

Animal Welfare Standards Public Consultation
Locked Bag 3006
DEAKIN WEST ACT 2600

5 August 2013

Dear Sir, Madam

Additional RSPCA Australia submission - Australian Animal Welfare Standards and Guidelines for Sheep - Public consultation

As a result of the extension of the public consultation period for the sheep standards & guidelines, RSPCA Australia takes this opportunity to provide an additional submission to complement our earlier submission dated 6 May 2013.

Please don't hesitate to contact us should you require further information.

Yours sincerely



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RSPCA Australia additional submission

[to be read in conjunction with RSPCA Australia submission dated 6 May 2013)

Australian Animal Welfare Standards and Guidelines for Sheep Public Consultation

5 August 2013

This submission addresses the question put in the public consultation process about how the “draft sheep welfare standards will ensure the welfare of sheep” and whether the “associated consultation RIS demonstrates the need for the standards, and identifies the key costs and benefits for sheep producers, government and the wider community”.

The Standards and Guidelines

Interpretation/Glossary

‘Person in charge’

The key phrase, ‘person in charge’ is not currently defined in the document. For consistency, we recommend the phrase be defined in the same way it appears in the *Standards and Guidelines for the Land Transport of Livestock*:

‘Person in charge’, in relation to an animal, means:

- (i) the owner of the animal; or
- (ii) a person who has actual physical custody or control of the animal; or
- (iii) if the person referred to in paragraph (ii) is a member of staff or another person, that other person; or
- (iv) the owner or occupier of the place or vehicle where the animal is or was at the relevant time.

Note: At any one time there may be more than one person in charge.

Responsibility for duty of care for livestock welfare may extend to the person’s employer.

‘At first reasonable opportunity’

Similarly, the phrase ‘at first reasonable opportunity’ is not defined. This phrase is defined in the *Standards and Guidelines for the Land Transport of Livestock* as follows:

‘At the first reasonable opportunity’ means that the appropriate action for livestock is undertaken without delay except where a reasonable delay is caused by a significant reason relating to resources, skills, safety or the immediate welfare of other livestock.

We believe an amended version of this definition should be included in the proposed standards. We request that reference to ‘resources’ be removed from the definition. The exception to acting at first reasonable opportunity should only relate to safety or the welfare of the animal. Resource considerations provide too great a loophole and should not be a justification for delaying urgent attention to welfare matters.

‘Reasonable action(s)’

The current definition of ‘reasonable action(s)’ is not appropriate. The term ‘reasonable’ is a statutory drafting tool used to provide flexibility and objectivity in the interpretation and application of law. Reducing the term to those actions regarded as reasonable by ‘an experienced person in the

circumstances' and 'accepted practice', effectively defers its meaning to current industry practice. This undermines any objective assessment the term is supposed to introduce. The RSPCA strongly objects to the current definition and requests that it be removed. This would also improve consistency with the *Standards and Guidelines for the Land Transport of Livestock* as the term is not defined in that document.

6. Tail docking and castration

S6.2 A person must not tail dock sheep that are more than six months old without using pain relief and haemorrhage control.

Tail docking is a painful procedure regardless of age and RSPCA Australia questions the need to tail dock lambs destined for slaughter prior to the onset of puberty given their much lower risk of flystrike compared to wool-producing sheep. The tail docking discussion paper developed by the sheep Standards and Guidelines Writing Group outlines the rationale for tail docking and places a heavy emphasis on the benefits to the human handler. However, when considering that flystrike is the primary welfare concern, sheep intended for meat production are at a lower risk and therefore the absence of pain and distress in the animal by omitting the procedure should outweigh the human handler benefits outlined in the discussion paper. The argument presented by processing plants that tail docking reduces faecal contamination and risks to food safety is at odds with the fact that cattle (animals with much longer tails) can be quite safely processed.

A standard is required that ensures that animals slaughtered prior to the onset of puberty are not tail docked.

7. Mulesing

S7.1 A person performing mulesing must have the relevant knowledge, experience and skills, or be under the direct supervision of a person who has the relevant knowledge, experience and skills.

Mulesing is a painful, invasive procedure that causes pain and distress to the animal concerned. RSPCA Australia does not support mulesing in the longer term (as discussed in our previous submission) and, while ever it is conducted, it should be performed by a competent operator trained in the technique. It is not acceptable that, for a procedure that carries a high risk to the welfare of the animal, mulesing is carried out by an untrained and therefore incompetent operator regardless of whether they are being supervised.

It should be noted that Appendix 3 'Mulesing' of the Model Code for sheep explicitly mentions the need for accreditation as an underlying principle of the mulesing code. It says: "A comprehensive and audited training and accreditation process is available and mandatory for anyone who performs the mulesing procedure." In other words, at the time, it was recognised that a high level of competence was required to carry out the procedure. The current proposed standard does not reflect this intent.

Reference to "under the direct supervision of" must be removed from the standard. The mulesing operator must be an accredited person and only accredited operators must be allowed to carry out the procedure.

S7.3 A person must not mules sheep that are 6-12 months old without using pain relief.

Mulesing is a painful procedure and should not be carried out without pain relief regardless of the age of the animal. Pain relief is readily available (see comment on re-scheduling of Tri-Solfen below).

The standard must ensure that, where mulesing is considered necessary, it must be carried out with pain relief regardless of the age of the animal.

The Regulation Impact Statement

RSPCA Australia is concerned about the **reference to ‘pet sheep, show sheep and those used to keep the grass low’** in the introduction to the RIS.¹ Applying the proposed standards to sheep kept in these contexts would be inappropriate. The RIS is clearly aimed toward assessing the economic impacts on those who farm sheep under commercial arrangements. The proposed standards represent very minimal standards of welfare. They have been proposed as such due to the perceived economic impacts on the industry for providing higher welfare standards. These competing economic considerations do not have the same significance in the context of keeping ‘pet sheep, show sheep and those used to keep the grass low.’ Accordingly, many of the proposed standards, if applied to sheep in these contexts would be particularly unjust. For instance, performing painful husbandry procedures without pain relief or using electric prodders on pet or show sheep would be inappropriate. The welfare of sheep in these contexts should be governed by the general duty of care provisions of state and territory animal welfare legislation. Guidance on how these duties would apply to sheep can still be sought from the relevant Standards and Guidelines document, but the exemptions for compliance with the Standards should not apply in these circumstances. Accordingly, RSPCA Australia requests that the reference to pet and show sheep in the introduction to the RIS be removed.

RSPCA Australia is also concerned the RIS does not appear to take into account the extent to which **compliance costs can be internalised and passed on through the supply chain**. The costs of higher welfare options proposed in the RIS are all attributed to ‘sheep farmers’ alone.² The RIS appears to play down the ability of sheep farmers to internalise these costs simply on the basis that ‘the market share for other animal welfare-related products indicates that only a small percentage of consumers would be likely to be influenced in their purchasing decisions.’³ This ignores the steady year-on-year increase in demand and market share for higher welfare products, and subsequently, distorts the perception of how the economic impacts may be distributed. RSPCA Australia would like to see the RIS give greater consideration to the potential for compliance costs to be internalised in pricing structures.

Finally, we are concerned that the comment on page 34 of the RIS which states that **Tri-Solfen** is a Schedule 4 drug and only available through a veterinarian, gives the impression that the product is therefore difficult to obtain. This is not the case. Since the commencement of the public consultation phase, the three active ingredients in Tri-Solfen (adrenaline, bupivacaine and lignocaine) have undergone a scheduling change through the Therapeutics Goods Administration. This scheduling change applies only to Tri-Solfen and, as of 1 February 2014, it will be a Schedule 5 drug and therefore readily available to mulesing operators.

SUBMISSION ENDS

¹ Footnote 1, p.iv.

² See Table 21, column - Incremental compliance costs to sheep farmers (quantifiable).

³ RIS, p.31.