



SUBMISSION

31 May 2024

Animal Welfare Team
Conservation and Wildlife Branch
Department for Environment and Water

By Email: animalwelfareactreview@sa.gov.au

Dear Sir/Madam

Re: Submission to Draft Animal Welfare Bill 2024

Livestock SA is the peak industry organisation for South Australia's red meat and wool producers. With a membership of 3,600 sheep, beef cattle and goat production businesses, we work to secure a strong and sustainable livestock sector. South Australia's \$4.3 billion livestock industry is a key economic contributor to the state which supports 21,000 South Australian jobs across the red meat and wool industries.

Livestock SA welcomes the opportunity to provide a submission to the Draft Animal Welfare Bill 2024 (Bill), which is important to our members.

Introduction

Livestock SA has provided consistent feedback during the development of the Bill through the provision of multiple submissions, letters and meetings with the department. We are pleased that some of this feedback has been incorporated into the Bill and we have provided further comments in response to those areas that still need to be addressed.

The Australian livestock sector has demonstrated its commitment to improving animal welfare with the ongoing support for the Australian Animal Welfare Standards and Guidelines¹ and industry led and developed sustainability frameworks. The Australian Beef Sustainability Framework (ABSF) includes 'Best Animal Care' as a goal guided by the five domains of animal welfare with targets including '*the use of pain relief for invasive procedures*'². Performance towards these goals is measured and publicly reported annually. The 2024 Annual Update included focused activities such as investment into analgesia products to continue to improve cattle welfare³.

¹ Australian Animal Welfare Standards and Guidelines <https://animalwelfarestandards.net.au/>

² Australian Beef Sustainability Framework <https://www.sustainableaustralianbeef.com.au/>

³ Australian Beef Sustainability Framework 2024 Annual Update

The Sheep Sustainability Framework (SSF) is also a demonstration of the livestock industry's commitment to ongoing improvements in animal welfare. Theme one of this framework is 'Caring for Our Sheep' and includes focus areas; *"reduce, refine and replace painful husbandry practice, implement best practice sheep management and ensure humane processing and on-farm euthanasia"*.⁴ As with the ABSF, these targets are measured, and the industry works towards continuous improvement. The 2023 SSF Annual Report outlined improved methods to measure animal welfare targets⁵.

At a state level, the South Australian red meat and wool industries have made animal welfare an essential part of the SA Beef and Sheep Industry Blueprints⁶. These Blueprints both place a key focus on animal health and welfare and have recently been reviewed to include even more ambitious targets to continually improve the welfare of South Australian livestock. The updated targets (yet to be released) include: *"100 % of SA livestock consistently experiencing animal welfare practices which meet sector guidelines; and 100% SA livestock receiving appropriate analgesic and anaesthetic treatment during husbandry procedures by 2030"*⁷.

Together this provides important evidence that the livestock sector is committed to continual improvement in animal welfare. It is important that this is recognised in receiving the feedback provided in this submission. Our industry is serious about legislative reform for animal welfare, but it must always be realistic, practical, based on science and fairly applied.

It is also important that it is recognised that the responses to the proposed reforms are on behalf of thousands of sheep, beef cattle and goat producers across the state who produce world class products, underpin regional communities and implement science-based animal welfare practices.

Response to Reform Areas

Reform 1: Update the purpose and include objects in the Act

Livestock SA supports the proposed purpose of the Act. We support the objects in principle, noting the following clarifications are required.

Object b) to take a proactive approach to preventing harm, and the ill treatment of animals.

- This is subjective and as highlighted in our previous submissions, there must be a recognition of the differences in commercial livestock production in the ability to prevent harm. In South Australia, and indeed across the country, livestock production is the most geographically widespread agricultural activity. This means that production systems can vary significantly due to a range of factors including environment, climate, geography, pasture and weed species grown, livestock species farmed, distance to professional and support services and connectivity.

Object c) to improve community awareness and responsibilities of animal ownership.

- Anyone with animals in their care has a responsibility to know their requirements to care for those animals to the best of their ability and circumstance. We also support increasing awareness in the community of livestock production and the significant work undertaken by

⁴ Sheep Sustainability Framework <https://www.sheepsustainabilityframework.com.au/the-framework/caring-for-our-sheep/>

⁵ Sheep Sustainability Framework Annual Report 2023

⁶ SA Sheep and Beef Industry Blueprints <https://livestocksa.org.au/industry-development/industry-blueprints>

⁷ SA Red Meat and Wool Blueprint 2030 (soon to be released)

the SA red meat and wool industry to continually improve animal welfare. The inherent 'connection to community' about commercial livestock production decreases with every generation as Australia's population increasingly urbanises.

Object d) to ensure the Minister receives appropriate advice in relation to animal welfare matters.

- Decisions made on the welfare of animals should include all parties involved with the care of those animals and opinions must be weighted to the level of impact on that group. For example, decisions being made on the welfare of sheep producers must include advice that reflects the impacts of that decision on the SA sheep industry, producers and the supply chain. Therefore, these groups must be consulted when these decisions are made, and their feedback weighted of higher significance than from those who will not be impacted at all by the decision.

Reform 2: Better recognise animal sentience

One of the major changes in the Bill is the ability to recognise sentience in animals as outlined in section 4 (1) of the Act that *"Animals are living things that can feel, perceive and experience both positive and negative states"*.

Livestock SA have been supportive of the recognition of animals' ability to perceive negative and positive experiences and as outlined in our previous submissions. We do not support a defined meaning of sentience included in the legislation. It is also important to continue to recognise that animals are distinguished from human beings and activities involving animals such as livestock farming can continue.

Reform 3: Broaden the definition of an animal

Livestock SA support the updated definition of an animal.

Reform 4: Introduce a 'duty of care' provision

Livestock SA broadly supports the introduction of a duty of care provision in the Bill. However, there are several important factors that are not adequately addressed in the Bill.

The definition of *"appropriate and adequate food, water and living conditions"* needs to be contextualised. It is ambiguous and it can appear very different in a commercial livestock setting compared to companion animals or livestock kept as pets.

Livestock producers must manage the food, water and living conditions to ensure their animals are healthy and productive. However, the ability to meet these requirements can vary based on factors such as the location of the farm and the seasonal conditions.

For example, South Australia is currently experiencing very low rainfall impacting feed availability and many producers are supplement and containment feeding. This meets the needs of the animals but may be perceived by people external to the industry or those without livestock management experience as inappropriate or inadequate. Factors such as feeding stock and availability of feed during dry times must therefore be recognised when interpreting and enforcing this legislation.

It is for these reasons that Livestock SA continue to advocate for having people with the required knowledge of livestock production enforcing this legislation in relation to livestock properties. This

would ensure that when there is an animal welfare breach it is recognised, and compliance action is taken with the consideration of normal farming practices for the relative conditions.

Livestock SA also look forward to the opportunity to review the regulations to further understand and provide input on how the duty of care will be applied to livestock species. Any interpretation of state-based legislation must continue to be based on the *Australian Animal Welfare Standards for Cattle, Sheep and Goats*, as they are scientifically based and reviewed regularly to ensure they remain fit for purpose⁸.

Recommendation

Duty of Care provisions for sheep, cattle and goats are based on the 'Australian Animal Welfare Standards and Guidelines', and unique factors impacting commercial production of livestock are considered in interpretation of this legislation.

Reform 5: Improve Regulation, oversight and transparency of the research and teaching sector

Livestock SA strongly supports the ability to involve animals in teaching and research where necessary. The expansion of Section 3 (a) of the definition of scientific purposes to include, *“demonstrating knowledge and techniques in all areas of science including teaching, field trials, environmental studies and research,”* does create clarity over scientific uses. However, there are important differences between demonstrating using animals and research with animals and this must be considered.

As we have previously stated, Livestock SA strongly support the ability to use animals for demonstration purposes for relevant studies such as Veterinary Science, Animal Science, Agricultural Science, Vet Tech and Vet Nursing. Students undertaking these studies are training to work on animals and to truly learn the skills they will need, exposure to real animals, including livestock species must not be restricted. Learning about animals without exposure to live animals in real situations, will deprive these students of the proper understanding of their behaviour and in case of livestock species, can result in human safety risks.

Similarly, while Livestock SA support the Australian Code for the Care and Use of Animals for Scientific Purposes and its requirement for the application of the 3Rs ('replacement', 'reduction' and 'refinement')⁹, the use of specific species for research must still be enabled. For example, the issue of methane emissions from livestock and the contribution to climate change is a major issue and to truly research this issue and develop methods to address it, the use of livestock species is necessary, and this must not be restricted. Similarly research into issues such as disease transmission and pain management in livestock must use live animals in real situations to understand these issues in the real world.

Livestock SA strongly considers that the process to acquire licences particularly for *“keeping and using animals for scientific purposes”* must be fit for purpose, practical and relevant. We support the ability to renew a license for up to five years and believe it is important that the administrative requirements for this proves are as streamlined as possible.

⁸ Australian Animal Welfare Standards and Guidelines <https://animalwelfarestandards.net.au/>

⁹ Australian code for the care and use of animals for scientific purposes (the Code) 8th Edition 2013 (updated 2021) https://www.nhmrc.gov.au/about-us/publications/australian-code-care-and-use-animals-scientific-purposes#toc_167

Recommendations

The process for acquiring licences for the use of animals in teaching and demonstrating is efficient and does not prevent the use of livestock species where it is necessary for the development of student knowledge.

Licences for the keeping animals for research purposes recognise the necessity of the use of specific species on research where needed, and the process is not unnecessarily restricted.

Reform 6: Increases the ability to administer and enforce the Act

Livestock SA supports additions that assist in the administration of the Act to meet its objectives and purpose. This includes the addition of abandonment of an animal which is more clearly defined in the Bill. We support an increase in penalties for breaches, as persons found guilty of an animal welfare offence cannot be tolerated, but this reinforces the critical need for compliance officers to fully understand livestock production.

As stated in previous submissions, Livestock SA supports the provision of increased powers for Authorised Officers provided they are appropriately trained to understand these powers and how their application applies in the context of livestock production. Regulation of livestock industries must be performed by suitable provider(s) with corresponding appropriate levels of government funding to ensure independent, thorough, timely and transparent regulation.

The increased penalties, which are likely to be jurisdictionally leading, and the increased powers of Authorised Officers exacerbate the intractable situation that exists in South Australia for animal welfare regulation and enforcement.

The RSPCA has a very clear and very public conflict of interest when it comes to the livestock industry. It consistently lobbies against many aspects of commercial livestock production. It took a leading role over many years in the recent animal rights movement to permanently ban live sheep exports. It has many other publicly stated positions against livestock production practices and encourages others to adopt these positions.

Through this process, the RSPCA has encouraged people to adopt its view to amplify its position and make submissions to the Bill¹⁰. These types of actions, over many years, are clearly not consistent with the independent and impartial qualities that are fundamental to compliance and enforcement bodies.

We support the addition of 'enforceable undertakings' and 'notice to comply' powers in the Act if they are used in a reasonable manner to prevent harm to an animal. We also support the change to provide 24 hours' notice for routine inspections as this is a reasonable time frame to allow people to prepare and be available for an inspection.

The addition of Part 6 allowing the Minister and the South Australian Civil and Administrative Tribunal (SACAT) to review decisions of Authorised Officers if they are raised is a logical inclusion given the significant powers of Authorised Officers.

Livestock SA also supports the inclusion of an Animal Welfare Fund under Part 7 if the funds are spent in accordance with the functions outlined under section 52 (4) and are consistent with the

¹⁰ RSPCA, 2024. 'Help Change the Law – Animal Welfare Act Review', <https://www.rspcasa.org.au/the-issues/animal-welfare-act-review/>

principals and objects of the Act. There is a significant funding shortfall for animal welfare education, and we support the use of the funds for this purpose. Funds must be relatively allocated across animal species and education provide based on science and evidence. This education material must also be delivered in a manner that is unbiased and by an appropriate group, such as the State Government not by external organisations. We strongly recommend the establishment of a committee with suitable representatives from across animal species, including the livestock industry, to develop recommendations on fund expenditure to the Minister.

Understanding of animal welfare in livestock production by the public has been influenced by other groups and often not based on fact, including animal activist groups that seek to end livestock production altogether. We would welcome the use of the funds to help bridge this gap and help inform the South Australian public of the work that the livestock sector is taking towards animal welfare. We would also encourage the use of this fund to provide upskilling to people involved in the livestock supply chain to ensure that they fully understand the new legislation and all their obligations towards animal welfare.

Livestock SA also support the addition to the Act of the ability to register interstate orders made in other states and territories to be recognised and registered in SA. Animal welfare breaches should not be bound by state lines. Registration of these breaches is a positive inclusion and should prevent the ability to reoffend here in SA.

Livestock SA also seeks amendments to section 59 – *Power to provide food to neglected animals*. We support the provision to provide food and water to an animal in need. However, the required information and evidence that must be provided to the Authorised Officer of the need for food and water provision must be defined. Action based on a verbal complaint alone is not acceptable. Visual evidence of the animal’s condition must be required to enable the authorised officer to make a more accurate assessment of the animal’s immediate needs.

Additionally, reasonable attempts to contact the owner of the animal in the 24 hours preceding any action must also be included in this section. Without such checks and balances, there are risks that people who do not properly understand livestock production practices enter a property to provide food and water when it may not be necessary. Such an action creates unnecessary biosecurity risks and may also have perverse implications for animal welfare during times of high stress for livestock such as lambing. It can also place an unnecessary risk to human health with the risk of injury to a person entering a paddock with animals they don’t know.

Recommendations

Regulation of livestock industries to be performed by suitable provider(s) with corresponding levels of appropriate government funding that ensure independent, thorough, timely and transparent regulation of the state’s livestock industry.

Animal Welfare Fund expenditures are recommended to the minister by a committee which is made up the industries of which the money is collect from.

Section 59 – Power to provide food to provide food to neglected animals be amended to provide assurances that prevent it being abused by those making erroneous or spurious claims of an offense. Documented evidence must be provided to justify entry and who can enter clarified (e.g. Authorised Officers, but not members of the public).

Reform 7 – Contemprorise the governance and administrative provisions for the Animal Welfare Advisory Committee

Advisory committees have played a key role in animal welfare in South Australia by ensuring that there is appropriate representation when decisions involving animal welfare are made. Livestock SA supports the continuation of the AWAC.

Livestock SA does not support Part 3, Section 13 (3) as currently drafted. It does not provide assurances that the interests of commercial livestock production will be appropriately or effectively understood and represented.

As stated in previous submissions, our sector constitutes the majority of the livestock industries, both in terms of businesses involved and industry value. Relative representation on government advisory committees must reflect this.

Of the 9 AWAC members identified in the Bill, only one is likely to be from the red meat and wool industry (*“livestock production and management”*). This is not acceptable both in terms of appropriate representation for livestock industries and clarity around which livestock industries will be represented.

We also note that the Bill moves away from naming specific bodies to nominate AWAC members. However, the Bill continues to name the RSPCA. The government needs to determine if entities or other clarifying means are to be used to designate members. Livestock SA considers that naming specific entities or businesses is flawed as they are subject to change, in which case the legislation becomes outdated.

We support including clear language that ensures appropriate representation from those best suited to provide constructive and representative views on the behalf of the areas that will be impacted by the legislation. For example, the skills required by a member on AWAC representing the red meat and wool industry would include significant demonstrated knowledge and experience in extensive livestock production systems and a sound understanding of the industry’s structures.

Recommendation

Part 3, Section 13 (3) to be redrafted to remove references to all individual organisations, and instead list the recognised representatives and skills required for each area impacted by the legislation.

Other Reforms

Livestock SA has repeatedly requested that the restrictions on the use of virtual fencing collars in livestock be permitted beyond the research sector and allowed for use on commercial livestock properties. We note that the definition of an electric device remains unchanged in the Bill. As such, we again request government expedite amendments to the Animal Welfare Regulations 2012, specifically amending section 8(1)(a), to enable virtual fencing to be used for livestock management purposes.

As we have already outlined in submissions, letters and meetings, virtual fencing has been shown through peer reviewed research, to be affective at managing livestock movements is a low stress, reduced handling way. The benefits of this technology have been shown in trials in South Australia in the rangelands and the benefits to the environmental management of these areas and reduction in

labour requirements have been demonstrated. There is also ongoing research to further evaluate the impacts on the welfare of livestock using these collars and we look forward to seeing the results; however, we consider sufficient evidence that there are no adverse effects to sheep and cattle using these collars already exists.^{11,12,13,14}

Recommendation

Amendments to the Animal Welfare Regulations 2012 to allow the use of electronic collars on sheep, cattle and goats for virtual fencing purposes in South Australia be made as a matter of priority and ahead the pending full review of the AW Regulations following the passage of this Bill.

Conclusion

Animal welfare is regarded as a top priority by the South Australian red meat and wool industries as outlined in the SA Red Meat and Wool 2030 Blueprint priorities. Livestock SA continue to support producers and the sector in meeting these priorities using science-based animal welfare policy, including the Australian Animal Welfare Standards and Guidelines.

We support the intent of the Bill to bring South Australian animal welfare legislation into alignment with other jurisdictions. However, amendments are required to the Bill to better articulate the differences in animal welfare requirements between sectors. We look forward to continuing to work with the government to ensure the unique circumstances experienced in the red meat and wool industries are properly understood and science-based animal welfare legislation enforced.

Please contact the Livestock SA office on (08) 8297 2299 or via email at admin@livestocksa.org.au if you would like to discuss this submission further.

Yours sincerely



Travis Tobin
Chief Executive Officer

¹¹ Sonne C, Alstrup AKO, Pertoldi C, Frikke J, Linder AC, Styrisshave B. Cortisol in Manure from Cattle Enclosed with No fence Virtual Fencing. *Animals*. 2022; 12(21):3017. <https://doi.org/10.3390/ani12213017>

¹² Hamidi, D., Grinnell, N.A., Komainda, M., Riesch, F., Horn, J., Ammer, S., Traulsen, I., Palme, R., M. Hamidi, M. and Isselstein, J. Heifers don't care: no evidence of negative impact on animal welfare of growing heifers when using virtual fences compared to physical fences for grazing. *Animals* (2022), 16(9) 100614. <https://doi.org/10.1016/j.animal.2022.100614>

¹³ Aaser MF, Staahltoft SK, Korsgaard AH, Trige-Esbensen A, Alstrup AKO, Sonne C, Pertoldi C, Bruhn D, Frikke J, Linder AC. Is Virtual Fencing an Effective Way of Enclosing Cattle? Personality, Herd Behaviour and Welfare. *Animals*. 2022; 12(7):842. <https://doi.org/10.3390/ani12070842>

¹⁴ Campbell D. L. M., Lea J. M., Keshavarzi H. and Lee C. Virtual Fencing Is Comparable to Electric Tape Fencing for Cattle Behavior and Welfare. *Frontiers in Veterinary Science* (2019);6. <https://doi.org/10.3389/fvets.2019.00445>