committee submits that the standards should require that sheep have access to shelter and in the absence of shade from trees, sheep be provided with shade from alternative shade structures such as tarpaulins, shade cloth or sheds, and that these alternative shade structures have good airflow. Shade is vital to ensure sheep cope in hot Australian climates.

Handling and management

The Committee supports S5.6, which prohibits the painful procedure of pizzles dropping on sheep. The Committee recommends that the standards also prohibit the following unnecessary and harmful practices:

- striking of sheep;
- use of electric prodders on sheep;
- permanent tethering of sheep;
- ear marking of sheep; and
- use of electro-immobilisation on sheep.

The Committee submits that the welfare costs to sheep in the above practices far outweigh the costs of ceasing the activity or implementing existing, viable alternatives.

³ This should be defined by independent and specialist veterinary advice.

The Committee submits that proposed G5.15 should be converted to a standard to provide that horn trimming must not damage soft tissue.

Tail docking and castration

The Committee submits that the standards should require the use of pain relief and haemorrhage control when tail docking or castrating a sheep, regardless of age. These procedures cause acute pain to sheep of all ages.⁴ It is for this reason that the Committee also submits that G6.22 should be converted to a standard to provide that lambs destined for slaughter must not be castrated, as this is an unnecessary and stressful procedure.

The Committee supports proposed S6.3 and rejects Variation C6 in the RIS, which would reduce the minimum number of palpable free joints that must remain after tail docking from two to one. The Committee recommends that proposed G6.21 be converted to a standard to provide that the docked tail must be long enough to cover the vulva in female lambs and be of a similar length in males to reduce the incidence of vaginal and rectal prolapses.⁵

Mulesing

The Committee strongly opposes the proposed standards' acceptance of the extremely painful and internationally condemned practice of mulesing. The Committee submits that the standards should prohibit mulesing or at the least provide for its phasing out. The Committee notes that Australian wool industry failed to meet its own deadline to phase out mulesing by 2010.

The Committee submits that if mulesing is allowed under the standards, the standards should require the use pain relief, regardless of age, and that proposed G7.6 be converted to a standard to provide that mulesing must only be done when lambs are between 2-12 weeks of age.

The Committee notes that the RIS acknowledges that mulesing is a very invasive procedure and that requiring pain relief for all mulesing (as provided by Variation C1 in the RIS) would provide for a significant unquantifiable welfare benefit over and above the proposed standards.

⁴ See, eg, V. Molony, J.E. Kent and I.S. Robertson, 'Behavioural responses of lambs of three ages in the first three hours after three methods of castration and tail docking' (1993) 55 *Research in Veterinary Science* 236.

⁵ See, eg, M. W. Fisher et al, 'Justifying the appropriate length of docking lambs' tails – a review of the literature' (2004) 64 *Proceedings of the New Zealand Society of Animal Production* 293.

Breeding management

The Committee submits that proposed G8.13 should be converted to a standard to prohibit the use of electro-ejaculation (using an electric current to obtain semen) in all circumstances due to the pain inflicted on rams by electro-ejaculation.

The Committee submits that the standards should require the use of pain relief on sheep during the use of breeding technologies, including laparoscopic artificial insemination and embryo transfer, due to the acute pain inflicted on sheep by these procedures.

Intensive sheep production systems

The Committee is opposed to intensive sheep production and is of the view that this should be discouraged or prohibited in the RIS.

In the alternative the Committee submits that proposed G9.6 should be converted to a standard to provide that sheep must be provided with sufficient fibre in their diet to allow for rumination and proposed G9.14 should be converted to a standard to prohibit single penning of sheep. Single penning denies sheep social interaction and therefore the freedom to express normal behaviour.

The Committee also submits that the standards should require that sheep in intensive systems be provided with enough space to allow them to lie down with their legs outstretched and carry out other natural behaviours.

Humane killing

Proposed S10.6 allows for the killing of a conscious sheep by a cut to the neck when there is no firearm, captive bolt or lethal injection reasonably available. The Committee submits that the standards should require the use of firearm or captive bolt if a sheep needs to be euthanased on a farm. This will help to ensure that sheep receive a humane death through instant unconsciousness followed by rapid death without regaining consciousness.⁶

⁶ See RSPCA Australia 'What do we mean by humane killing or slaughter?' (8 December 2010) http://kb.rspca.org.au/What-do-we-mean-by-humane-killing-or-slaughter_115.html.

RIS options

The Committee does not fully support any of the options outlined in the RIS because none of these options consider prohibiting or phasing out mulesing or intensive sheep production. However, out of options A, B and C, the Committee supports option C with the following variations:

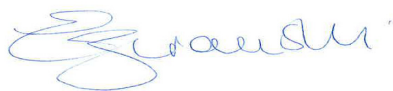
- Variation C1: All mulesing with pain relief
- Variation C2: Restrict mulesing age to less than 6 months of age
- Variation C3: Single penning for wool production ban
- Variation C4: Tethering ban
- Variation C5: Mandate pain relief for laparoscopic artificial insemination and embryo transfer

The Committee rejects Variation C6, which would reduce the minimum number of free palpable joints that must remain after tail docking from two to one.



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