



ROAD TRANSPORT FORUM NEW ZEALAND INC
National Livestock Transport and Safety Group
SUBMISSION
ON
Proposed Animal Welfare Regulations

Contact:

Mark Ngatuere
Policy Analyst
Road Transport Forum NZ
P O Box 1778
Wellington

Ph: (04) 471 8285
Fax: (04) 471 2649
E-mail: mark@rtf.nz

MAY 2016

SUBMISSION BY RTFNZ NATIONAL LIVESTOCK TRANSPORT AND SAFETY GROUP TO THE MINISTRY for PRIMARY INDUSTRIES ON THE PROPOSED ANIMAL WELFARE REGULATIONS

1.0 Road Transport Forum New Zealand

1.1 Road Transport Forum New Zealand (RTF) is a nationwide organisation representing the road transport industry. The Forum provides services to and public policy advocacy for its affiliated members who comprise owner-drivers, fleet operators and international corporates engaged in freight and logistics.

1.2 The Forum's Constituent Associations include:

- National Road Carriers (Inc)
- Road Transport Associations NZ (Inc)
- NZ Trucking Association

1.3 The Forum's member associations have in excess of 3,000 members and associate members who operate approximately 17,000 trucks over 3,500 kg.

1.4 The Forum is the authoritative voice of New Zealand's road transport industry which employs 22,600 people (3.0% of the workforce), has a gross annual turnover of \$6 billion and carts over 70% of New Zealand's land based freight on a tonnes/kilometre basis.

Forward

2.0 The animal welfare regulations offer the opportunity to introduce a significant step change improving animal welfare. We welcome that. Well-designed policy will enhance animal welfare outcomes.

2.1 The discussion document is separated into three distinct sections. We have no comment to provide on surgical and painful procedures. A number of animal welfare principles covered in part 10 and 11 of the

discussion document are similar and are discussed contemporaneously below. Comments on specific proposals are addressed individually after this section.

- 2.2 Of the three options described in section 3.4, *Developing Regulations* and *Non-Regulatory mechanisms* are preferred. The status quo cannot be retained with the expectation that animal welfare concerns will significantly improve. Neither preferred option alone offers an optimal solution. Policy should be agile enough to utilise regulatory and non-regulatory mechanisms.
- 2.3 The compliance enhancements offered by a robust infringement regime are well proven. Regulatory requirements have to be combined with a robust enforcement regime that reinforces adherence to the rules. In previous discussions we have highlighted the possible lack of suitably trained enforcement resource as well as the possible impact the introduction of the infringement regime might have on the judicial system.
- 2.4 Stakeholder or joint industry initiatives will complement the infringement approach. The merit of industry groups working together and developing solutions to remedy issues is well proven. A number of issues identified in the discussion document could be more readily addressed in this manner rather than resorting immediately to regulatory sanctions.
- 2.5 Young calf enclosure construction has not been sufficiently codified. The creation of a group to work through those (and similar) issues would return far greater benefit than other legislative instruments. Too little information has been provided to livestock presenters to enable them to build appropriate structures. It would be inequitable to issue infringements for calf enclosure welfare issues if livestock handlers had not beforehand been given sufficient advice on them.

- 2.6 The discussion document draws a fine line between holding participants in the welfare chain responsible for their actions and transferring that to others. A negligent farmer can present unfit livestock for transport and if carried the transporter can be held responsible for compounding an animal's already unsuitable condition.
- 2.7 A farmer may raise/rear an animal over a duration of time and while in their care that animal might unfortunately develop conditions compromising their welfare. For an adult animal that could be a very long time. For a young calf that could be up to four days before being presented for transport. Prior to transport livestock presenters have the leisure of inspecting livestock multiple times in an environment much more conducive to detecting defects.
- 2.8 A transport operator by comparison has a very short amount of time to assess an animal's welfare while loading. Effective assessment is limited when loading groups of animals quickly, often with limited visibility and in arduous conditions. There are times when livestock consignors assist with loading their livestock and can accidentally load unfit livestock. The odds are not stacked in the livestock transporters favour.
- 2.9 If an infringement regime is created a differential penalty rate should be designed to account for this. The ratio should be percentage based primarily on the age of the animal and the amount of time the stock has spent in each handler's care.
- 2.10 There is a suggestion in the discussion document that each participant dealing with bobby calves would adhere to the Code of Welfare for Dairy Cattle as well as other supplier requirements. Non-regulatory mechanisms in the form of industry based contracts would improve bobby calf and other welfare related issues.
- 2.11 Farmers should be contracted to meat processors to provide only fit and healthy livestock. Livestock transporters would contract with

meat processors to deliver only fit livestock. If unfit livestock were presented and transported industry would resolve that internally. If livestock is not destined for slaughter consumer law principles should alternatively be utilised. The consignees should resolve issues with consignors. If transporters are responsible for injuring livestock they should be held responsible for that.

2.12 The regulator should reinforce those options with the infringement regime to mitigate constant or recurring underperformance.

2.13 *11.2.1 suggests "quicker and more detailed feedback to farmers about situations where calves have been found to be in poor condition transporters communicate to farmers to ensure that every possible step is taken to select only animals that are fit for transport".* Any communication for any consignment of livestock (young or mature) between transporters and livestock presenters should be made at the time of collection. Once livestock are delivered the responsibility to communicate with their consignors should transfer to the livestock recipients.

The Five Freedoms

3.0 The discussion document covers the "Five freedoms"¹ and defines the elements that should be observed to ensure health and welfare obligations are delivered.

3.1 Conflicts between land transport, health and safety and animal welfare requirements at times make compliance difficult for transporters.

- Animal welfare legislation insists that livestock should be transported in their natural posture.

¹ 2.2 Current regime

- Land Transport legislation limits the volume of space available for transporting livestock
- 3.2 Transport operators take every reasonable step to avoid injuring livestock. Regulating more rigorously will have minimal impact on the way transporters view their role in respect to animal welfare. What will change is how transporters balance productivity against possible enforcement costs.
- 3.3 The result may well be a reduction of livestock transported per load in an attempt to reduce welfare risk. That will increase costs to consignors as more journeys will be required to transport the same amount of livestock.
- 3.4 The five freedoms are not a new concept and have been observed by the transport industry for quite some time. Livestock crates and transport equipment have been designed around the principles of housing livestock comfortably and safely. That advice is conveyed through standards and industry developed advisories. On farm and holding facility practice has not been as progressive. That is probably because no similar advice has been given to the farming and livestock handling communities. This reinforces the need to form industry consultative groups to resolve those issues.
- 3.5 The question is asked whether there should be derogation for *"farmers and other businesses to make the arrangements necessary to put suitable loading and/or unloading facilities in place?"*²
- 3.6 Providing that extension is extremely risky. Our experience is that granting extensions results in compliance delays. Young calf welfare is already a topical issue and offering further opportunities not to immediately comply jeopardises New Zealand's welfare image. The most notable example of compliance delay followed the 1999 formation of the National Stock Effluent Working Group. Farmers

² Proposal 43. Young calves-loading and unloading facilities

were to properly prepare livestock prior to transport, transport operators were to fit effluent catching holding equipment to trucks and regional councils were to build stock effluent dump sites.

- 3.7 Transporters immediately met their responsibilities. Farmers and regional councils are still to meet theirs. The consequences of that non-compliance are well documented and have not benefited the pastoral sector.
- 3.8 If an extension is given it should not be longer than 12 months. Following introduction the VADE model (Voluntary, Assisted, Directed, Enforced) should be utilised for a six month phase in period with enforcement enacted after that.

Proposal specific comment

- 4.0 Proposal 1. All animals electric prodders
The livestock transport industry has zero tolerance for any form of animal mistreatment and supports attempts to mitigate any such acts.
- 4.1 There are occupational safety issues for livestock handlers which cannot be ignored. While animal welfare is important human safety must be paramount, as prescribed in Health and Safety legislation.
- 4.2 Identifying whether a beast is heavier or lighter than 100kg will be problematic for livestock handlers and realistically the weight of a beast is irrelevant. The true relevance governing prodder use is whether the handler is at risk and considers its use is warranted. It will be difficult to construct regulations that take into account every possible scenario that would warrant prodder use.

- 4.3 Using electric prodders on stubborn or unruly livestock is sometimes necessary. Health and safety issues arise when attempting to move temperamental animals by hand.
- 4.4 If livestock are being unruly prodder use should be as per the Electric Prodder use guidelines that have been jointly developed between industry, MPI and meat processors³.
- 4.5 We note comments in the discussion document that judging whether a handler is at risk is quite subjective. The reality is that in any case where an electric prodder is used the handler should be able to capably justify their reason for doing so.

5.0 Proposal 34. Cuts and abrasions

The majority of the discussion on this proposal centres on "back rub". The question is asked whether the proposed \$500 penalty is likely to deter inappropriate transport of animals. We expect so.

- 5.1 Multi species transport units are convertible and generally cater to carting multiple decks of livestock. Transporters are likely to reduce the risk of injuring livestock by reducing the number of decks used to transport larger stock.
- 5.2 That will require twice as many journeys to transport the same amount of livestock. Transport costs will increase accordingly.

6.0 Proposal 35. Animals with ingrown horns

The negligent part of this scenario is not the transporting of the animal. It is letting the animal get into that condition. That is what regulation should be dealing with. If livestock welfare is compromised during a journey the transporter should be held accountable for that.

³ Attached

8.0 Section 11 Young Calf Management Regulatory Proposals

8.1 Proposal 43 Young calves loading and unloading

As discussed in our forward, facility design should be left to industry and regulation should encourage improvements rather than constraining any design or operational evolution.

8.2 We have already discussed delaying implementation and the negative consequences associated with doing so. The suggested period of 12-24 months undermines the principle of improving calf welfare.

8.3 Proposal 44 Shelter on farm

As with comments on proposal 43 any design and parameters set should be to a minimum standard agreed by industry with the ability to be penalised for non-conformance.

8.4 Proposal 45 Fitness for transport- Age

The decision on the minimum age for calf transport is beyond the expertise of the transport sector. Responsibility for meeting that age standard should be the presenter's responsibility. Transport operators are unable to accurately gauge a young calf's age.

8.5 Proposal 46 Fitness for transport-Physical characteristics

The question is posed whether there is "significant risk, in practical situations, of any of these characteristics being missed or misdiagnosed?" With the luxury of time and the ability to comfortably carry out frequent livestock inspections there should be no risk of farmers presenting unfit livestock for transport.

8.6 Livestock transporters are most at risk of missing those characteristics. This is especially so if a farmer or farmer's helper assists with loading livestock.

8.7 Proposal 50 Transport by sea across Cook Strait prohibited

In any other case where a truck is loaded onto a ship the master is made responsible for familiarising themselves with that trucks cargo. For example, when dangerous goods are transported on a truck on a ship that must be declared to the master. The master then assigns suitable parking space and handling of that cargo.

8.8 If the decision is made to prohibit calf transport across Cook Strait the master should be held responsible if they knowingly transport that cargo. If that cargo is mis-declared the master should not be accountable. That responsibility would be shared by the transporter and the consignor.