

Development of the Australian animal welfare standards and guidelines for the land transport of livestock

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Abstract

The development of the Australian Animal Welfare Standards and Guidelines represents an evolution in the way in which animal welfare policy is developed in Australia. The Australian Animal Welfare Standards and Guidelines for the Land Transport of Livestock ('Land Transport Standards and Guidelines') is the first project to develop consistent animal welfare standards and guidelines across Australia. A brief historical perspective and an update and summation of relevant aspects of the development process are discussed.

Sponsored by the Australian Animal Welfare Strategy (AAWS), the project is part of the AAWS vision for national standards that are maintained and enforced in a consistent, cost-effective manner, and that reflect contemporary scientific knowledge, competent livestock husbandry and mainstream community expectations. A business plan guides the project and provides for effective and transparent stakeholder consultation and a public consultation period before final recommendations on the standards and guidelines are made to Government.

Importantly, livestock transport is a vital part of the animal industry supply chain that impacts upon the full range of stakeholders and is a useful test of the development process because of this universal involvement. This paper discusses the process and philosophies for development of the standards and guidelines and gives an overview of the content. After six reference group meetings, the Land Transport Standards went to public consultation in March 2008 for a 60-day period. Following this period unresolved issues were further discussed by the Reference Group on the basis of submissions. After revision, complete consensus was not achieved in a further two meetings; the major unresolved issue is the measures relating to the transport of bobby calves. An

agreement has been reached to further examine the bobby calf situation and the standards and guidelines have been recommended for government endorsement expected in April 2009.

1970 to 2005 - The model code era

By the late 1970s social pressure was building to address animal welfare issues. In 1980 a national government technical committee was formed to focus on animal welfare, now known as the Animal Welfare Working Group (AWWG). The AWWG led to the subsequent development of 22 Model Codes of Practice for the Welfare of Animals (MCOP) over the next 15 years.

The MCOP outlined 'reasonable' voluntary requirements for the design of the physical, nutritional and social environment of animals and the competency of animal handlers. The extent to which they have been adopted by jurisdictional animal welfare systems varies from non-enforceable guidelines to direct inclusion as regulations. Their direct use in intensive-industry, quality assurance systems has been limited.

The perceived short comings of the MCOP were identified in a review that led to the Standing Committee decision to revise the development process in 1993¹. This decision was never implemented. Ultimately this unresolved situation gave impetus to the establishment of the Australian Animal Welfare Strategy (AAWS) in 2005.

2005 to the present – the Australian Animal Welfare Strategy

The Australian Animal Welfare Strategy (AAWS) (DAFF 2005) commissioned a consultancy to review the administrative practice associated with the production of MCOP. The report provided advice on actions to improve the efficiency of the processes used as well as the more effective use of existing codes with an improved animal welfare outcome for the livestock industries (GB Neumann February 2005). The Neumann report focused on the AAWS goal to have; "*national animal welfare standards that are maintained and enforced in a consistent, cost-effective manner, and that reflect contemporary scientific knowledge, competent livestock husbandry and mainstream community expectations*".

¹ ARMCANZ occasional paper series; no. 1. *A review of the welfare aspects of layer hen housing in Australia.*

Animal Health Australia (AHA), government and industry members considered the recommendations in a series of workshops. The resultant AHA business plan *AHA Future Regulation and Management of Livestock Welfare 2006* described the principles for the development and review of minimum standards and codes of animal welfare practice. The major recommendations were that any approach to future regulation and management should provide:

1. A strong national framework for the development of 'minimum standards' with species specific definitions of animal welfare underpinned by legislation. Minimum standards should be outcome-based and measurable. Preference for a format that provides for both minimum standards and 'best practice' guidelines to be clearly distinguished and contained in the same document.
2. An efficient, agreed process for developing and maintaining minimum standards and best practice guidelines.
3. Consistency across state and territory jurisdictions in the application (enforcement) of legislation.
4. An industry-government partnership to make decisions.
5. Broad consultation with all stakeholders, especially end users.
6. A process for evaluating Standards through a Regulatory Impact Analysis (RIA²).

Government and industry stakeholders agreed that consistent minimum animal welfare standards were necessary under law, but also believed that industry acceptance of recommended guidelines in conjunction with this would have a greater benefit to improve animal welfare practice.

The business plan was used as the basis for the Land Transport Standards and Guidelines project that started in October 2006. The role of AHA is to provide project support and manage the overall process for the development of standards and guidelines.

A final meeting of the Reference Group endorsed the standards and guidelines in September 2008. It is intended that the document will be considered for PIMC endorsement in April 2009.

² The RIA is the process resulting in a Regulation Impact Statement (RIS) further details at: <http://www.finance.gov.au/obpr/about/>

Land Transport process details

The development of the Australian Animal Welfare Standards and Guidelines for the Land Transport of Livestock (Land Transport Standards or LTS) has been the inaugural test of the new policy creation process. Two key Australian government requirements are: a Regulation Impact Statement (RIS) and a public consultation process.

To guide the development of the standards, a broad reference group was established in November 2006 with direct representation of 24 separate organisations covering the full livestock transport chain and most livestock species. A further eight organisations participated mostly by correspondence.

A small writing group was established to maintain an efficient writing process. The group was chaired by an AWWG representative and comprised the project manager, project coordinator, two scientific representatives and a representative of the Australian Livestock Transport Association. The intention was to establish a skills-based, writing group with knowledge in the areas of regulation, science and industry practice.

The writing group was limited in its capacity to meet during the development phase of the project due to the high demands on members' time. This resulted in the Reference Group becoming a large de-facto writing group. In part this was due to the desire by members to move beyond just consultation and into collaboration³ for the development of solutions. The positive side of this was a more vibrant exchange of views between the full spectrum of Reference Group members.

In areas of contention, scientific literature was reviewed to identify relevant scientific knowledge to justify the standards. The process has not listed or prioritised issues for future research. In the future, industry investment in research will operate most profitably in the area of the current guideline recommendations, to find new and better ways to manage livestock for transport. The search for new and better animal welfare indicators continues in Australia and abroad.

The major contribution of the Reference Group was to provide guidance and endorsement for all major decisions relating to the standards development. The

³ IAP@ Spectrum of participation:

http://www.iap2.org/associations/4748/files/IAP2%20Spectrum_vertical.pdf

Reference Group provided an important communication channel and members have contributed willingly to the meetings and drafting process. The high level of participation reflects the universal degree of interest in livestock welfare laws.

By the third Reference Group meeting it became apparent that full AWWG representation would be required due to the complexity of issues and the need for leadership on regulatory matters. All jurisdictional government representatives of the AWWG were then invited to attend consequent Reference Group meetings to remove the need for any additional consultation cycles and to strengthen the relationship between regulators, industry and animal welfare representatives.

AWWG is the first in a series of government committees responsible for endorsing and implementing the standards under jurisdictional laws. The major role of the Animal Welfare Working Group is to provide leadership and expert advice to make key decisions including knowledge of animal welfare issues, current industry practice, and legislative requirements relevant to the jurisdiction.

As the project progressed, collaborative writing subgroups were established for particular species or issues. These additional writing groups were able to provide detailed input and seek wider consultation, including consultation with member organisations that did not attend the reference group meetings. It is questionable whether there is a better solution to the issue of allowing effective participation by a large number of passionate stakeholders.

The view of most stakeholders is that the major effort of writing the standards and achieving agreement on policy should take place before public consultation. Due to the inaugural nature of the project, the large stakeholder membership and the diversity and complexity of issues and the inconsistent nature of the MCOP, a lot more time and effort was required than anticipated to advance the development process. It became apparent that the Writing Group had a particularly difficult job and that Reference Group members were extremely interested in the precise nature and exact wording of each standard. Skillful chairmanship by AHA consistent with the 'honest broker' role of the company focused on making reasonable decisions after due deliberation.

The original belief that the MCOP would simply be reformatted was shown to be false as new policy positions for livestock welfare were established in many areas. The process of mapping and converting loosely-worded or ambiguous provisions in the

MCOP into new standards and guidelines was not always straightforward. Gaps in science, data and agreed targets for necessary practices for some of the many species involved were issues in the development process.

Whilst the metamorphosis was difficult, stakeholders participated to a high degree and with a large amount of trust to reach the current level of resolution. There was a high degree of collaborative partnership in a difficult working environment where:

- relevant Australian science was often lacking
- successful industry practice was poorly documented
- ethical views are often not well grounded in practical livestock knowledge and are sometimes based on foreign country situations.

At this time it appears that the process will take about two and a half years from inception to endorsement by government. Project costs have been funded by the AAWS but Reference Group members attended meetings at their own organisation's expense. This represents a significant in-kind contribution by participants and a significant partnership between government, industry and animal welfare organisations.

Future standards and guidelines projects will be funded by relevant industries in partnership with governments.

Development Philosophy

The development process attempts to achieve a balance between ethical views, relevant science and practical working arrangements, acknowledging the diverse views of all those who have an interest in livestock.

'Policy decisions should incorporate good science and good judgment, and reflect common sense and public opinion. It is the art of what is possible and achievable'⁴.

This philosophy has been the guiding principle for the development of the Land Transport Standards.

Throughout the development process for livestock transport, the Reference Group has confirmed that the standards will:

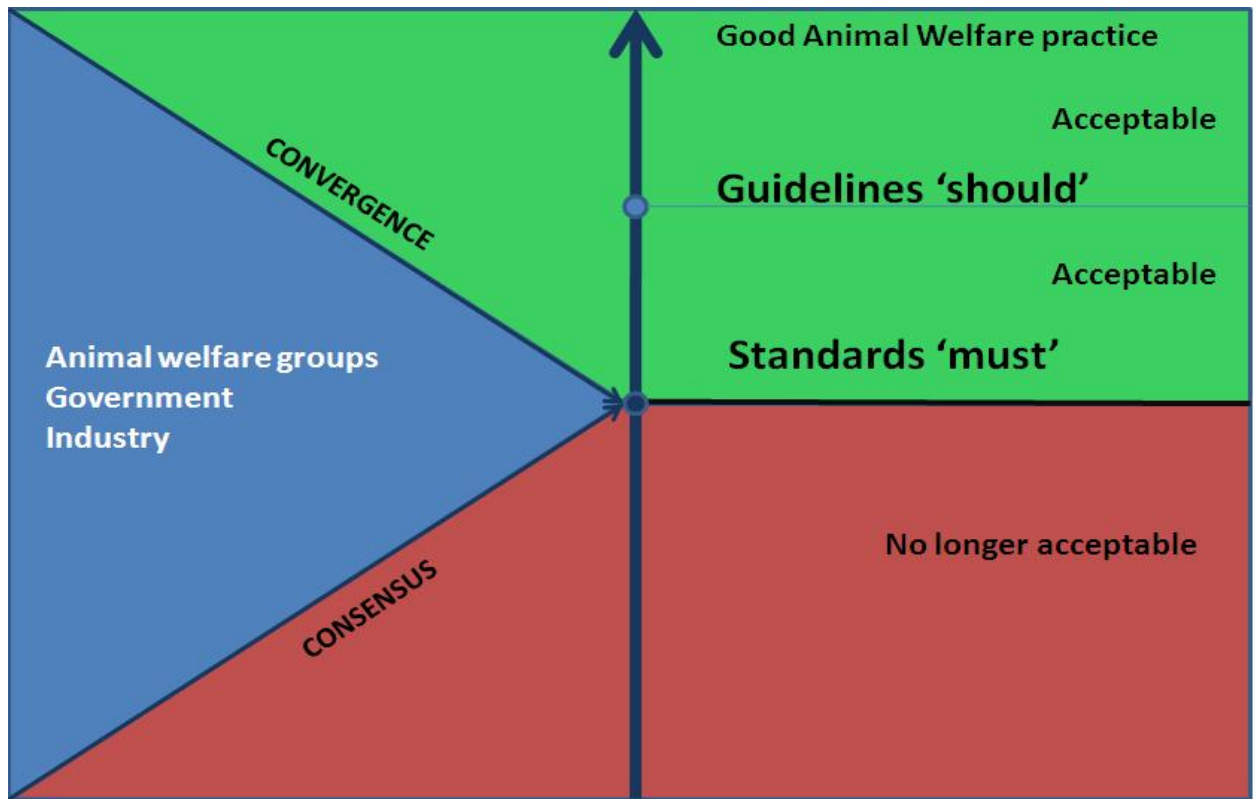
⁴ Dr John Drinan, Chair AAWS Advisory Committee, Dec 2008

- minimise the risks to livestock welfare
- meet community expectations for improved animal welfare outcomes
- provide clear, essential and verifiable statements of the requirements which must be met under law
- provide greater national consistency
- update provisions contained in the existing model codes of practice for the welfare of animals (model codes), based on new knowledge and circumstances
- fill gaps in current standards for all species and welfare issues
- ensure the benefits of standards justify their costs
- improve Australia's reputation in the international context of animal welfare.

These eight points capture the reasons for embarking upon the extensive discussions to develop standards for livestock welfare.

The animal welfare standards are the animal welfare requirements that must be met under law for livestock welfare purposes in the future. The guidelines are the additional recommended level of practice to achieve desirable animal welfare outcomes that will not be regulated. The inclusion of complementary animal welfare guidelines for the livestock industries recognises that the industries have the key responsibility for livestock welfare. The guidelines represent an animal welfare situation better than the standards and non-compliance with one or more guidelines will not in itself constitute an offence under law. Much Reference Group time was spent establishing the relationship between Standards and Guidelines depicted in figure one.

Figure 1. Representation of Standards and Guidelines Development Process and Relationship



The standards are written in plain English as recommended by the Office of Parliamentary Counsel in the Plain English Manual (OPC 2008) and are entirely appropriate for contemporary legislative use. The intention is that the standards are written in a way that is as ‘regulation ready’ as possible and that will also allow adoption of the standards as they are written. Further work beyond this development project is required to ensure that implementation and enforcement results in consistent outcomes in all jurisdictions.

Decision making – Consensus

The four main decision criteria used for standards are that they are;

- desirable for livestock welfare;
- feasible for industry and government;
- important for the livestock welfare system; and have the
- confidence that the new proposal is valid and will achieve the intended outcome.

The three principles proposed by AWWG and supported by the whole Reference Group is that the standards are;

- **clear**, or unambiguous and useful as a communication tool;
- **essential**, or necessary and desirable for achieving a feasible or practical livestock welfare outcome; and
- **verifiable**, or effective in achieving a livestock welfare outcome and able to be audited and enforced.

The Reference Group sought to make decisions by consensus where possible. Consensus has been achieved for the majority of the standards. It is recognized that practical realities and the disparate positions of stakeholders will not allow reasonable compromises to be made in some cases. The process has sought at all times to give reasonable opportunity for all views to be heard and considered, with the most logical arguments prevailing. The process relied upon skillful chairmanship focused on reaching a reasonable decision after due consideration.

Contentious issues were identified for public consultation and further discussion by the Reference Group. A comprehensive set of discussion papers was used for meeting six which used computer network technology (I-meet, Global Learning⁵) to consolidate and capture the combined group response for action.

Where agreement could not be reached, the AWWG provided direction, recognising livestock welfare regulations have to be met by industry in the current economic climate. A measure of success of this principle is that all contributors to the Reference Group have remained engaged in the process.

Regulation Impact Statement

The RIS is an analysis of the proposed standards intended for regulation and a number of alternative positions of standards to determine costs and benefits for governments to consider. The main principal being tested is that society has failed to achieve animal welfare standards consistent with community concerns and legislation is an option to remedy this situation. The RIS assessed the impact of the proposed standards and alternatives by treating them as if they were mandatory, and used the existing MCOP as the point of comparison – the 'base case'. This is the accepted means of

⁵ <http://globallearning.com.au/>

determining the cost of new regulations. The guidelines developed in this process are not included in the RIS because they are voluntary and will not be regulated.

The RIS may not be a wholly accurate measure of the degree of industry change in attitudes and practice. Industry members have pointed out that in many cases the MCOP provisions are not regulated, or at least not to the same extent across jurisdictions, and that current industry practice may consequently be below the level of the voluntary MCOP. This is a 'zero-base' issue and there appears to be many examples of this in transport.

A disproportionate amount of effort has gone into developing provisions to deal with minority situations in transport, such as maximum limits to time off water, although the vast majority of journeys do not approach these outer limits. The factors used in the RIS reflect the small percentage of livestock journeys or occasions that need to use the outer limits of the policy.

Although transport and costs data were difficult to acquire, a large number of detailed calculations were used in the RIS to estimate that the proposed standards would result in a cost to the livestock industries, relative to the base case, of about AUD 31–33.5 million per annum. It is estimated that adoption of the proposed standards would increase the costs of transporting livestock by approximately 5.04–5.18%.

Public Consultation

The communications plan was directed towards achieving effective consultation through the public consultation phase. AHA facilitated the communication effort by the timely production of key talking points for wider distribution by Reference Group members to their constituents, and for opportunistic media uptake. AHA also maintained regular updates in the AHA newsletter and on the AHA website.

After six reference group meetings, the Land Transport Standards went to public consultation in late March 2008. The 60 day public consultation was conducted through an independent website and a postal address for provision of hard copies. The website had full information on the Land Transport Standards and RIS, and responses were invited via a simple, structured survey with open-ended questions and the capacity to add comments, or by separate detailed submissions. Media advertisements in a major national weekend paper and regional papers preceded this phase. However the majority of the effective communications effort was by the Reference Group to their member networks. All national stakeholder organisations represented at the reference group were expected to make a detailed written submission.

There were 45 organisational written submissions and 72 personal submissions. This moderate response is thought to indicate a low level of concern with the development process and the standards and guidelines. This was supported by a lack of focus on a specific issue – there was a wide range of issues mentioned. It is also believed that the complexity of the Land Transport Standards and Guidelines and the RIS may have deterred those not truly motivated to respond.

Public consultation was not expected to identify any new significant issues because of the extensive nature of the development process. A large number of alternative beliefs primarily from welfare organisations were encountered on known issues such as time off water limits. To some extent this did facilitate decision analysis but greatest credence was given to the views of existing Reference Group members that had participated in the previous debates. There is a concern that there has been insufficient ‘road testing’ of proposals at industry enterprise levels despite the public consultation opportunity. Common sense suggests that this type of issue will be addressed during the implementation process and by subsequent reviews.

Post Public Consultation evaluation and response process

Following the closure of public consultation, AHA was responsible for evaluating all submissions and preparing a draft report with input from the writing group and consultants. This comprehensive report is known as the Public Consultation Response Action Plan and was considered by the Reference Group in July 2008. The revised Response Action Plan reported on all organisational submissions and recommended a course of action as the basis for the final major revision of the Standards and Guidelines and the RIS. The report will become a public document.

The most significant post-consultation change to standards resulting in a costs evaluation for the RIS was the new calf loading density standard.

Additional post-public consultation deliberations have not been conducted except for an unexpected complication with the bobby calf standard where an unfeasible element had to be further revised to avert large financial implications for the RIS and future practical difficulties. Bobby calf transport has been identified as an issue that requires ongoing efforts to achieve an improvement in welfare outcomes.

Conclusion

The development of the Land Transport Standards is a major step forward in the way in which animal welfare policy development is conducted in Australia. Specifically, consultation with a broad range of stakeholders when drafting the standards and guidelines improved the relevance of the standards to the community and to livestock industries. Such consultation has also created standards and guidelines that can realistically be adopted by livestock owners and livestock industries. The standards represent an overall, sustainable improvement in livestock welfare and provide a clear focus for further research and future improvements in livestock welfare.

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