



SUBMISSION

6 May 2020

Standards Australia
GPO Box 476
SYDNEY NSW 2001
Via website: sapc.standards.org.au

Dear Sir/Madam

Re: DR AS 5340:2020, Livestock Loading/Unloading Ramps and Forcing Pens

Cattle Council of Australia (CCA) and Sheep Producers Australia (SPA) welcome the opportunity to provide a submission to Standards Australia on the proposed revision of the Australian Standard: *'Livestock loading/unloading ramps and forcing pens (DR AS 5340:2020)'*.

In responding to the draft standards, CCA and SPA (henceforth referred to as industry) do so on the premise that it supports any efforts to improve animal welfare and to reduce the risk of accident and injury in and around stock yards, on-farm and along the supply chain. Industry considers that all producers, regardless of the size of their operation, have a duty of care to any person that use livestock handling facilities and any animals handled within these facilities are able to do so safely while maintaining the highest possible animal welfare standards.

However, while noting that the standards are currently intended to be voluntary (with no legal requirement to comply), industry has significant concerns that the proposed standards on the Design of Livestock Loading/Unloading Ramps and Forcing Yards (Standards) have the potential over time to become mandatory for some or all producers if either a particular jurisdiction or the Commonwealth Government refer to the Standards in legislation, thereby making them mandatory. The likelihood of this occurring is high, given the Animal Welfare Standards and Guidelines for Cattle and Sheep are periodically reviewed.

For some time, industry has been advocating for all states to legislate the Standards component (i.e. the 'musts') of the Animal Welfare Standards and Guidelines for Cattle and Sheep. Due to the impracticalities of implementing many of the draft standards described in the draft loading-ramp document, referencing the Livestock Loading/Unloading Ramps and Forcing Yards in the Animal Welfare Standards and Guidelines for Cattle and Sheep would seriously undermine industry's acceptance of the Animal Welfare Standards being mandated, potentially resulting in significant perverse animal welfare outcomes.

Industry is further concerned with the potential for the draft standards to be made retrospective should they be referred to in future legislation, given the complexity and associated costs with the need to upgrade existing facilities, which as the draft standard acknowledges, many of these facilities are used only intermittently.

Overcoming these concerns should the draft standards be agreed, is for the draft standards to be referred to as Guidelines rather than Standards. Precedent was set for the use of the term 'guidelines' rather than standards through the development of the Guide for Safe Design of Livestock Loading Ramps and Forcing Yards by the Australian Livestock and Rural Transporters Association (ALRTA). This guide was developed in consultation with and was accepted by a broad cross sector of the industry (including CCA and SPA),

referencing largely the same statutory and accreditation documents as evident in the proposed draft standards.

It is also important to note the clear distinction between the standards component and the guidelines component of the Animal Welfare Standards and Guidelines for Cattle and Sheep, with the standards comprising the 'musts', and the guidelines comprising the 'shoulds'. This obvious distinction was widely accepted when the document was put together in 2012 and has become part of the industry's vernacular since. Consistency in this language exists across all livestock sectors covered by relevant Animal Welfare Standards and Guidelines.

In keeping with this language, the draft standards for loading ramps and forcing yards should be called Guidelines, as they contain only 'shoulds' and, by Standards Australia's own admission, are not intended to be mandatory unless "[adopted] by a government or other authority having jurisdiction".

Reinforcing this view is that in May 2009, primary industries ministers took the position that guidelines, regardless of their purpose in existing codes and the new standards and guidelines documents, will not be regulated. In particular, agreement was reached that:

All future revisions of Model Codes and 'Australian Standards and Guidelines' documents must provide a number of:

- a) clear essential requirements ('standards') for animal welfare that can be verified and are transferable into legislation for effective regulation, and
- b) guidelines, to be produced concurrently with the standards but not enforced in legislation, to be considered by industry for incorporation into national industry QA along with the standards.

Industry is perplexed as to why there is a need to therefore develop a Standard and considers that there is no net benefit in development of a standard when measured against the criteria set out in the Standards Australia Guide to Net Benefit (GU 103).

Given the significant increased understanding of improved handling techniques and yard design and the acknowledgement by industry of the considerable benefits to both animals and handlers by using these improved principles, industry questions why no animal handling experts or those with significant experience in yard design were part of the drafting committee. Their expertise and insights in these fields would have enhanced the draft and likely increased acceptance by industry.

Industry supports all federal, state and territory work health and safety laws to ensure producers comply in their duty of care; however, seeks clarity on the implications for using products built outside Australia. Small to medium sized farming operations, will often purchase loading ramps from retailers who purchase wholesale products from overseas (e.g. China), where the wholesale manufacturer makes products to a one size fits all which comply with the manufacturer's country standards rather than Australian Standards.

Ensuring compliance by individual producers will likely add significantly to the cost, making it unviable to upgrade existing facilities. This scenario results in the unintended consequence of the facilities not being upgraded and subsequently poorer safety and animal welfare outcomes.

It is therefore concerning that some of the design specifications outlined in the current draft will be too expensive for some producers to follow. While the draft standards define categories for different enterprises based on size and financial turnover (Section 2.1) many of the specifications nonetheless do not exempt smaller producers from expensive requirements even where this is safely possible (see Appendix A "Ramp Side Infills"). Some requirements would result in the need for expensive upgrades across an extremely large portion of industry (see Appendix A "Ramp Exit/Entry Gates").

Further, in many cases the draft standards do not reflect the variation between properties, animals, and situations that necessitate differences amongst loading practices and neglect to recognise the specific

requirements of cattle and sheep in particular (see Appendix A, “Walkways, ladders, steps and platforms”, “Ramp Angle”, “Chains”, “Personnel Access” and “Ramp Exit/Entry Gates”).

In responding to the draft standards, industry requests that clarity be provided on where the point of transfer exists when loading livestock so that each party in the supply chain is clear on where their responsibility lies. Industry suggests that the point of transfer be where livestock go from a loading ramp and step onto a livestock truck, after which a producer’s ability to control any aspect of the loading and transport process is limited.

Industry makes specific comment on the draft Standards at [Appendix A](#) and does so from the perspective of how these proposed standards will be applicable to ramps and forcing yards on farms and cattle and sheep stations across Australia, which can range from single operators (many) to those with a larger number of staff (very few).

CCA and SPA would like to acknowledge the efforts of their respective State Farming Organisation members¹, in particular AgForce, in preparing this submission.

Yours sincerely



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¹ CCA SFO members: AgForce Queensland, Livestock SA, NSW Farmers, Northern Territory Cattlemen’s Association, Pastoralists and Graziers Association of WA, Livestock SA and Tasmanian Farmers and Graziers Association, Victorian Farmers Federation, WA Farmers.
SPA SFO members: AgForce Queensland, Livestock SA, NSW Farmers, Pastoralists and Graziers Association of WA, Livestock SA and Tasmanian Farmers and Graziers Association, Victorian Farmers Federation, WA Farmers.

Appendix A

(Current wording in draft Standards *italicised*; suggested additions underlined; suggested deletions have ~~strikethrough~~; general comments in **bold**)

First and foremost, the document should be presented as a Guideline, not as a Standard (see cover letter). This would overcome most of the concern expressed by producers.

Section 2 – Design

(ii) Intended use

(B) where possible ramps should be aligned north–south to avoid loading in the direction of the sun which is more likely if the ramp runs east–west, especially early or late in the day.

(D) if the facility will be used at night, overhead lighting, capable of evenly illuminating pens, loading areas and vehicles to encourage safe animal movement, should be provided

This will be impractical for many yards that are remote from a power supply. It should only apply to yards used on a regular basis.

NOTE [under (E)] It is advisable that loading and unloading is not carried out by a single person; however, the ramp design should take into account that this is ~~sometimes~~ often unavoidable.

2.2.3 – Approach

A line should be painted, or reflective material fitted, on the road surface if one exists to assist this approach.

2.2.4 – Ramp alignment

Suggest additional advice that a percentage of land area be cleared around the location of a loading ramp to reduce hazards.

2.3.2 Ramp angle

This is in contradiction to the Australian Animal Welfare Standards and Guidelines for Land Transport of Livestock which states that ramp inclines for sheep should be no more than 30° for permanently installed ramps, and 45° for portable or adjustable ramps.

2.5 – Ramp and side infills

This text should be changed to read:

“Infill may be fitted to the inside walls of ramps and ramp entry exit gates for C, D, E size facilities (ref 2.1). Infill shall extend from not more than 100 mm above the ramp floor to not less—

(a) 1000 mm from the floor of the ramp; or

(b) 1000 mm above the level at which the operator is standing, whichever is less.”

Rails in the ramp should be adequate for infrequently used ramps such as those in small-mid-sized farms and commercial facilities (facility types A and B in section 2.1), and should not have to be closed in. Rails are more practical and less expensive for smaller properties and businesses.

Where an infill is required (such as in medium – large farms and facilities, annual/special sales and large commercial facilities) then having the infill 100mm from the floor of the ramp will make it easier for operators to the ground to see animal movements and easier to retrofit existing ramps without poor animal husbandry outcomes. Section 2.1 is listed below for reference.

2.1 General

(a) Small farms — low volume, infrequent usage.

(b) Mid-farms/small commercial facilities — medium volume, infrequent usage.

(c) Large farms/medium commercial facilities — medium volume, frequent usage.

(d) Annual/special sales — medium-high volume, infrequent usage.

(e) Large commercial facilities — high volume, high frequency.

2.6.1 Prevention of ramp free-fall

Clarity sought on the issue of ramp free-fall. Will this change mean that all current ramps with adjustable ramps will be obsolete where not fitted with a safety device?

2.8 Cattle crushes

The final line “crushes should not be fitted between the forcing pen and the loading ramp” should be removed. Crushes should be able to be fitted between the force and ramp so long as the crush does not impede the flow of livestock to the ramp. This will enable producers with existing yards to undertake minor retrofits to meet standards without having to redesign the whole yard complex, leading to significant flow on costs.

2.9 Forcing pens

“Forcing pens shall be designed with no blind corners so livestock can move freely.”

The definition of blind corner is unclear. There are many low stress methods that have cattle moving around a curved race. A blind corner should be defined as “awkward or sharp” angle.

“Forcing pen size shall be a minimum of 10m² in area”

Whilst this may be an appropriate minimum size for cattle forcing pens, feedback from some sheep producers indicates this may be too large for a minimum size for sheep. A smaller minimum area should be considered for sheep.

“Forcing pens shall be sheeted to 1000 mm above the operator floor level.”

While many producers do sheet their forcing pens, the proposed height is too tall for sheep. This recommendation should be altered or removed.

2.10.5 Chains

“Chains shall not be used as the primary locking mechanism for a gate. Chains may be used as a secondary locking mechanism.”

Chains are the most widely used primary gate locking mechanism for sheep given the size of sheep, which makes chains a safe and inexpensive option. This should be recognised within the standard.

2.13 Walkways, ladders, steps and platforms

General access to the ramp and forcing pen area shall be free of obstructions that could cause slips, trips, or falls. Walkways and ladders shall be in accordance with AS 1657:2018.”

Access to the ramp should be provided from the right-hand (driver’s) side.

On under/over ramps, the bottom level walkway should be on the right-hand (driver’s) side to aid line of sight into the livestock crate in order to monitor stock movement.

NOTE Access from the right-hand (driver’s) side assists the driver in making sure that the crate back door pin has been installed to prevent stock falling from livestock crate during transit as it encourages the driver to walk past the crate back door when returning to the vehicle cabin.”

Access should be from whichever side makes the operation safest. Drivers that are rear loading may prefer to have left hand side operation in order to best access the rear door. Yard design will also influence whether the right or left-hand side is safest for access. Both options should remain available.

Walkways and ladders are not often present in sheep yards due to their smaller size. Given this, the sentence “Walkways and ladders shall be in accordance with AS 1657:2018” should be changed to

“Where there are walkways and ladders, these shall be in accordance with AS 1657:2018”. This will clarify that having walkways and ladders is not a requirement of the standard in and of itself.

2.14.1 Bumpers and end of ramp buffers

A self-aligning or compressible interface with the vehicle should be provided.

Gaps should be avoided at floor level.

Bumpers and buffer stops on front of ramp should be maintained in good condition.”

“A self-aligning or compressible interface with the vehicle should be provided” should be changed to “may be provided”. Gaps can already be avoided by backing the truck up squarely into position on the ramp, preventing the mandatory need for a self-aligning or compressible interface. Sections 2.14.2 and 2.14.3 of the draft standard support this position.

B.1 – Identifying the hazards

Will a checklist be provided to ensure compliance with standards?

B.2 – Assessing and controlling risk

Advise putting together a risk matrix that can be given to all industry users (specific or not to their industry) as a template that they can use to ensure compliance. Small to medium farmers do not have the resources or time to put all this in place.

2.16.1 General Access

The size of sheep (and, therefore, the height of yards/pens) means that a man gate is not necessary for good WHS outcomes. We therefore suggest changing the word “shall” to “may” or differentiating requirements for sheep and cattle yards (where this requirement is not mandatory for sheep).

2.16.3 Ramp exit/entry gates

An access gate at the top of the ramp is almost never seen in sheep ramps, as their smaller size means it is not required, and the absence of a gate does not reduce overall safety for the operator. As such a gate is uncommon, does not improve safety outcomes, and would necessitate the upgrade or replacement of existing ramps for many sheep producers, it is recommended that this requirement be removed for sheep.