



Animal Defenders Office

Using the law to protect animals

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Dear Sir/Madam

Submission on the draft *Australian Animal Welfare Standards and Guidelines for Poultry*

Thank you for the opportunity to provide a submission on the draft *Australian Animal Welfare Standards and Guidelines for Poultry* (“poultry standards and guidelines”).

About the Animal Defenders Office

The Animal Defenders Office (“ADO”) is a nationally accredited non-profit community legal centre that specialises in animal law. The ADO offers information and representation for individuals and groups wishing to take action for animals. The ADO also produces information to raise community awareness about animal protection issues, and works to advance animal interests through law reform.

The ADO is based in the Australian Capital Territory (“ACT”) and is a member of the National Association of Community Legal Centres.

*Our submission*¹

The ADO does not support the keeping of poultry for commercial purposes. However, while it remains legal to do so in Australia, the ADO submits that the poultry standards and guidelines require significant improvement before they can claim to ‘enhance animal welfare arrangements in all Australian states and territories’ for commercially kept poultry (page 6).

Our recommended improvements are detailed below.

Preface

The ADO submits that the draft poultry standards and guidelines cannot purport to ‘enhance animal welfare arrangements in all Australian states and territories’ (page 6) when they do not meet existing legislated standards for poultry in the ACT.²

¹ Our submission is focussed on the draft poultry standards and guidelines. It does not refer to the Regulation Impact Statement.

² See sections 9A and 9C of the *Animal Welfare Act 1992* (ACT). These provisions are discussed further below in this submission.

Similarly, the draft poultry standards and guidelines cannot claim that they ‘are based on ...mainstream community expectations’ (page 6), given the higher standards for keeping poultry already in legislation in the ACT, and because the draft itself states that it ‘does not necessarily represent the views of all parties that contributed to it’ (page 6). The ADO notes that a breakdown of those views has not been provided, which would enable the public to assess whether the draft can be said to reflect ‘community expectations’. For example, if the animal welfare representatives representing the views of millions of Australians were not in agreement about the welfare standards in the draft, it cannot be said that the draft ‘is based on...mainstream community expectations’.

Introduction

Purpose

The ADO submits that it is misleading to state that the purpose of the draft poultry standards and guidelines is ‘to state standards and guidelines for the welfare of all poultry’ (page 8). As currently drafted, the document sets out standards and guidelines regarding the economically cheapest way to keep and produce poultry.

Scope

The draft poultry standards and guidelines explicitly acknowledge that the document does not reflect best practice (page 9). The reason given is unclear. For example, what does ‘known regional and species variation’ mean? This is important given it is a justification for not adopting best practice animal welfare arrangements for the millions of birds commercially kept and slaughtered in Australia.³

Interpretation—‘reasonable’ action or opportunity

The definition of ‘reasonable action’ is based on the concept of ‘accepted practice’ (page 11). This definition is not appropriate as practices acceptable to industry are often no longer accepted by the broader community.

This term is fundamental. The first standard uses it (SA1.1). This standard requires a person to take ‘reasonable actions to ensure the welfare of poultry’.⁴ The ADO submits that the term ‘reasonable’ must incorporate more than merely ‘accepted industry practices’. The current definition contradicts the principles of continuous improvement and of mandating standards that meet mainstream community expectations, on which the poultry standards and guidelines are and should be based.

Similarly, ‘reasonable opportunity’ is defined with reference to current poultry management (page 11). Again, this is extremely problematic when community expectations exceed existing industry practices or knowledge. There is no socially justifiable reason for maintaining industry practices rather than meeting community expectations. The ADO notes that the draft poultry standards and guidelines impose specific timeframes in some instances (for example SA3.6 ‘A person must ensure dead poultry are removed and disposed of **at least daily** and in a way that minimises

³ We note that the example of an animal welfare offence provided in the explanation about animal welfare legislation is perplexing (page 9). It is not clear what legislation the example offence is from. If it is not an actual offence, and given the almost absurd nature of the example, it is not clear what is achieved by including it.

⁴ See also SB13.2 regarding turkeys: ‘A person performing artificial breeding procedures on turkeys must take reasonable actions to minimise pain, distress or injury.’ Little to no guidance as to what may constitute ‘reasonable actions’ in this context is provided in the ‘GB13’ guidelines.

disease risks' [emphasis added]). We submit that specific timeframes should be adopted in all instances to ensure the best animal welfare outcomes.

Recommendations:

- that the poultry standards and guidelines adopt a definition of 'reasonable action/opportunity' that refers to mainstream community expectations rather than accepted industry practices.
- that the poultry standards and guidelines include specific timeframes to ensure the best welfare outcome for animals.

Part A General standards and guidelines for all species of Poultry

1 Responsibilities

GA1.1 The draft poultry standards and guidelines suggest responsibility for poultry management should include 'obtaining knowledge of relevant animal welfare laws'. The ADO queries what 'obtaining knowledge' actually means. Animal welfare laws are extremely relevant to the issue of managing any livestock.

Recommendation: that the relevant guideline in GA1.1 requires persons responsible for poultry management to 'understand' or 'know' animal welfare laws, consistent with other guidelines in GA1.1.

2 Feed and water

SA2.1 The ADO queries what 'reasonable access' to feed and water means. Does this also apply to 'poultry less than 3 days old'? If so, is it reasonable for 'poultry less than 3 days old' not to have 'access to drinking water at least once in each 24 hour period'(SA2.3)?

SA2.3 This standard excludes birds less than 3 days old from the standard requiring access to drinking water at least once in each 24 hour period. Will this exemption make it difficult for persons in charge to meet GA2.2 ('The interval of time from hatching to first feed and drink should be as short as possible')?

SA2.5 This standard requires a person in charge to 'ensure that feed and water are provided to poultry in ways that prevent undue competition and injury' (p16). The meaning of the word 'undue' is unclear and creates uncertainty regarding the meaning of SA2.5. This word could be removed from SA2.5 because it is reasonable to expect that no farmed animal should obtain an injury merely by trying to get to food or water.

Recommendation: that the word 'undue' be removed from SA2.5.

SA2.7 The effect of this standard is that 'all poultry have access to feed and water' (p16). Does this also apply to poultry less than 3 days old (as dealt with in SA2.3)?

3 Risk management of extreme weather, natural disasters, disease, injury and predation

SA3.2 This standard requires 'the inspection of poultry daily, at a level appropriate to the management system'. The ADO queries what this actually means, and whether it will ensure that individual animals are inspected (which should be the minimum standard).

SA3.4 This standard requires that birds who 'are unable to access feed and water are treated or killed as soon as possible'. This standard is very broad and therefore uncertain. Does it apply to birds who are some distance away from feed and water? Or who are too small to reach feed and water? The ADO submits that killing these animals for these reasons is unreasonable.

GA3.5 This guideline requires that 'firefighting equipment should be available and maintained for all indoor housing systems'. The ADO submits that this should include automatic fire sprinkler systems and remote monitoring systems, for as long as it remains legal to keep poultry in intensive housing systems.

Recommendation: that automatic fire sprinkler systems and remote monitoring systems be included in the standards for section 3 as mandatory requirements for intensive indoor housing systems.

GA3.17 This guideline requires that 'Feather pecking and cannibalism risk should be managed'. Given the extremely adverse animal welfare outcomes from feather pecking and cannibalism, the ADO submits that the guideline should recommend that action be taken to eradicate rather than manage feather pecking and cannibalism.

Beak or bill trimming

GA3.17 This guideline recommends beak trimming as a management method for feather pecking and cannibalism. The ADO strongly opposes on animal welfare grounds the practice of beak trimming. The practice was banned in the ACT in 2014,⁵ when an intensive egg production facility operated in the jurisdiction.⁶ When presenting the relevant bill to the ACT Legislative Assembly, the Minister stated:

This bill also introduces a clause to prevent trimming or removing of hens' beaks. This is a cruel practice which has been in place to enable hens to live in stressful, cramped, cruel conditions without injuring themselves or their fellow hens by pecking.⁷

The ADO submits that if beak trimming is cruel enough to be banned in one jurisdiction in Australia, then it should not be encouraged in a national guideline for poultry farming. This would also apply to trimming ducks' bills.⁸

Recommendations:

- that the reference to beak trimming in GA3.17 be removed, and that beak trimming instead be banned in the standards in section 3.

⁵ Section 9C, *Animal Welfare Act 1992* (ACT).

⁶ Pace Farm Pty Ltd, 66 Parkwood Road, Macgregor ACT 2615. This facility is still in operation.

⁷ Minister for Territory and Municipal Services, Shane Rattenbury MLA,

<http://www.hansard.act.gov.au/hansard/2013/week11/3438.htm>.

⁸ SB4.2 allows the bills of ducks to be trimmed.

- that the standards regulating the practice of beak trimming in SA9.14–15 be removed.
- that GA9.12–14 be removed, and GA9.15 be modified into a standard requiring the employment of alternative strategies for dealing with feather pecking and its causes.
- that the word ‘routinely’ be removed from SB2.2 so that beak trimming is not permitted to be undertaken on meat chickens.
- that the word ‘routinely’ be removed from SB4.2 so that bill trimming is not permitted to be undertaken on farmed ducks.
- that a standard prohibiting beak trimming of turkeys be included in the standards in section B13 (‘Turkeys’), and that the guidelines regarding beak trimming be removed (GB13.11–12, GB13.15).

4 Facilities and equipment

SA4.2 This standard requires that all poultry housing systems must be ‘designed to allow poultry to maintain a natural standing posture’. This is clearly inadequate. The ADO submits that while it continues to be legal to keep birds in intensive housing, the minimum standard should be to allow a bird to express normal behaviour. The ADO notes that this is a fundamental aspect of the international husbandry standards known as the ‘five freedoms’,⁹ and is also referred to in the draft poultry standards and guidelines (page 12).¹⁰

The ADO also notes that the ‘five freedoms’ have come under criticism from animal welfare scientists, who have observed that ‘for animals to have good welfare they really need to be able to engage in rewarding behaviours’.¹¹ For this reason, animal welfare strategies adopted in some jurisdictions in Australia are starting to move beyond the ‘five freedoms’. For example, the ACT’s *Animal Welfare & Management Strategy 2017–2022* states that:

Contemporary animal welfare aims for a reduction or elimination of the negative experiences and a predominance of positive states in each domain so that an animal experiences a Life Worth Living. This encompasses both physical and mental wellbeing, and includes the ability to demonstrate natural species-typical behaviours.¹²

Recommendations:

- that the draft poultry standards and guidelines move beyond the ‘five freedoms’ and acknowledge that contemporary animal welfare practice should focus on providing animals, including poultry, with a life worth living.
- that SA4.2 be redrafted so that a person in charge must ensure all housing systems are designed ‘to allow poultry to stand, lie and stretch their wings and limbs and perform normal patterns of behaviour’.¹³

⁹ http://kb.rspca.org.au/Five-freedoms-for-animals_318.html.

¹⁰ ‘Good husbandry principles that also meet the basic physiological and behavioural needs of poultry include... space to stand, lie and stretch their wings and limbs and perform normal patterns of behaviour’.

¹¹ Quotation from the article ‘Call to update animal welfare codes after neuroscience proves animals experience a wide range of emotions’: <http://www.abc.net.au/news/2016-11-02/nrn-updating-animal-welfare/7987266>.

¹² *Animal Welfare & Management Strategy 2017–2022*, ACT Government, Canberra 2016, page 9.

¹³ This would mean that GA4.8, which suggests that suggests that poultry ‘have enough vertical and horizontal space available to stretch to their full height and flap their wings’, is not required.

GA4.5 This guideline suggests that the provision of ‘environmental enrichment should be considered’. The ADO submits that this is inadequate. While it continues to be legal to farm birds in intensive conditions, environmental enrichment that enhances poultry welfare should be mandatory requirements in intensive housing systems.

Recommendation: that the first four enrichment materials listed in GA4.5 be minimum mandatory requirements for all intensive housing systems.

GA.15–17 These guidelines suggest the use of nests. While it continues to be legal to farm birds in intensive conditions, the ADO submits that the use of nests should be mandatory for all intensively farmed birds.

Recommendation: that the use of nests be removed from the guidelines and included in the standards in section 4 of the poultry standards and guidelines.

5 Management of outdoor systems

This ADO submits that this section should mandate a maximum stocking density of 1,500 birds, notwithstanding the density specified in section 7(1)(c) of the *Australian Consumer Law (Free Range Egg Labelling) Information Standard 2017*. A stocking density of 1,500 birds would meet mainstream community expectations,¹⁴ which is a goal of the poultry standards and guidelines (page 6).

Recommendation: that a maximum stocking density of 1,500 birds be included in the standards in section 5 of the poultry standards and guidelines.

6 Lighting

SA6.5 This standard requires that birds are ‘exposed to at least 4 hours of continuous darkness within a 24 hour period’. The ADO submits that this is manifestly inadequate and can lead to negative welfare outcomes, particularly for layer hens. Artificial lighting forces hens to lay eggs during periods when they naturally would not lay eggs (for example, winter).¹⁵ SA6.5 would allow lengthy periods of artificial lighting which can have a serious impact on the welfare of birds.

Recommendation: that the minimum darkness period mandated in SA6.5 be changed to natural levels for all poultry.

9 Handling and husbandry

The draft poultry standards and guidelines do not appear to deal with birds kept in caged facilities who escape into manure pits. Birds who become entrapped in manure pits can die slow, painful deaths if not removed. Existing poultry codes of practice require that:

12.7 Where birds are found to have escaped into the manure area under cages they must be captured as soon as practicable on the day of observation and returned to cages or destroyed humanely.¹⁶

¹⁴ <https://www.choice.com.au/food-and-drink/meat-fish-and-eggs/eggs/articles/egg-standard-260417>.

¹⁵ <https://www.backyardchickens.com/articles/chickens-winter-egg-laying-and-lighting.64477/>.

¹⁶ *Code of Practice for the Welfare of Animals: Domestic Poultry*, 4th Edition, SCARM Report 83, page 17: <http://www.publish.csiro.au/ebook/download/pdf/3451>.

Recommendation: while it remains legal to house poultry in caged systems, that a standard be included in section 9 requiring persons in charge of caged poultry to check manure pits daily, and to remove any entrapped birds from pits immediately.

SA9.4 This standard requires that ‘induced moulting is not routinely practiced [sic]’. The ADO submits that induced moulting is widely regarded as inhumane¹⁷ and should be banned.

Recommendation: that the word ‘routinely’ be removed from SA9.4 so that ‘induced moulting’ is not accepted under the poultry standards and guidelines. This would also require the removal of SA9.5–6.

SA9.19 This standard deals with the killing of ‘hatchery waste’. The ADO submits that the killing of millions of young chickens is an unconscionable aspect of intensive egg production and must be phased out in Australia.¹⁸

Recommendations:

- that the poultry standards and guidelines require that egg producers phase out the mass killing of ‘waste’ animals within a short timeframe.
- that the practice of ‘fragmentation/maceration for day-old chicks’ in GA10.2 be removed as a recommended method of ‘humane killing’.

GA9.4 This guideline suggests that a person ‘should not carry more than 4 birds in each hand’. The ADO submits that this guideline should at the very least be made mandatory. It is reasonable to assume that carrying 4 birds in each hand will cause the birds considerable distress, especially if this is done by holding the birds upside down by one or both legs.

Recommendation: that the guideline in GA9.4 be removed and included in the standards in section 9 so that carrying 4 or more birds in each hand is not accepted under the poultry standards and guidelines.

10 Humane killing

GA10.3–4 These guidelines allow poultry to be killed by gassing. This form of killing poultry is widely regarded as inhumane:

Gassing results in gasping and head shaking and, depending on the mixture of gases used, it may take up to two minutes for the chick to die.¹⁹

Recommendation: that the poultry standards and guidelines not allow the use of gas to kill poultry.

11 Poultry at slaughtering establishments

Abuse of poultry in a NSW slaughterhouse made headlines around Australia in 2013.²⁰ It is widely regarded that the only meaningful way of attempting to enforce minimum standards of care at poultry slaughterhouses is to install CCTV in these establishments. For example, a bill proposing

¹⁷ See for example section 4.9, RSPCA Policy B4 Farm animal husbandry and management, http://kb.rspca.org.au/RSPCA-Policy-B4-Farm-animal-husbandry-and-management_167.html.

¹⁸ http://kb.rspca.org.au/What-happens-with-male-chicks-in-the-egg-industry_100.html.

¹⁹ Ibid.

²⁰ See for example: <http://www.abc.net.au/news/2013-03-20/police-asked-to-investigate-turkey-cruelty/4585350>.

mandatory CCTV in slaughterhouses is currently before the NSW Parliament.²¹ The ADO submits that the poultry standards and guidelines should do the same.

Recommendation: that a standard mandating the use of CCTV at poultry slaughterhouses be included in section 11 of the poultry standards and guidelines.

Part B Species standards and guidelines for poultry

B1 Laying Chickens

Caged housing systems—all poultry

This section allows layer hens to be housed in cages. The ADO submits that keeping sentient animals in small cages for their entire lives, with no exercise or opportunity to engage in natural behaviours, is unconscionable and should not be accepted in contemporary Australia. For example, the use of layer hen cages has been banned in the ACT since 2014.²²

Recommendation: that the poultry standards and guidelines follow the ACT and prohibit the use of any caged housing system for poultry.²³

B4 Ducks

SB4.4 This standard allows minimal contact by ducks with water. Ducks require water to fulfil their biological and behavioural needs.²⁴

Recommendation: while it continues to be legal to confine ducks in intensive housing conditions, that SB4.4 be amended to mandate the provision of surface or bathing water for intensively housed ducks to swim or clean with.

B6 Geese

SB6.1 This standard prohibits the force-feeding of geese for any reason including the production of pate (or 'fois gras'). The ADO strongly supports the inclusion of this standard in the poultry standards and guidelines and would support its application to all relevant poultry such as ducks.

Recommendation: that the prohibition on force feeding geese (SB6.1) be extended to other relevant species of poultry such as ducks.

²¹ Prevention of Cruelty to Animals Amendment (Stock Animals) Bill 2015. This bill would also mandate the installation of fire sprinkler systems and remoted monitoring systems, as recommended in this submission regarding GA3.5.

²² Section 9A, *Animal Welfare Act 1992* (ACT).

²³ This recommendation applies to all poultry; for example, it would result in removing the minimum standing requirements in SB1.3 regarding laying chickens kept in cages and SB3.3 regarding meat and laying chicken breeders kept in cages.

²⁴ Animal Liberation, *Like a duck out of water. An exposé of the Australian duck industry* (2013), page 29.

In conclusion, the ADO submits that the poultry standards and guidelines would be strengthened by the adoption of the recommendations contained in this submission. Adopting these recommendations would go some way to enabling the poultry standards and guidelines to meet their stated goal of enhancing animal welfare arrangements for commercially kept poultry in all Australian states and territories (page 6).

A handwritten signature in cursive script that reads "Tara Ward".

Tara Ward
Executive Director
Animal Defenders Office

26 February 2018