

Submission
No 31

**INQUIRY INTO PREVENTION OF CRUELTY TO ANIMALS
AMENDMENT (RESTRICTIONS ON STOCK ANIMAL
PROCEDURES) BILL 2019**

Organisation: Animals Australia

Date Received: 6 August 2020

6 August 2020

The Hon. Mark Banasiak MLC
Chair, Portfolio Committee No. 4 - Industry
New South Wales Legislative Council

By Email: PortfolioCommittee4@parliament.nsw.gov.au

Dear Mr Banasiak,

Animals Australia's Submission to the New South Wales Prevention of Cruelty to Animals Amendment (Restrictions on Stock Animal Procedures) Bill 2019

Thank you for the opportunity to make a submission on this important Bill to amend the Prevention of Cruelty to Animals Act 1979 (**POCTA**), and to provide evidence at the Inquiry on 11 August 2020. If the Committee requires any further information or clarification prior to my appearance, we are able to provide these on request.

Animals Australia is a leading animal protection organisation that regularly contributes advice and expertise to government and other bodies in Australia, and through our international arm (Animals International) works on global animal welfare issues. On behalf of our individual members and supporters, we are pleased to be able to provide this submission.

A. THE PROPOSED AMENDMENT

Schedule 1 Amendment of Prevention of Cruelty to Animals Act 1979 No 200

[1] Section 23B

Insert after section 23A—

23B Mules operation prohibited

*(1) A person who performs the Mules operation on a sheep is guilty of an offence.
Maximum penalty—50 penalty units or imprisonment for 6 months, or both.*

(2) A person does not commit an offence under subsection (1) until on or after 1 January 2022.

[2] Section 24 Certain defences

Insert "or" at the end of section 24(1)(a)(iii).

[3] Section 24(1)(a)(iv)

Omit "or".

[4] Section 24(1)(a)(v)

Omit the subparagraph.

[5] Section 24(1)(a)

Insert "and with the administration of an analgesic or other appropriate form of pain relief and otherwise" before "in a manner".

Schedule 2 Amendment of other legislation

2.1 Veterinary Practice Act 2003 No 87

Schedule 1 Unrestricted acts of veterinary science

Omit clause 1(b).

*2.2 Veterinary Practice Regulation 2013
 Clause 4 Restricted acts of veterinary science
 Omit clause 4(1)(d)(ii).*

Regarding Schedule 1 Amendment of Prevention of Cruelty to Animals Act 1979 No 200

The s23 amendment is clear - in Schedule 1 above-it prohibits the Mules operation and applies a penalty for breaching this.

The s24 amendments are more complicated to follow in the format provided. To aid the reader, we have provided the current wording (**CW**) and the proposed wording (**PW**):

24 CERTAIN DEFENCES (CW)

- (1) In any proceedings for an offence against this Part or the regulations in respect of an animal, the person accused of the offence is not guilty of the offence if the person satisfies the court that the act or omission in respect of which the proceedings are being taken was done, authorised to be done or omitted to be done by that person:*
- (a) where, at the time when the offence is alleged to have been committed, the animal was:*
- (i) a stock animal--in the course of, and for the purpose of, ear-marking or ear-tagging the animal or branding, other than firing or hot iron branding of the face of, the animal,*
 - (ii) a pig of less than 2 months of age or a stock animal of less than 6 months of age which belongs to a class of animals comprising cattle, sheep or goats--in the course of, and for the purpose of, castrating the animal,*
 - (iii) a goat of less than 1 month of age or a stock animal of less than 12 months of age which belongs to the class of animal comprising cattle--in the course of, and for the purpose of, dehorning the animal,*
 - (iv) a sheep of less than 6 months of age--in the course of, and for the purpose of, tailing the animal, or*
 - (v) a sheep of less than 12 months of age--in the course of, and for the purpose of, performing the Mules operation upon the animal, in a manner that inflicted no unnecessary pain upon the animal...*

24 CERTAIN DEFENCES (PW)

- (1) In any proceedings for an offence against this Part or the regulations in respect of an animal, the person accused of the offence is not guilty of the offence if the person satisfies the court that the act or omission in respect of which the proceedings are being taken was done, authorised to be done or omitted to be done by that person:*
- (b) where, at the time when the offence is alleged to have been committed, the animal was:*
- (i) a stock animal--in the course of, and for the purpose of, ear-marking or ear-tagging the animal or branding, other than firing or hot iron branding of the face of, the animal,*
 - (ii) a pig of less than 2 months of age or a stock animal of less than 6 months of age which belongs to a class of animals comprising cattle, sheep or goats--in the course of, and for the purpose of, castrating the animal,*
 - (iii) a goat of less than 1 month of age or a stock animal of less than 12 months of age which belongs to the class of animal comprising cattle--in the course of, and for the purpose of, dehorning the animal, or*
 - (iv) a sheep of less than 6 months of age--in the course of, and for the purpose of, tailing the animal, and with the administration of an analgesic or other appropriate form of pain relief and otherwise in a manner that inflicted no unnecessary pain upon the animal...*

B. SUPPORT FOR THE BILL

The Bill has our strong support, and we thank the Hon Mark Pearson MLC for his contribution towards the prevention of cruelty to animals, including livestock, and to promote their welfare. We welcome the discussion (introduced by the Animal Justice Party) in the Parliament of this egregious treatment of animals. The first aim of the Bill is to end the cruel practice of mulesing, and we unequivocally support this.

We have one concern that is technical in nature: the Bill refers to the Mules operation, and while we understand what is meant by this term, it needs to be clearly defined. Under the usual rules of statutory interpretation, the fact Mules is capitalised, means it refers to a term defined elsewhere in the Act. Unfortunately, this does not appear to be the case. Either the POCTA needs to be further amended to provide this in the Definitions (s4) or elsewhere, or the current Bill requires a definition of Mules operation or mulesing (as it is often referred to).

Our concern in regard to clear definitions is that any misinterpretation may lead to some invention of or the use of some 'modified' procedure and insisting this was not the Mules operation referred to in the POCTA. Indeed, historically the original mules operation that was first used in the 1930s¹ became the 'modified mules' in about the 1970s².

Further, it is unclear that the Bill intends to ban only the surgical mules or other procedures such as cryogenic breech freezing (or 'steining' as it has been called after the inventor John Steinfort). While proponents of 'steining', and other methods used to remove large amounts of healthy skin from the breech of flystrike susceptible sheep, claim these new techniques are welfare friendly- there is no peer reviewed evidence that we are aware of that supports this. Indeed, we support the RSPCA in its rejection of these new forms of mulesing³.

Further, and to complicate matters, while mulesing is defined in the Glossary of the Australian Animal Welfare Standards and Guidelines - Sheep⁴ (**Sheep Standards**) as:

The removal of skin from the breech and/or tail of a sheep using mulesing shears,

Chapter 7 Mulesing of those Standards then provides a note that: *Mulesing does not include nonsurgical approaches that deliver analogous outcomes for the sheep such as clips, intra-dermal injections of chemicals or other future, non-cutting technologies.*

Our strong view is that the Bill must encompass all types of mulesing, and certainly until there is peer reviewed evidence that these alternative mulesing procedures represent significantly improved welfare impacts on sheep.

The other issue that increases the need to define the Mules operation in the Bill is that the Sheep Standards are adopted⁵ under the POCTA in 34A GUIDELINES RELATING TO WELFARE OF FARM OR COMPANION ANIMALS, where it states:

(3) Compliance, or failure to comply, with any guidelines prescribed or adopted by the regulations for the purposes of subsection (1) is admissible in evidence in proceedings under this Act of compliance, or failure to comply, with this Act or the regulations.

¹ Australian Wool Innovation Limited: <https://www.wool.com/sheep/welfare/breech-flystrike/progress/>.

² Mills RA (1971) Mulesing: still the best weapon against fly-strike. *Journal of the Department of Agriculture, Western Australia*, Series 4:12(2): article 4.

³ RSPCA Australia Knowledgebase, 'What is steining (or sheep freeze branding) and is it an acceptable alternative to mulesing sheep?', <https://kb.rspca.org.au/knowledge-base/what-is-steinning-or-sheep-freeze-branding-and-is-it-an-acceptable-alternative-to-mulesing-sheep/>

⁴ Animal Health Australia, 'The Australian Animal Welfare Standards and Guidelines for Sheep', <http://www.animalwelfarestandards.net.au/sheep/>

⁵ Ibid.

The effect of this is that compliance with the Standards, including those relating to mulesing below, is not mandatory in NSW:

Objective

In circumstances where mulesing is necessary for the long-term welfare of the sheep, it is done in a manner that minimises the impact of the procedure.

Standards

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.*

S7.2 *A person must not mules sheep that are less than 24 hours old or more than 12 months old.*

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

S7.4 *A person must not mules sheep showing signs of debilitating disease, weakness or illthrift.*

S7.5 *A person mulesing sheep must only remove wool-bearing skin.*

Note: Mulesing does not include nonsurgical approaches that deliver analogous outcomes for the sheep such as clips, intra-dermal injections of chemicals or other future, non-cutting technologies.

This is a major weakness of the POCTA, which we appreciate is under review, and reiterates the urgent need for this Bill. Further, these mulesing Standards are already weak and fail to protect the welfare of animals, even when compliance is mandatory (as was intended as part of the national Standard and Guidelines process).

Is the Amendment to the Act necessary?

We wish to be frank and say this amendment, with the crucial exception of the ban on mulesing, would not be necessary, if there was proper enforcement of the POCTA.

Firstly, this is on the basis that the current proviso for undertaking the relevant procedures (ear marking/ear tagging; castration; tailing; branding; and de-horning in various species) requires that they be undertaken *'in a manner that inflicted no unnecessary pain upon the animal'*. In any sensible reading of the Act, this would already require *'the administration of an analgesic or other appropriate form of pain relief'* (as proposed in this Bill).

However, we make the point that achieving analgesia or pain relief (and thereby not inflicting unnecessary pain upon the animal) is the critical thing, not just the administration of substances that are designed to achieve these outcomes. In some cases, it is possible that true pain relief or analgesia may be achieved, but for many of the more invasive procedures, such as mulesing, it is highly unlikely that acceptable pain relief would be achieved in the field for every animal.

As such, we concur with the proposal in the Amendment **to prohibit mulesing** after a phase out period and support the reiteration of the need to use analgesics or other appropriate pain relief for the other procedures listed in the proposed s24.

While it does not prevent us from supporting this Bill, we wish to record that our preferred option at all times is that **all** livestock are not subjected to invasive procedures as part of routine husbandry. Wherever possible, the most humane options should be used including for example immunocastration instead of surgical castration, and breeding polled animals instead of dehorning. **Appendix A** also includes Abstracts from recent peer reviewed studies that highlight the

challenges in providing effective pain relief to animals undergoing invasive procedures, and also provides updates on immunocastration.

Further, the Bill does not propose mandatory pain relief is used for procedures such as teeth filing in piglets, spaying cattle, and beak trimming poultry. We would prefer to see alternatives to these painful practices, and during the phase out periods, the mandatory use of effective analgesia.

Further details on these further considerations are available in our submission to the NSW Animal Welfare Reform Issues Paper, regarding the POCTA, *Exhibited Animals Protection Act 1986 (EAPA)* and *Animal Research Act 1985 (ARA)*.

The second reason the Bill should not be necessary (in an ideal situation) is that proper enforcement of the POCTA includes an understanding of what is meant by **unnecessary**, as in *unnecessary pain*. The Cambridge Dictionary⁶ provides the following definition:

unnecessary
adjective
not needed or wanted, or more than is needed or wanted:

...The idea is to kill the animal as quickly as possible without causing unnecessary suffering.

Regulators administering and enforcing animal welfare legislation in Australia should also be familiar with *Ford v Wiley* (1889) 23 QB 203, which, while not binding, is persuasive in Australian courts. The case has been summarised⁷:

A farmer who had caused the horns of his cattle to be sawn off, a procedure which had caused great pain, was liable to conviction for cruelty. For an operation causing pain to be justifiable, it had to be carried out in pursuit of a legitimate aim that could not reasonably be attained through less painful means, and the pain inflicted had to be proportionate to the objective sought. The mere fact that the defendant believed that the procedure was necessary did not remove him from liability to conviction if, judged according to the circumstances that he believed to exist, his actions were not objectively justifiable.

Further details of the original case are provided in the footnotes⁸.

This old English case is still very relevant today, and to the Bill, as the POCTA already prescribes under s24 that a range of invasive procedures (including mulesing, dehorning, and castration) may only be *undertaken 'in a manner that inflicted no unnecessary pain upon the animal'. If pain relief or analgesia is available and prevents or ameliorates pain, then this needs to be used to prevent the 'unnecessary pain'.*

⁶ Cambridge Dictionary: <https://dictionary.cambridge.org/dictionary/english/unnecessary>

⁷ *Ford v. Wiley*, Case Citation: 23 QBD 203, <https://www.animallaw.info/case/ford-v-wiley>

⁸ The Lord Chief Justice Coleridge noted that it was difficult to define necessary and necessity and continued 'but we may perhaps approach a definition from the negative. There is no necessity and it is not necessary to sell beasts for 40s. more than could otherwise be obtained for them; nor to pack away a few more beasts in a farm yard, or a railway truck, than could otherwise be packed; nor to prevent a rare and occasional accident from one unruly or mischievous beast injuring others. These things may be convenient or profitable to the owners of cattle, but they cannot with any show of reason be called necessary. That without which an animal cannot attain its full development or be fitted for its ordinary use may fairly come within the term "necessary" and if it is something to be done to the animal it may fairly and properly be done.'

The principle that emerges from His Honour's judgement and that of Lord Justice Hawkins is that necessity requires proportion between the object and the means. In Lord Justice Hawkins words, 'in each case however the beneficial or useful ends sought to be attained must be reasonably proportionate to the extent of suffering caused, and in no case can substantial suffering be inflicted, unless necessity for its infliction can reasonably be said to exist'.

It is unfortunate that despite the intended safeguards already in the POCTA, it is necessary to amend the Act to ensure its original intentions are better recognised, understood and complied with.

Why prohibit mulesing in NSW and not just mandate the use of analgesics, as the Bill proposes for other painful procedures under POCTA?

Mulesing was likely needed in the long distant past (some 80 – 90 years ago) when farmers were not aware that their selection for greater wool bearing surfaces on Merino sheep was predisposing the animals to flystrike. Neither did they have the knowledge nor means to effectively control the fly responsible for much pain, suffering and death in these sheep.

However, industry has known for decades now that mulesing is an extraordinarily painful and bloody procedure that risks the social licence to farm wool, and impacts negatively on international markets. Further, there is now the knowledge and resources to allow farmers to breed for clean breech sheep and undertake effective fly control using other methods.

In New Zealand where the practice is now banned (from 2018) the (mandatory) Code of Practice⁹ provides the following steps to avoid flystrike:

Measures for preventing and managing flystrike in sheep include:

- frequent inspection of sheep to identify early strike cases
- prevention or early treatment of injured or diseased skin that might attract blowflies, e.g. lumpy wool (dermatophilosis), foot rot and ram fight injuries
- application of insecticide (e.g. dipping, pour-ons) at strategic intervals throughout the period of risk (long-acting insecticides can normally provide up to 12 weeks protection against flystrike). However, stock need to be monitored to ensure treatments remain effective throughout that time
- tail docking
- crutching, dagging, or shearing before and/or during the risk period
- control of pasture to prevent dag formation that can follow access to lush feed
- control of internal parasites that could contribute to faecal soiling of the breech
- grazing sheep on plants containing condensed tannins (e.g. birdsfoot trefoil, sulla); to reduce the incidence of dags and flystrike
- grazing sheep on ryegrass that contain safe endophytes can reduce the incidence of flystrike
- moving sheep to areas which are cool and windy or to relatively high altitude pastures where blowflies are not present or are less active.

In 2004, following intense pressure from particularly PETA¹⁰ and criticism from overseas wool markets, the Australian wool industry leaders publicly committed to phase out mulesing by 2010. In 2009, it reneged ‘saying it had adopted a new flystrike prevention policy instead’¹¹. The Australian Wool Innovation’s spokesperson explained:

*‘...it was committed to phasing out mulesing "over time, as R&D and breeding progresses"... and...It also remained committed to a "fast-tracked" research and development program that aimed to remove the need for mulesing’.*¹²

But, over a decade later, we still have mulesing being undertaken by sheep farmers. In fact, the NSW Farmers Association says a ban on mulesing would risk the lives of millions of Merino sheep¹³, whilst erroneous in our view if a phase out occurs, strongly suggests many farmers are

⁹ NZ Code of Welfare – Sheep and Beef Cattle, 2018

¹⁰ Sneddon J & Rollin B (2009) Mulesing and Animal Ethics. *Journal of Agricultural and Environmental Ethics*, **23**: 371-386.

¹¹ D Gray (28 July 2009), ‘Mulesing deadline abandoned’, The Sydney Morning Herald, <https://www.smh.com.au/national/mulesing-deadline-abandoned-20090727-dytn.html>

¹² Ibid.

¹³ Farm Online (2 October 2019), ‘Mulesing ban would risk millions of sheep, says NSW Farmers’, <https://www.farmonline.com.au/story/6415557/farmers-say-mulesing-ban-in-nsw-would-put-millions-of-sheep-at-risk/>

still mulesing. The number of sheep shorn in NSW in 2019/2020 was 22 million, which represents a third of Australia's wool production¹⁴. We are not able to locate the exact percentage of these that were mulesed, but AWI provides the following information¹⁵:

- *In 2005, a survey of woolgrowers by the Sheep CRC indicated only 5 per cent of lambs would remain unmulesed.*
- *In a 2017 survey of 1,200 Merino breeders across Australia, the results showed that 27% of producers were not mulesing ewes and 30% were not mulesing wethers.*
- *The same survey showed that 83% of Merino lambs mulesed received analgesics and/or anaesthetics.*

The RSPCA states that in 2016-17, an estimated 13.5 million Merino lambs were marked in Australia, with the majority of these being mulesed¹⁶. While we cannot be sure about the exact figure, it would appear that millions of lambs are still mulesed each year in Australia, with a large proportion in NSW.

Instead of working to phase out the need for mulesing, as it promised in 2009, AWI has been very vocal about the advances it is making in relation to the mulesing procedure:

'Welfare-improved surgery with analgesics and anaesthetics is rapidly replacing the practice of traditional mulesing without the use of analgesics or anaesthetics'¹⁷.

Of course, we commend such advances, but there is a very dubious positive 'spin' placed on the effectiveness of the analgesics used to combat the pain and shock lambs feel after mulesing, which, in our view, is not wholly supported by the peer reviewed science. Further, we are unaware of anaesthetic agents, except topical, being used for mulesing in the field. In general, it appears that some agents (and combinations of agents) are quite successful in combating pain, inflammation, and distress, but the results are often presented comparatively. That is, mulesed animals that received analgesics/anti-inflammatories appeared to suffer less than those that received no pain relief interventions. This absolutely does not mean that the pain of the mulesed and treated sheep were adequately addressed. Further, the science is not currently clear cut, and there are gaps and contradictions that are conveniently glossed over (please see **Appendix A** for a brief literature review).

For example, in an Australian study published in July 2020 titled *Preliminary Findings on a Novel Behavioural Approach for the Assessment of Pain and Analgesia in Lambs Subject to Routine Husbandry Procedures* (Grant *et al.*) it stated:

*In the present study, we evaluated the use of qualitative behavioural assessment to assess pain in lambs caused by routine husbandry procedures performed at lamb marking (ear tagging, castration, mulesing, and tail docking). To do this, video footage of control lambs and of lambs subject to these procedures that were either administered analgesics (Tri-Solfen and meloxicam) or a placebo, was captured 1.5 h post-procedure and assessed by 19 observers. Results showed that the observers agreed in their assessment of the lambs and, as expected, the pain caused by the husbandry procedures altered the behavioural patterns and demeanour of the lambs in a way that was captured by observers using this approach. **At the time of assessment, it also appears that the analgesics administered did not reduce the pain experienced by those lambs that received them...***

¹⁴ Australian Wool Innovation Limited, 'AWI In Your State - New South Wales', <https://www.wool.com/globalassets/wool/about-awi/media-resources/publications/awi-in-your-state/awi-in-your-state-nsw/awi-in-your-state-nsw-270819.pdf>

¹⁵ Australian Wool Innovation Limited: <https://www.wool.com/sheep/welfare/breech-flystrike/progress/>

¹⁶ RSPCA Australia Knowledgebase, 'What is the RSPCA's view on mulesing and flystrike prevention in sheep?', <https://kb.rspca.org.au/knowledge-base/what-is-the-rspcas-view-on-mulesing-and-flystrike-prevention-in-sheep/>

¹⁷ Australian Wool Innovation Limited: <https://www.wool.com/sheep/welfare/breech-flystrike/welfare-improved-practices/>

Our emphasis in bold.

Of course, these were preliminary findings, but this study provides evidence that at least 1.5 hours post marking the lambs were suffering pain (and this was using the current gold standard of Tri-Solfen administered with meloxicam). This study was of additional interest because it used data from a study published in 2019 titled *Behavioural measures reflect pain-mitigating effects of meloxicam in combination with Tri-Solfen in mulesed Merino lambs*, which stated:

This research further supports the use of analgesia during mulesing of lambs. Differences in pain-related behaviours supported the use of meloxicam when used in combination with Tri-Solfen® (Bayer, Australia). This may encourage producers to also administer a non-steroidal analgesic when mulesing lambs and where previously they may only have used Tri-Solfen®... The absence of an effect of Tri-Solfen® alone on lamb behaviour in response to mulesing, is contrary to previous studies (Paull et al., 2007; Lomax et al., 2008 and 2013). Paull et al. (2007) found Tri-Solfen® to have moderate analgesic effects 4 h post-mulesing as evidenced by less hunched standing compared to lambs mulesed without pain relief...

Therefore, the present study suggests the main analgesia responsible for the effectiveness of the combination treatment was meloxicam. This is consistent with Small et al. (2014) who reported that buccal meloxicam decreased the combined abnormal behaviours (hunched standing, standing with stretched posture and walking stiffly) for 8 h following knife castration and tail docking compared to lambs offered no pain relief...

We conclude that using a combination of meloxicam and Tri-Solfen® can reduce pain-related behaviours in the first 6 h post-mulesing. However, this study did not observe analgesic effects through behavioural measures 24 h postmulesing regardless of the type of pain relief administered. This paper adds support to the premise that mulesing sheep is painful, this pain is measurable using pain-related behaviour and that a combination of analgesics is most effective in mitigating the pain.

Again, our emphasis in bold.

To the lay reader, the conclusion above ***that that using a combination of meloxicam and Tri-Solfen® can reduce pain-related behaviours in the first 6 h post-mulesing*** may convey this was true throughout this period. However, this does not appear to be the case. Grant explained in her related paper:

These results align with those of the overarching study ... and suggest that not only do these husbandry procedures alter the behavioural expression of the lambs as expected, but that the administration of analgesics failed to normalise scores of behaviour expression in AT [analgesic treated] lambs. The latter of which implies that the analgesics provided (Tri-Solfen and meloxicam) did not ameliorate pain in lambs 1.5 h after the procedures.

The point we are making here is that achieving pain relief for lambs in the field, the sort you expect if you went to hospital to have 75% of the skin on your buttocks and perineum removed, is an ambitious ask at the best of times (with a veterinarian undertaking the surgery in sterile surroundings and administering and assessing analgesia).

To add to this, the knowledge of the pharmacology is simply not advanced sufficiently for it to be as standardised as administering a vaccine. Another example of this is that an Australian study by Small et al. in 2018 (*A pen study evaluation of buccal meloxicam and topical anaesthetic at improving welfare of lambs undergoing surgical mulesing and hot knife tail docking*) reported that *'treatment groups receiving Tri-Solfen did display increased liking/biting of the wound site and increased wound sensitivity'*.

Given these uncertainties and difficulties and the length of time industry has been aware that mulesing needs to be phased out, our contention is that mulesing, in all its forms, needs to be prohibited. The Bill provides a phase out period, which we support, until 1 January 2022. We would, however, be amenable to a 2- year phase out from the time the Bill is enacted.

It also needs to be considered that mulesing is usually carried out during lamb 'marking' when the lamb is between 6 to 10 weeks of age, and when the lamb is also subjected to other painful procedures including: tail docking, castration, ear notching or ear tagging, and vaccination¹⁸. Removing mulesing from this series of insults would be a major step forward in the welfare of sheep, and may mean that overall pain relief may be easier to achieve.

Further, any pain relief administered at the time of mulesing of lambs will only work for a relatively short period – up to perhaps 48 hours (if Meloxicam is also used). By contrast the considerable open wound inflicted will take up to a month or more to heal, with the attendant risk of scab breakage and infection during that time.

Some in the wool industry also want mulesing to end, and have stopped mulesing voluntarily. A new report by Brisbane consultancy BG Economics¹⁹ and funded by Humane Society International (HSI) and FOUR PAWS - 'Towards a Non-Mulesed Future- Selective Breeding to Counteract Flystrike in Australian Merino Sheep' - surveyed 97 wool growers in different states, climate zones, and rainfall areas. It found:

- 77.5% completed the transition to plain-bodied Merinos (flystrike-resistant sheep) within five years and 42.7pc within two years,
- 83.5% say transitioning to plain-bodied Merinos is not costly,
- 82% have experienced increased lamb growth rates. Lambing percentage is also increased significantly,
- 72.2% experience ≤ 0.5 pc breech strike and 92.5pc ≤ 0.5 pc body strike,
- 87.6% receive a price premium for their unmulesed wool,
- 84.1% have experienced an increased return on investment,
- 86.6% would recommend to other woolgrowers to undertake the transition to plain-bodied Merinos,
- 91.8% believe animal welfare is improved by not mulesing sheep, and
- 98% say not mulesing is important for their farm's future profitability.

The related article in Sheep Central²⁰, which also includes a video link of farmers who talked about why they wanted a non-mulesed future, said:

'The report ... seems to contrast with Australian Wool Innovation-funded research that found it might take 11 to 20 years to reduce the incidence of flystrike in flocks to less than one strike per 100 ewes per year'.

Why prohibit mulesing in NSW and not just allow those farmers who want to stop mulesing to do so voluntarily?

This isn't just about farmers or even international markets (though many major buyers are already showing opposition to buying mulesed wool). An amendment to the POCTA is about the welfare of animals and preventing cruelty to them. Given the considerable weight of evidence that mulesing is

¹⁸ ¹⁸ RSPCA Australia Knowledgebase, 'What is the RSPCA's view on mulesing and flystrike prevention in sheep?', <https://kb.rspca.org.au/knowledge-base/what-is-the-rspcas-view-on-mulesing-and-flystrike-prevention-in-sheep/>

¹⁹ BG Economics (July 2020) 'Towards a Non-Mulesed Future', <https://hsi.org.au/uploads/ckfinder/userfiles/files/Towards%20a%20Non-Mulesed%20Future%20BG%20Economics%20July%202020%20FINAL.pdf>

²⁰ Sheep Central (4 August 2020) 'Australian growers back a non-mulesed wool future + video', <https://www.sheepcentral.com/australian-growers-back-a-non-mulesed-wool-future-video/>

an extremely painful procedure, and the mixed evidence of the degree of pain relief achieved by the current 'gold standard' options, there are pressing and ample animal grounds to prohibit mulesing. Given there are now available options to transition during a phase out period to non mulesed sheep, there is no reason to permit ongoing cruelty to sheep.

Regarding Schedule 2 Amendment of other legislation

We also support the following proposed amendments:

2.1 Veterinary Practice Act 2003 No 87

Schedule 1 Unrestricted acts of veterinary science

Omit clause 1(b) which currently prevents mulesing of sheep that are less than 12 months of age to be a restricted act of veterinary science; and

2.2 Veterinary Practice Regulation 2013

Clause 4 Restricted acts of veterinary science

Omit clause 4(1)(d)(ii), which currently permits registered veterinarians to mules animals older than 12 months.

Our only note here is that the amendment to the Regulation should not prevent a registered veterinarian from undertaking any therapeutic treatment to any sheep (for example to debride damaged or infected tissue etc). This is another reason why the Mules operation needs to be defined.

We commend this submission to the NSW Legislative Council Portfolio Committee No. 4 - Industry. Animals Australia looks forward to participating further in this process.

Please contact me if you have any queries regarding our submission or require additional information or references.

Yours sincerely,

Glenys Oogjes
Chief Executive Officer
Animals Australia

NOTE: Submission ends. **APPENDIX A** follows to assist the Committee.