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Dear Ms de Jersey

Feedback on Tasmania's Draft Animal Welfare (Cattle) Regulations

Thank you for the opportunity to provide feedback on the *Draft Animal Welfare (Cattle) Regulations* for Tasmania (the Draft Regulations).

The RSPCA supports improvements to Tasmania's animal welfare regulations based on the nationally endorsed *Australian Animal Welfare Standards and Guidelines (Cattle)*. We are pleased to see the new requirement that only registered veterinarians can spay cattle as this will have positive animal welfare implications and align with the *Tasmanian Veterinary Surgeons Act 1987*.

Moreover, updating the regulations provides a timely opportunity for the government to demonstrate stronger leadership on animal welfare, appropriately respond to the community's growing concern for farmed animals, and protect the reputation and sustainability of the state's dairy and beef industries.

Our recommendations are summarised below and explained in the following pages:

Recommendation 1: Under the definition of 'direct supervision', the Draft Regulations should specify that a supervised person must be able to contact their supervisor.

Recommendation 2: The term 'reasonable access' should be specifically quantified to articulate that cattle must have access to feed and water at least once every 24 hours.

Recommendation 3: Clause 6 on minimising harm should include a full range of examples, including extreme weather conditions, disease and injury.

Recommendation 4: Clause 7 should be expanded to include the prohibition of kicking cattle.

Recommendation 5: The Draft Regulations should prohibit the use of electronic devices because they are inhumane.

Recommendation 6: Clause 11 should be expanded to provide more detail about the requirements for tethering cattle including: short and temporary confinement periods only; daily exercise off tether; provision of a safe environment; and access to food, water and shelter.

Recommendation 7: Clause 12 should be expanded to include the inspection of disease risk, predator risk and recent management procedures in addition to the factors already listed.

Recommendation 8: The Draft Regulations should better reflect the current Bobby Calf Guidelines which exist under Section 44B of Tasmania's *Animal Welfare Act (1993)*.

Recommendation 9: Clause 15 (2)(a) should articulate that the calf must be provided with adequate food containing sufficient nutrients 'at least daily'.

Recommendation 10: Modify the wording of Clause 15 (2)(b) from 'sufficient access to water' to 'continuous access to water'.

Recommendation 11: Modify Clause 15 (2)(d) to include the provision for calves to have sufficient space to be able to completely lie down and fully stretch their limbs.

Recommendation 12: Reword Clause 15 (2)(e) to specify that accumulation of faeces and urine within indoor calf housing facilities is against regulations.

Recommendation 13: Expand Clause 17 to include cattle who are suffering from severe distress as an additional category.

Recommendation 14: That the Tasmanian Government take the opportunity to lead Australia in vastly improving the welfare of cattle by banning hot-iron branding.

Recommendation 15: That the Tasmanian Government adopt best practice animal husbandry and welfare by reducing the maximum age for castration to two months and by introducing mandatory pain relief for castration for cattle of any age.

Recommendation 16: Clause 19(3) should be deleted from the Draft Regulations as not to inadvertently foster poor cattle management and unnecessary cruelty.

Recommendation 17: Modify the wording of Clause 20(30) to reduce the maximum age for dehorning to two months to ensure that cattle are disbudded, not dehorned.

Recommendation 18: Clause 20(4) should be deleted from the Draft Regulations so as not to inadvertently foster poor cattle management and unnecessary cruelty.

Recommendation 19: Modify Clause 20(5) to completely prohibit the use of caustic chemicals for disbudding cattle.

Recommendation 20: Clause 23(3)(a) should be modified to prohibit killing calves by blunt force at any age and mandate humane killing practices only.

Recommendation 21: The Draft Regulations need to be expanded to include electro-immobilisation and prohibit its use for either pain relief or restraining cattle.

In closing, RSPCA remains committed to working constructively and collaboratively with the Department of Natural Resources and the Environment and the government on animal welfare legislative reforms that adopt best practice, contemporary animal welfare science and reflect community expectations.

With this sentiment in mind, we welcome any questions and the opportunity to meet to further discuss the recommendations outlined in the following submission.

Yours sincerely



Jan Davis
CEO

4th March 2022

Part 1 – Preliminary

4. Meaning of direct supervision

The endorsed [Standard](#) (see Glossary) requires the supervisor to be contactable by the supervised person. This has been omitted from the draft Regulations. While this may be implied in the meaning of the proposed clauses 4a-d, the RSPCA recommends that the Draft Regulations need to specify that the supervised person must be able to contact the supervisor.

Recommendation 1: Under the definition of ‘direct supervision’, the Draft Regulations should specify that a supervised person must be able to contact their supervisor.

Part 2 – Cattle generally

5. Access to feed and water

This clause reflects Standard (S2.1) in the *Australian Animal Welfare Standards and Guidelines (Cattle)* (the Standard). However, it is vital that the term ‘reasonable access’ be quantified and specified in the Draft Regulations.

Recommendation 2: The term ‘reasonable access’ should be specifically quantified to articulate that cattle must have access to feed and water at least once every 24 hours.

6. Minimising harm

This clause does not list the full range of examples included in the Standard (S3.1). In addition to ‘extreme weather conditions, disease and injury’, the clause should also list droughts, fires, floods and predation. Without these, the clause is ambiguous and open to interpretation.

Recommendation 3: Clause 6 on minimising harm should include a full range of examples, including extreme weather conditions, disease and injury.

Part 3 – Handling and management

7. Handling of cattle

The RSPCA strongly agrees that dropping, striking or punching cattle should be prohibited in all circumstances as per the Draft Regulations. We note that the national Standard clause S5.2 3) also prohibits kicking. However, kicking is not included in clause 7 of the Draft Regulations. Therefore, the RSPCA recommends that clause 7 should specifically prohibit kicking.

Recommendation 4: Clause 7 should be expanded to include the prohibition of kicking cattle.

10. Use of devices

Animal welfare science indicates that the use of electronically activated devices is inhumane because those devices inflict pain and generate stress responses for an animal. Such devices can be, and in our experience, are also used to abuse animals. Therefore, the RSPCA does not support the use of electric prodders. We recommend that Clause 10 be revised to prohibit the use of electric prodders, not just prohibit the use of electric prodders on certain body parts.

In addition to electric prodders being inhumane, enforcing the limited use of these devices is unrealistic.

Therefore, the most humane, responsible and easily enforceable solution is to prohibit their use all together.

Recommendation 5: The Draft Regulations should prohibit the use of electronic devices because they are inhumane.

11. Tethering of cattle

The RSPCA supports the provision outlined in Clause 11 that tethered cattle must receive sufficient exercise each day. However, this Clause does not go far enough in defining the minimum requirements that should be provided if an animal is tethered, and therefore is a risk to animal welfare.

The RSPCA advocates that more humane methods of confining cattle to a specific area, such as a secure yard or fenced paddock should be considered before tethering. We do not support permanent tethering of cattle because animal welfare science shows that tethered animals become distressed if isolated from conspecifics for lengthy periods. When there is no alternative means of confinement, we recommend that cattle should only be tethered for a short and temporary period.

Moreover, tethered animals must be provided with food, water, shelter and regular, daily exercise off the tether in a safe environment. Cattle should never be tethered in conditions where they are vulnerable to extreme heat, severe cold, driving rain or predators. Animals need to be trained to be tethered before being left alone on a tether, and chain tethers should be used as they provide greater security. Therefore, the RSPCA recommends that Clause 11 needs to be expanded to include more specific requirements for the tethering of cattle. The additional information that should be added to this clause includes that: the use of tethering is only appropriate for short periods where there is no other alternative; daily exercise off tether in a safe environment is required for cattle; and that tethered cattle must have daily access to food, water and shelter.

Recommendation 6: Clause 11 should be expanded to provide more detail about the requirements for tethering cattle including: short and temporary confinement periods only; daily exercise off tether; provision of a safe environment; and access to food, water and shelter.

Part 4 – Inspection and accommodation of cattle

12. Inspection of cattle

The RSPCA is pleased that this clause is included in the Draft Regulations. We note that the Guideline (G5.3) also includes ‘disease risk, predator risk and recent management procedures’ and recommend that these factors be included for completeness, and to increase industry recognition that these factors importantly require more regular inspections.

Recommendation 7: Clause 12 should be expanded to include the inspection of disease risk, predator risk and recent management procedures in addition to the factors already listed.

15. Calf-rearing systems

The RSPCA is concerned that the Draft Regulations overlooks the important opportunity to regulate the welfare of calves more appropriately. Specifically, this regulatory update could better reflect Section 44B of Tasmania’s *Animal Welfare Act (1993)*, the Bobby Calf Guidelines, into the revised regulations.

We note that Standard (S8.1) requires calves to be fed daily, yet the Draft Regulations, specifically ((2)(a)) does not refer to frequency. We strongly recommend that this detail should be articulated as ‘at least daily’ in the Draft Regulations to ensure calves are fed at least daily.

Recommendation 8: The Draft Regulations should better reflect the current Bobby Calf Guidelines which exist under Section 44B of Tasmania’s *Animal Welfare Act (1993)*.

Recommendation 9: Clause 15 (2)(a) should articulate that the calf must be provided with adequate food containing sufficient nutrients ‘at least daily’.

The RSPCA supports the inclusion of clause (2)(b) regarding access to water. However, we recommend that the term ‘sufficient’ access to water should be modified to refer to the ‘continuous’ access to water because this would be in the best interest of the calf.

Recommendation 10: Modify the wording of Clause 15 (2)(b) from ‘sufficient access to water’ to ‘continuous access to water’.

We note that Standard (S8.2) requires a calf to be able to “lie down and fully stretch their limbs” yet Clause (2)(d) does not reflect this detail. Limiting calves to space where they can only lie down on their sternum is poor animal welfare and does not align with the national Standards. Therefore, we recommend that this clause be modified to include the important detail and ensure calves are provided adequate space to completely stretch their limbs.

Recommendation 11: Modify Clause 15 (2)(d) to include the provision for calves to have sufficient space to be able to completely lie down and fully stretch their limbs.

Clause 15 (2)(e) currently fails to align with the national Standard (S8.4). Standard (S8.4) makes specific reference to the accumulation of faeces and urine in calf housing. However, clause (2)(e) does not specifically refer to faeces and urine within indoor calf housing. This lack of clarity is a risk to animal welfare. Therefore, the RSPCA recommends that the wording be refined to specify that faeces and urine cannot accumulate within indoor calf housing facilities.

Recommendation 12: Reword Clause 15 (2)(e) to specify that accumulation of faeces and urine within indoor calf housing facilities is against regulations.

Part 5 – Health, breeding and humane killing

17. Treatment of cattle

The national Standard (S11.3) requires that cattle who are “suffering from severe distress” and who cannot be reasonably treated should be humanely killed at the first reasonable opportunity. Clause 17 of the Draft Regulations should also include this category of cattle. Therefore, the RSPCA recommends that Clause 17 should be expanded to include this.

Recommendation 13: Expand Clause 17 to include cattle who are suffering from severe distress as an additional category.

18. Branding

The RSPCA is pleased to see the addition of ‘neck’ in this clause which is above the requirement of the national Standard (S5.11), and we note is a requirement of Tasmania’s *Animal (Brands and Movement) Act (1984)*. The Standard (S5.10) does require that the most appropriate and least painful method of identification should be used. Therefore, this regulatory update provides the Tasmanian Government with the opportunity to demonstrate national leadership by banning the hot-iron branding of cattle which is painful and antiquated.

Recommendation 14: That the Tasmanian Government take the opportunity to lead Australia in vastly improving the welfare of cattle by banning hot-iron branding.

19. Castration of cattle

Clause 19 (2) reflects the national Standard (S6.2 1)).

However, the RSPCA highlights another opportunity here, for the Tasmanian Government to take a leadership role in best practice animal husbandry and welfare on two fronts.

The first would be to update the Draft Regulations to specify that the maximum age at castration should be lowered from six months to two months. Animal welfare science indicates that painful procedures such as castration cause significant distress for cattle. The second front that the government could further demonstrate its leadership is by requiring that castration be conducted with pain relief regardless of age. At the time the Standard was written, a limited number of pain relief products were available. This is no longer the case – the national uptake of pain relief is increasing and well accepted by beef and dairy cattle producers.

Therefore, the RSPCA recommends that the government take a lead role in Australia to adopt best practice animal husbandry and cattle welfare by reducing the maximum age for castration to two months and introducing mandatory pain relief for castration at any age. Such leadership will enhance the reputation and sustainability of Tasmania's dairy and beef industries' by responding to the growing community demand for higher animal welfare (Futureye, 2018).

Recommendation 15: That the Tasmanian Government adopt best practice animal husbandry and welfare by reducing the maximum age for castration to two months and by introducing mandatory pain relief for castration for cattle of any age.

The RSPCA notes that Clause 19(3) reflects the national Standard (S6.2 2) yet cautions that this Standard was developed to acknowledge the specific circumstances of rangeland cattle in northern Australia under limited supervision due to the vast and arid landmass. Limited supervision in Tasmania is neither appropriate nor should it be encouraged. Rather, limited supervision in Tasmania would suggest poor management and unnecessary cruelty. Therefore, the RSPCA recommends that this clause should be removed, and castration should be required to be done with pain relief and before two months of age, as outlined above.

Recommendation 16: Clause 19(3) should be deleted from the Draft Regulations as not to inadvertently foster poor cattle management and unnecessary cruelty.

20. Dehorning of cattle

Clause 20(3) reflects the national Standard (S6.4 1). However, the RSPCA highlights another opportunity for the Tasmanian Government to adopt best practice animal husbandry and welfare by requiring that dehorning be conducted with pain relief regardless of age. The 2019 Dairy Australia animal husbandry survey showed that 93% of Tasmanian dairy farmers disbud all calves before two months of age and 82% provide pain relief. Therefore, we recommend that this clause be modified to reduce the maximum age for dehorning from six months to two months, i.e. animals should be disbudded, not dehorned.

Recommendation 17: Modify the wording of Clause 20(3) to reduce the maximum age for dehorning to two months to ensure that cattle are disbudded, not dehorned.

The RSPCA notes that Clause 20(4) reflects the Standard (S6.4 2) yet advises that the national Standard was included to acknowledge the specific circumstances of rangeland cattle in northern Australia under limited supervision. There is no excuse for limited supervision in Tasmania and if cattle are first yarded and dehorned at up to 12 months of age that would suggest poor management as well as unnecessary cruelty. Therefore, the RSPCA recommends that this clause be removed, and that dehorning/disbudding should be required with pain relief and before two months of age as outlined above.

Recommendation 18: Clause 20(4) should be deleted from the Draft Regulations so as not to inadvertently foster poor cattle management and unnecessary cruelty.

The RSPCA acknowledges that Clause 20(5) reflects the Standard (S6.5). However, this clause offers another opportunity for the Tasmanian Government to demonstrate leadership in animal welfare in Australia.

The 2019 Dairy Australia animal husbandry survey showed that 97% of Tasmanian dairy farmers use hot iron disbudding, leaving only a small percentage using other methods which may include caustic disbudding. These regulatory changes, therefore, provide an opportune time for the government to significantly enhance animal welfare by prohibiting the cruel and antiquated use of caustic chemicals for disbudding cattle. Such leadership better reflects community expectation for better animal welfare and would ensure industry laggards no longer use outdated and painful husbandry practices.

Recommendation 19: Modify Clause 20(5) to completely prohibit the use of caustic chemicals for disbudding cattle.

23. Humane killing

The RSPCA does not support blunt force trauma as a method of killing calves at any age. Furthermore, continuing such a practice by law is a significant risk to the social license of Tasmania's dairy industry as consumers become more aware and expect higher animal welfare. Therefore, the RSPCA recommends that Clause 23(3)(a) should be modified to specify that calves cannot be killed by a blow to the head at any age and can only be humanely killed by a captive bolt or firearm.

Recommendation 20: Clause 23(3)(a) should be modified to prohibit killing calves by blunt force at any age and mandate humane killing practices only.

Omissions

There is no reference to electro-immobilisation (EI) in the Draft Regulations which is an issue. *Animal Welfare (General) Regulations 2013* does not allow an animal to be restrained using a pulsed, low-frequency electrical current unless conducted by a Veterinarian (Part 2, Clause 8). Moreover, Standard (S5.9) of the *Australian Animal Welfare Standards and Guidelines (Cattle)* states that electro-immobilisation must not be used on cattle as an alternative to pain relief. In addition, the RSPCA advocates that EI must not be used as an alternative to pain relief or as a method of restraint. Therefore, we recommend that the Draft Regulations need to be updated to address EI and ensure proper practice.

Recommendation 21: The Draft Regulations need to be expanded to include electro-immobilisation and prohibit its use for either pain relief or restraining cattle.

References

Dairy Australia (2019). '[Animal Care on Australian Dairy Farms – Results of the Dairy Australia Animal Husbandry Survey 2019](#)'. Victoria, Australia.

Futureye (2018). 'Australia's Shifting Mindset on Farm Animal Welfare.' Victoria, Australia.