

31 August 2016

Regulation of Australian Agriculture
Productivity Commission
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Melbourne VIC 8003
By email: agriculture@pc.gov.au

**Animals Australia submission to the
'Regulation of Australian Agriculture' Draft Report**

Animals Australia appreciates the opportunity to provide further input
to the Productivity Commission's inquiry.

As indicated in our submission in February 2016, Animals Australia is (primarily) concerned that the current Australian regulatory framework to protect the welfare of farmed animals is seriously deficient – both in the low standards delivered and the enforcement systems in place. There is an urgent need for reform, particularly to remove the bias and inherent conflicts of interest that pervade animal welfare standard-setting and enforcement regimes which are dominated by industry capture and government agriculture department oversight.

It is apparent in the 'Draft Report' that the Commission during this inquiry has seen evidence of these deficiencies, reflected in the 'Key Point' -

- *The process for setting standards for farm animal welfare would be improved by applying scientific principles and evidence through the creation of a national, independent body responsible for building the evidence base on community expectations, as well as for developing national farm animal welfare standards.*

We fully concur with this assessment. Below in the relevant sections we will provide further recent (since February 2016) evidence that systemic change is needed, and specific feedback to the draft recommendation and information requests. [Note: we acknowledge that most areas addressed by the Commission will have at least *indirect* impact on animals, but our submission will address only those with *direct* impact].

DRAFT RECOMMENDATION 5.1

The Australian Government should take responsibility for ensuring that scientific principles guide the development of farm animal welfare standards. To do this, an independent body tasked with developing national standards and guidelines for farm animal welfare should be established.

The body should be responsible for determining if new standards are required and, if so, for managing the regulatory impact assessment process for the proposed standards. It should include an animal science and community ethics advisory committee to provide independent evidence on animal welfare science and research on community values.

Animals Australia comment:

We fully support this recommendation. The need for such an independent body to determine animal welfare standards - as argued in our February submission and by the Commission's Draft Report – has most recently also been argued by eminent reviewers in relation to the necessary reform of the greyhound racing industry. After the ABC [Four Corners](#) expose (February 2015) of live baiting (with small animals) of racing greyhounds, several States established independent reviews to consider the heinous practice of live baiting and other welfare issues (e.g. doping, inadequate housing and socialisation of dogs, injury rates, and the high rate of killing healthy young dogs ('wastage') and other cruel practices).

In each case – in Queensland, Victoria and NSW - the reviewers recognised the need to separate the integrity and commercial functionsⁱ of regulatory bodies in order to address the welfare of greyhounds (this was already the case in Tasmania).

For example in the **Queensland** reportⁱⁱ reviewer Alan MacSporran QC stated relevantly in summary:

- 21. The Commission is satisfied that the system of self-regulation under the current model has failed to ensure integrity in the industry and failed to safeguard animal welfare.*
- 22. RQ failed in these important obligations because it did not operate a system which adequately assessed risk and it failed to plan an overall strategy to deal with the risk to integrity and animal welfare across all three codes of racing.*
- 23. RQs ability to meet its obligations was compromised by the conflict of interest inherent in having oversight and control of the commercial and integrity aspects of the business.*
- 24. In the Commission's view the current operational model is flawed and the Commission recommends an alternative model where the commercial and integrity aspects of the industry are completely separated. This model is designed to allow the control body to concentrate on the business of racing and maximise its prospects of commercial success whilst the new Queensland Racing Integrity Commission (QRIC) is entirely focussed on ensuring integrity within the industry with the aim of restoring public confidence.*
- 25. The new model also provides for the prioritisation of animal welfare issues with input from experts in relation to policy matters.*

In **NSW** the reviewer, Special Commissioner, the Hon. Michael McHugh AC QC, examined the manner in which the regulatory body (GRNSW) had commenced a review of its greyhound housing code and was similarly critical of its lack of independence. Extractsⁱⁱⁱ:

9.160 Any genuine review of the existing GRNSW Codes of Practice is a positive development. Nevertheless, the Commission is concerned that once more welfare standards may not be set exclusively by reference to the advice of those with independent veterinary welfare expertise. It is concerning that GRNSW has involved industry participants in the process of setting welfare standards. The Commission accepts that their involvement may be seen by GRNSW to be a means by which it can encourage participants to take a proactive role in the welfare of the industry's greyhounds. However, the fact that GRNSW has stated that it will give consideration to the "practical implications of all recommendations on industry" suggests, again,

that welfare standards may be formulated by way of the same process of “compromise” described by Mr O’Mara in his evidence. That would be a very unfortunate outcome and one which is likely to occur if welfare standards are set by reference to any criteria other than that recommended by those members of the reference group who have veterinary and animal welfare expertise. That is not to say that industry, through its regulator, would not have a say if an enforceable code of practice was established under POCTAA and POCTAR. The process for creating such codes involves consultation with industry but it occurs in a formal and regulated setting.

9.161 Recently GRNSW advised the Commission that the next draft of the code of practice will be released for “public consultation and feedback”. Once feedback has been received GRNSW’s Welfare unit will confer with the Chair of the reference group to prepare the “final version of the new code”. As far as the Commission is aware, the Chair is a regulatory and governance consultant. Preparing a final version of the code of practice without reference back to those members of the reference group who have veterinary and welfare expertise may create the unfortunate impression that it again minimum standards have been created in-house. That would be particularly so if the final version of the code of practice differs significantly from the draft produced with expert veterinary and welfare input.

9.162 The Commission is satisfied that if greyhound racing is to continue in this State then enforceable welfare standards must be established and they must be established by those who have the relevant expertise....

As noted above, not surprisingly then, Commissioner McHugh also recommended that in NSW there must be a separation of integrity and commercial functions (promotion of the sport and its profitability). The report stated at Chapter 30 (Volume 3):

30.1 The Commission considers that the integrity of the industry can only be maintained if there is a formal separation of the commercial functions of Greyhound Racing New South Wales (“GRNSW”) from its regulatory functions. The combination of those functions has not worked and it will not work moving forward....

30.3 The Commission considers that, if there is to be a separation of commercial and regulatory functions, the promotion and protection of animal welfare should be a primary concern of the regulator but should not be left to the regulator alone. GRNSW must promote and protect animal welfare and animal welfare standards in the industry.

[It should be noted that Recommendation 1 of the “McHugh report” stated ‘Given the findings of the Commission concerning the management and governance of the greyhound racing industry, the Parliament of New South Wales should consider whether the industry has lost its social licence and should no longer be permitted to operate in NSW’. That recommendation was indeed acted by Premier Baird, and greyhound racing will cease in NSW in July 2017].

Further, the need for an independent body to develop national standards for farm animals in Australia, and particularly to ensure those standards are based on sound scientific evidence and meet community expectations, has been further demonstrated during past months in 2016. Some of these recent examples of the bias and failures of the current system follow.

Unstunned slaughter in Australian abattoirs.

A review of the *Model Code of Practice for the Welfare of Animals: Livestock at Slaughtering Establishments (2001)* has recently commenced. A first meeting of the Standards Advisory Group (SAG) was in late June 2016. This group is tasked with providing technical and expert animal welfare and industry advice on the draft Australian Animal Welfare Standards and Guidelines for the Welfare of Livestock at Processing Establishments (abattoirs) which will replace the Model Code.

As members of SAG, Animals Australia (this author) and the RSPCA Australia representatives were shocked to learn at the first meeting that the issue of non-stun (religious) slaughter which currently occurs in a small number of abattoirs under 'approved arrangements', would not be discussed. The Animal Welfare Task Group (AWTG) which reports to the Agriculture Ministerial Council (AGMIN), had deemed that the issue of religious slaughter would not be part of this Standards and Guidelines development process; that the current 'exemption' would remain; it was effectively 'off the table' for the SAG.

This unilateral directive comes after some ten years of community concern since the practice was first referred to the ministerial council (then the PIMC) by the (then) federal Agriculture Minister McGauran after representations by Animals Australia, RSPCA Australia and the (then) Minister's broad-based National Consultative Committee on Animal Welfare. After the referral to PIMC, the federal Government commissioned several scientific reviews^{iv}. This following extract from the first of those reports (by Sheridan/Adams) indicates the welfare concerns of the currently permitted exemptions from Australia's usual requirement that all animals be rendered unconscious before they have their throats cut in abattoirs:

Unstunned livestock

- *Animal welfare risks in unstunned livestock arise firstly from the presence of consciousness during throat cutting and secondly from the ongoing experience of the animal as consciousness rapidly but not immediately disappear subsequent to blood loss. That experience will include pain and is likely to include distress.*
- *That pain and distress cannot be alleviated until unconsciousness supervenes and may amplify pre-existing negative emotional states, leading to panic or terror.*

It is instructive for the Commission to also know that the period of consciousness after a throat cut – e.g. this extract:

In a comprehensive review of the literature of relevance to this point, the European Food Safety Authority (EFSA) determined that, without stunning, the delay between cutting through the major blood vessels of the neck and insensibility, as deduced from behavioural and brain response, was up to 20 seconds in sheep, up to 25 seconds in pigs, up to 2 minutes in cattle, up to 2½ or more minutes in poultry, and sometimes 15 minutes or more in fish^v.

Members of the SAG (animal welfare experts, veterinary and animal welfare scientists, government regulators and industry) all have an interest and expertise in the humane treatment of animals at abattoirs but have been 'dealt out' of this important aspect.

The draft introduction to the proposed Standards and Guidelines states-

*These standards provide a basis for developing and implementing consistent legislation and enforcement across Australia, and provide guidance for all people responsible for livestock. **They are based on current scientific knowledge,***

recommended industry practice and community expectations. *The standards reflect the importance of good stockman ship, the skills and responsibilities of animal carers and their role in good husbandry for the delivery of acceptable animal welfare outcomes. (Our emphasis)*

Consequently, the SAG (and then the new Standards) will not consider nor heed current scientific evidence or recommended practice, and will ignore community expectations that our laws will protect the welfare of animals in abattoirs in Australia by - as a minimum - requiring stunning. Cutting the throats of fully conscious animals causes terrible and unnecessary pain and suffering, and under the current biased system of review (this time at the higher AWTG level) this cruelty will continue to be 'exempted' and therefore legal.

Cattle, sheep and poultry Standards and Guidelines development process.

The February 2016 Animals Australia submission outlined in detail the procedural failures of the review of the cattle and the sheep Codes (which each took over 7 years) and which settled on such low standards that those documents will now allow cruel practices to continue for the foreseeable future. [See pages 8-10 of that submission, No 53].

Particularly noteworthy (but just a single example of the failures) is the refusal of cattle, dairy and sheep industries to accept a requirement to use available and practical pain relief for painful and invasive surgical practices (mulesing, dehorning, disbudding of calves, some cattle spaying techniques etc). Those low '[Standards and Guidelines](#)' were 'signed off' by Agriculture ministers (AGMIN) out of session in January 2016; they merely accepted the will of the cattle, dairy and sheep industries 'leaders', and disregarded scientific evidence, alternative more humane methods and overwhelming community concern expressed^{vi} during the 'Public Consultation phase'.

The overdue [review](#) of the Model Code of Practice for the Welfare of Animals: Domestic Poultry (4th Edition 2002) into the Animal Welfare Standards and Guidelines for Poultry commenced late in 2015. To date the review appears to be mimicking the failure of process demonstrated by the sheep and cattle Standards review process.

The poultry Code review process has been that-

- A 'management group' including poultry industry representatives, a State of (NSW) Department of Primary Industries (NSW DPI) officer and the facilitators Animal Health Australia (AHA itself having a membership of animal farming industries and state agriculture departments) sought input from stakeholders on key issues (in 2015).
- The smaller writing group (DPI and AHA) then produced a first draft of the new Standards and Guidelines and a number of 'supporting papers' related to key issues identified by stakeholders. Despite significant welfare issues raised by at least the animal welfare representatives (e.g. the keeping of hens in small barren battery cages) the first draft produced was not significantly different in its provisions to the existing (2002) Code of Practice.
- A first meeting of the SAG in March 2016 resulted in most issues of significance being 'parked' pending stakeholders providing scientific evidence and arguments to the writing group. This occurred in March/April.
- In July just prior to a 2nd meeting of the SAG (in August) the writing group provided an updated (2nd draft) of the Standards and Guidelines; again, there were no significant changes to the status quo.

- The 'parked' controversial issues (those where change is needed based on scientific evidence and community expectations) were discussed at SAG 2. However, despite the significant scientific input, little was altered in the current 'draft' S&G. Instead the key issues will now merely be the subject of 'options' provided in the Regulatory Impact Statement which will accompany a draft Standards and Guidelines document to be released for public comment in November 2016.
- Public consultation feedback (usually a high volume) for each of the most recent Code reviews (pigs, land transport, cattle, sheep, saleyards) has not resulted in the 'options' being adopted by AGMIN, i.e. they have not led to reform.

This current flawed and biased process, and the outcomes of previous reviews of farm animal standards, provide clear examples of why a new independent system as envisaged in the Productivity Commission's draft recommendations is so sorely needed.

INFORMATION REQUEST 5.1

The Commission is seeking feedback on:

- ***the most effective governance structure for an independent body tasked with assessing and developing standards and guidelines for farm animal welfare***
- ***what the body's responsibilities should include (and whether it should make decisions or recommendations and if the latter, to whom)***
- ***what processes the body should use to inform and gauge community values on farm animal welfare***
- ***how such a body should be funded.***

We will provide the Animals Australia feedback to the 5.1 Information Request below:

- ***the most effective governance structure for an independent body tasked with assessing and developing standards and guidelines for farm animal welfare***

Animals Australia comment:

In our view this would require a statutory body be established by the Australian government. To ensure it's 'independence' from vested interests, particularly from commercial agricultural interests and State agriculture departments, its reporting structure would not reside within the agriculture portfolio i.e. the Attorney General's Department is suggested.

We would envisage the statutory authority with a CEO and staff with expertise in animal welfare, policy development, legislation/enforcement, investigation and administration. To inform its deliberations and recommendations it should have an expert Advisory and Standard Setting Panel (ASSP) with an independent chair, experts in animal welfare science/veterinary medicine, and representatives from community animal advocacy groups, animal use groups, and Australian and State/Territory governments. The ASSP could be modelled on the European Scientific Panel on Animal Health and Welfare and/or the NZ National Animal Welfare Advisory Committee.

- ***what the body's responsibilities should include (and whether it should make decisions or recommendations and if the latter, to whom)***

Animals Australia comment:

The key responsibility and function would be to provide Australian leadership on animal welfare (all species), to be an expert and representative forum for animal welfare advice and

policy development, to undertake Standard setting, and facilitate harmonised implementation and enforcement of these Standards by all relevant Australian, State, and Territory authorities responsible for animal welfare and related legislation.

The current constitutional limitations dictate that any decisions taken by the independent body would remain recommendations – i.e. to the federal Attorney General. We do though believe that the independence and the expertise of this body with the support of the federal government would be a powerful force for the necessary reform of animal welfare standards in Australia, including through influence and assistance to the States.

[Note – we would hope that over time all State jurisdictions would also move animal welfare responsibilities to neutral departments, and essentially also set up independent offices for animal welfare to assist national co-ordination in addition to their State responsibilities.]

The tasks we envisage for this independent body could include:

- Conduct inquiries and prepare reports and recommendations (in a similar manner to the ‘Productivity Commission’) to highlight and address current issues/deficiencies of animal protection laws and their enforcement (related to Australian issues and/or issues of significance and relevance to the majority of the States and Territories). Provide expert advice to Government, including on international developments.
 - Revise the (currently unfunded) Australian Animal Welfare Strategy (AAWS) to update agreed Australian priorities, and facilitate collaborative implementation through (voluntary) sector working groups.
 - Conduct investigations and inspections into Australian animal welfare incidents (e.g. inspect and investigate matters relating to **live animal export** including the Australian Standards for the Export of Livestock (ASEL) and Export Supply Chain Assurance System (ESCAS) breaches).
 - Liaise with State/Territory governments to facilitate the development and setting of enforceable Australian animal welfare Standards based on expert scientific input, practical knowledge and community expectations (through the ASSP).
 - Liaise with State/Territory animal protection enforcement bodies in cross-jurisdictional welfare enforcement matters (similar to the Australian Federal Police), and develop appropriate national training, inspection, and enforcement policy support for relevant State/Territory authorities.
 - Collect, report and distribute animal welfare information (e.g. an annual report and a 5-yearly ‘State of Animals’ report to be tabled in Parliament and which require Government/Ministerial response).
 - Assess priorities and provide advice to funding bodies about the research needed to inform and underpin sound animal protection reform measures (impartial ‘public good’ research rather than industry-directed research^{vii}).
- ***what processes the body should use to inform and gauge community values on farm animal welfare***

Animals Australia comment:

As above – our proposal that there be an expert Advisory and Standard Setting Panel (ASSP) with an independent chair, experts in animal welfare science/veterinary medicine, and representatives from community animal advocacy groups, animal use groups, and Australian

and State/Territory governments would assist as those experts would be well placed to inform the independent body on community views and values on farm animal welfare.

Further, the body should be adequately resourced to conduct and/or commission independent research into community values on relevant matters to further inform its recommendations.

- ***how such a body should be funded.***

Animals Australia comment:

Resourcing (at the Australian level) must be adequate and could be sourced from –

- the current Department of Agriculture, Water and Resources live export unit (policy/investigations) if those functions are transferred to the body (as suggested on page 222 of the Draft Report), and
- through the reinstatement of funds previously assigned to the (former) Department of Agriculture's animal welfare unit,
- the (former) Australian Animal Welfare Strategy budget (approx. \$1M pa), and
- funds currently paid to Animal Health Australia (contract for Standards development).

In regard to the last point, the review of the existing Codes of Practice and the development of Standards and Guidelines is currently funded through a tripartite system- 1/3rd federal government, 1/3rd State jurisdictions collectively, and the final 1/3rd by the relevant industry (through levies). It is envisaged those funds would be provided to the independent body to undertake this task.

We note that in the 2015 New Zealand Government budget that a further \$10M was provided over 4 years to improving animal welfare processes in that neighbouring and smaller country. It is shameful that similar is not occurring here; the need to provide leadership and facilitate agreed change for animals across Australia has been recognised by all stakeholders (i.e. during the AAWS phase) and it must now be properly resourced as a 'public good'.

DRAFT RECOMMENDATION 5.2

State and territory governments should review their monitoring and enforcement functions for farm animal welfare and make necessary changes so that:

- ***there is separation between agriculture policy matters and farm animal welfare monitoring and enforcement functions***
- ***a transparent process is in place for publicly reporting on monitoring and enforcement activities***
- ***adequate resourcing is available to support an effective discharge of monitoring and enforcement activities.***

State and territory governments should also consider recognising industry quality assurance schemes as a means of achieving compliance with farm animal welfare standards where the scheme seeks to ensure compliance (at a minimum) with standards in law, and involves independent and transparent auditing arrangements.

Animals Australia comment:

Again – we agree fully with this recommendation; it will provide the necessary effective and independently-based decision making which is currently conspicuously absent. Even once decisions are made to improve or reform laws and standards, their acceptance and enforcement (as necessary) is required before a single animal benefits.

We wish to add further detail and argument relevant to inadequate enforcement; primarily caused by the clear conflict found in Departments of Agriculture/Primary Industries where they are tasked with administering the animal welfare acts (and similar). Our submission (No. 53) from February 2016 addressed this to an extent – but we have further recent examples.

Recent ESCAS examples - ongoing failures to comply with the ESCAS supply chain requirements, and yet still no prosecutions or licences withdrawn from exporters. A case in point is our investigation in Vietnam in May 2016 which again (for the second time by Animals Australia, but the third formal complaint over 3 years) found Australian cattle being sledge hammered to death in unaccredited slaughter houses, and also breaches of handling and slaughter standards in accredited abattoirs in Vietnam.

That investigation led to the DAWR then doing a country-wide audit which has now revealed that traceability systems had been - and continue to be – corrupted and/or breached. This is not new – since early 2014 in addition to the Animals Australia formal complaints related to Vietnam and sledge hammering of Australian cattle (complaint numbers 58 and 104), industry and exporter ‘self-reports’ have been numerous – some 24 to date^{viii}. It is not a coincidence that these ‘reports’ are clustered significantly after each Animals Australia expose as the Department has made it clear in its compliance policies ‘coming clean’ i.e. self reports, are looked on more favourably.

In July^{ix} DAWR suspended 21 facilities in Vietnam (abattoirs and feedlots) and suspended two of the 7 exporters from supplying cattle to Northern Vietnam. One of those exporters has already been permitted to resume supply to the region, and this despite 6 ‘self reports’ by exporters for Vietnam alone since the most recent Animals Australia complaint (in June 2016).

Whilst it is already totally unacceptable that it is a charity that continues to detect and report breaches, we were then also amazed that a day after lodging this further formal complaint in June, we were invited to participate in a phone conference between DAWR and the exporters to Vietnam; not only was the DAWR – against all sound investigation principles - bringing all exporters together to reveal details of the evidence gathered and so lose the opportunity to properly interrogate the possible perpetrators, they thought it appropriate that the complainants (Animals Australia) be involved in this venture.

Further, the revelations related to the ongoing failure of Australian exporters to maintain control of their supply chains in Vietnam – resulting in Australian cattle being killed cruelly by roping and sledgehammers in traditional slaughterhouses – brings focus again to the breeding/dairy animals being exported without even the intended protection of ESCAS. For example, some 142,000 dairy and beef breeder cattle^x were exported from Australia in the 12 months to July 2016, with most to China. In most (if not all) of the countries they are going to (e.g. China, Indonesia, Pakistan, Kuwait and Vietnam) there are no animal welfare regulations covering treatment on farm or at the abattoirs (for them or their offspring). They are highly likely to be killed at traditional slaughterhouses. The decision to exclude these animals (and

sheep and goat breeders) from ESCAS is one made by successive Agriculture Ministers and is totally at odds with the rhetoric of industry and Government that Australia is a leader in animal welfare.

Other indications that Ministers and Departments of Agriculture should not be involved in animal welfare policy or enforcement include these State examples:

- Western Australia has still not yet adopted into regulations/enforcing Land Transport Standards and Guidelines, even though they were adopted nationally (AGMIN) adopted in 2012 nationally. This despite WA being the biggest state with the longest transport distances^{xi}.
- Development and adoption of the Cattle and Sheep Codes of practice has been fraught (as outlined in our previous submission). They were adopted in January 2016 by AGMIN and even the now projected adoption as regulations by each State/Territory gives an indication that some of the minimum standards agreed are too low for at least Victoria, Tasmania and the ACT^{xii}.
- In New South Wales an MOU^{xiii} has been agreed (25/3/2015) and is in place between the NSW Farmers (whose logo line is 'Growing the Best') and the Liberal/National Coalition State Government that states – '*We also re-affirm our commitment to non-mandatory standards and guidelines for animal welfare.*' This is despite a national agreement in 2006 (including the then-NSW agriculture minister) to move to enforceable national Standards for farm animal welfare.
- In Queensland the Department of Primary Industries (DPI) officers have undertaken audits of cage egg layer (hen) farms for compliance with the Code of Practice and related Regulations which dictate cage design and density of hens. Throughout Australia since 2008 (after initial notice in 1994 in the 2nd Edition of that Code, and then in the making of the 4th Code in 2002) new cage design, with full opening fronts to avoid bone breakage when hens are removed for slaughter, has meant the 'old' cages were obsolete and illegal. As far back as 2010 DPI officers have advised DPI management of farms who were not complying, yet some as recently as earlier this year (2016) were still in breach of these regulations. It is apparent DPI has not moved to enforce the law to ensure the cages are scrapped. These cages (some of which may be over 50 years old) make an unacceptable housing system even worse for the caged hens, and make a mockery of oft-repeated Government and industry claims that our system protects farm animal welfare.

Animals Australia comment on Industry plans for ESCAS compliance via QA:

Extract re ESCAS (Page19 of Draft Report)

Whether an industry-developed quality assurance program could be used by exporters to demonstrate compliance with the requirements of the ESCAS depends on whether it can be shown to assure the welfare of Australian live exports in line with the Australian community's expectations. It is critical that the community has confidence in the system used to regulate live exports. Incidents of mistreatment of animals in facilities that are within the purview of the ESCAS, and that are overseen by the Australian livestock industry, reduce community confidence in the trade and the regulator's effectiveness.

Animals Australia has been asked and has provided comment on the plans for the proposed live export industry quality assurance approach – The Livestock Global Assurance Program (LGAP). LGAP has been developed by industry (with ½ public R&D funding) to deliver a

facilities-based auditing system rather than, or in addition to, the current exporter supply chain system for ESCAS (which is exporter supply chain-centred)^{xiv}. The system would be operated by a private company which appoints auditors to inspect facilities (feedlot/abattoirs in importing countries) against the ESCAS standards, and the company then provides those audits to the Department of Agriculture.

Animals Australia does not support LGAP. First, the standards (to be enforced) will not provide any improvement for animals over the current ESCAS standards requirements .i.e. the Standards (ESCAS and LGAP) reflect the very basic (low) level of the OIE Guidelines; for example they allow fully conscious slaughter (no requirement for stunning) and allow 180 degree inversion restraint of fully conscious animals including cattle prior to slaughter. These are practices that the Australian community has long rejected for domestic slaughter.

Second, we have no greater level of confidence (over the current regime) in regard to independence in the audit and compliance system offered by LGAP. Significantly, Professor Temple Grandin (world renowned animal handling and slaughter expert) was critical recently^{xv} of the LGAP proposal. Professor Grandin said that because it only requires the facility management and then the audit company itself to be checking on compliance – it has ‘only 2 legs and like a stool, will fall over’. She says any such system need to have an overseer – in this case government as the third leg.

Food labelling (Extract page 25)

The production methods used for eggs labelled as ‘free-range’ do not always align with consumers’ expectations (or understanding) of those methods, and consumers lack confidence that they are getting what they are paying for. The Australian Government recently announced an information standard for free-range eggs to create consistency and allow consumers to compare different ‘free-range’ eggs. The standard provides a definition for the term ‘free-range’ (with a maximum outdoor stocking density of 10 000 hens per hectare) and requires producers who claim that their eggs are free-range to prominently disclose the stocking density on the label. Compliance with the information standard provides producers with a safe harbour defence against allegations that they are engaged in false and misleading conduct.

The new standard should provide greater clarity for consumers. However, because poultry welfare outcomes are affected by the production system used (and hen welfare is one of the key reasons why consumers purchase free-range eggs), there should be consistency between animal welfare and egg labelling standards. The new information standard for free-range eggs was established independently of the conversion of the Model Code of Practice for poultry welfare into mandatory national standards and voluntary guidelines, and may need to be revised after this conversion has occurred.

Animals Australia comment:

Animals Australia fully agrees that animal product labelling must fully align with genuine animal welfare standards. We welcome the proposed ‘information standard’, and would encourage a full examination of other animal industries’ labelling to ensure alignment (e.g. cattle feedlotting, abattoirs, meat chickens, pig industry practices).

Biosecurity (extract page 291)

Trespass is unlawful and clearly undesirable. One way of reducing it is to remove the motivation for it. Chapter 5 discusses how monitoring and enforcement of farm animal welfare standards could be improved. These proposals may help to increase confidence within the community that livestock welfare outcomes are being achieved, and may help to reduce trespass on farms. However, the Commission is interested in any other strategies (including strategies used elsewhere in the world) that could be used to discourage farm trespassing and lessen biosecurity risks.

INFORMATION REQUEST 7.1

Participants raised concerns about farm trespass, particularly as trespass can increase biosecurity risks. What strategies could be used to discourage farm trespass? Are existing laws for trespass sufficiently enforced in relation to farm trespass?

Animals Australia comment:

Animals Australia's observation is that much of the motivation for uninvited inspections of facilities appears to be to raise community awareness of the very low (but legal) standards of housing and handling of farmed animals. For example, this statement from the Aussie Farms website^{xvi}:

Since the initial exposé, Animal Liberation activists started to visit more and more piggeries in order to highlight the true nature of the Australian pig farming industry (our emphasis).

Therefore, any focus on altering or bolstering trespass laws would be misplaced; 'trespass' is in our view merely a symptom of the legally sanctioned suffering caused to farmed animals. The low legal standards for animal farming in Australia (e.g. high stocking densities, cage confinement, lack of pain relief for surgical practices) are shameful and until they are corrected and raised, it is apparent that concerned community members will continue to endeavour to shine a light on the suffering caused. It is the animal handling, husbandry and confinement issues that must first be addressed to remove the base cause of any 'trespass'.

In summary – Animals Australia supports the recommendations relevant to animal welfare already provided in the Draft report (as outlined above) and urge you to maintain them in the final report.

Thank you for this opportunity to provide a response to the Draft Report and for the opportunity to address and answer questions from Commissioners last month. Please contact me if you require clarification or further information.

Yours sincerely,

Glenys Oogjes
Executive Director

ⁱ Tasmania - [Final Report](#) (13 March 2015) by the Tasmanian Chief Veterinary Officer, Biosecurity Tasmania & the Director of Racing, Racing Services Tasmania – Review of Arrangements for Animal Welfare in the Tasmanian Greyhound Racing Industry. Note – Tasmania already has separate entities for the commercial and integrity tasks.

Queensland – [Final Report](#) (1 June 2015) by Alan MacSporran QC – Queensland Greyhound Racing Industry Commission of Inquiry.

Victoria – [Final Report](#) (published 11 June 2015) by Chief Veterinary Officer (CVO) Charles Milne - DEDJTR investigation into animal welfare and cruelty in the Victorian greyhound industry final report.

New South Wales- [Report](#) (published 7 July 2016) of the Special Commission of Inquiry into the Greyhound Racing Industry in NSW.

ⁱⁱ Page 3 of the Queensland Greyhound Racing Industry Commission of Inquiry (as above).

ⁱⁱⁱ Chapter 9 in Volume 1 of the New South Wales- [Report](#) (published 7 July 2016) of the Special Commission of Inquiry into the Greyhound Racing Industry in NSW.

^{iv} For example: [Specifying the Risks to Animal Welfare Associated with Livestock Slaughter without Induced Insensibility](#) - **David B. Adams & Allan D. Sheridan**.

Prepared as a contribution from the Animal Welfare Branch, Product Integrity Animal and Plant Health Division, Australian Government Department of Agriculture, Fisheries and Forestry for the Animal Welfare Working Group of the Animal Health Committee, Primary Industries Standing Committee of Australia. 28 NOVEMBER 2008

^v *The EFSA Journal* (2004), 45, 1-29, Welfare aspects of the main systems of stunning and killing the main commercial species of animals

^{vi} The [cattle](#) S&G consultation attracted 20,250 email submissions, 60 substantial submissions and 1,566 online surveys were completed. For the [sheep](#) S&G there were some 20,000 emails, 54 substantial submissions and over 1,000 surveys completed.

^{vii} Please refer to page 6 of the Animals Australia submission (February 2016) to the PC, related to the bias of animal welfare funding in Australia.

^{viii} <http://www.agriculture.gov.au/export/controlled-goods/live-animals/livestock/regulatory-framework/compliance-investigations/investigations-regulatory-compliance>

^{ix} <http://www.agriculture.gov.au/about/media-centre/media-releases/allegations-animal-cruelty-vietnam-15-july-16>

^x <http://www.mla.com.au/globalassets/mla-corporate/prices--markets/documents/trends--analysis/livlink/australia---livlink---live-export-statistics---july-2016.pdf>

^{xi} <http://www.animalwelfarestandards.net.au/land-transport/>

^{xii} <http://www.animalwelfarestandards.net.au/cattle/>
<http://www.animalwelfarestandards.net.au/sheep/>

^{xiii} http://www.nswnationals.org.au/mou_to_guarantee_farming_future_of_nsw

^{xiv} <http://www.livestockglobalassurance.org/>

^{xv} At the LIVEXchange conference in Darwin on November 26, 2015.

<http://www.livecorp.com.au/events-news/livexchange-2015/conference-presentations>

^{xvi} <http://www.aussiepigs.com/campaign>