

Submission – Proposed Draft Australian Animal Welfare Standards and Guidelines - Poultry.

In summary:

The reports by RSPCA Australia¹ and Voiceless² encapsulate the various welfare concerns and much needed improvements, such as the necessity of phasing out the battery cage, mandating pain-relief for painful procedures such as beak trimming, and eliminating cruel practices such as forced moulting and maceration of male chicks. Caged systems must be banned for all birds defined as ‘poultry’ not just hens.

So-called ‘enriched’ cages are only marginally better and they still cram hens into cages for the entirety of their lives, resulting in poor welfare. Further, the drafts do not actually meet the requirements for ‘enriched’ cages, rather the drafts have only slightly increased floor space for caged birds.

There must be a transition to free-range systems or barn systems in which hens and broilers (and all other ‘poultry’ birds) have meaningful access to the outdoors³, and any procedures performed must include the use of anaesthetic and pain relief. The drafts would also need to be changed to remove the vagueness found in crucial sections such as Humane Killing.

Importantly, multiple factors in relation to the drafting of the standards and guidelines (not limited to poultry by any means) and the structure of the system is cause for alarm - from the bias and hegemony of the industry, to the lack of independent peer-reviewed research⁴, and proof of corruption (discussed below).

This casts doubt on the drafting process, the veracity of the various supporting papers and the regulatory impact statement.

Lastly, as public awareness has grown, so has the demand to improve the lives of these vulnerable animals - and the current drafts do not meet public expectations.

¹ RSPCA Australia (2016) The Welfare of Layer Hens in Cage and Cage-Free Housing Systems. RSPCA Australia, Deakin West.

² Burgess, Elise (2017) Unscrambled: The hidden truth of hen welfare in the Australian egg industry Voiceless, Paddington.

³ Ibid 1 and 2; Poultry welfare in intensive and extensive production systems H.A. Elson (one of your own sources) discusses how this can be done, with the paper recommending the modification of free-range systems to provide full protection against detrimental external hazards - such as safe enclosed systems, allowing increased indoor range activities and limited fully protected outdoor ones.

⁴ Non-invasive assessment of stress in commercial housing systems Final Project Report A report for the Australian Egg Corporation Limited by J. Downing – such references are inappropriate due to the direct conflict of interest and lack of peer-review.

Profit Prevails over Animal Welfare

The present hegemony by industry bodies renders it impossible to strike anything approximating equilibrium between animal welfare and productivity.

National Animal Welfare Approach - Poor Policy

The current process of up-dating state codes into national standards and guidelines is being carried out by Animal Health Australia, comprising chiefly industry ministers, their departments and other industry bodies⁵. The agricultural industry is essentially deciding how it will be governed, with the primary interest of profitability vastly overshadowing all other concerns. In addition, unsound research commissioned by the industry⁶ is used to justify welfare-poor practices and to conceal the primary reason for their use - profit.

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Most laying hens are confined to cages or intensive barn systems: 55% are confined to battery cages⁷ and the other 45% are predominantly housed in intensive barn systems⁸. The draft still allows for laying hens to be confined for life within wire cages in a shed⁹, while in barn systems they can roam but there is still no provision for outdoor access under the standards¹⁰. Pain relief is mandated when performing surgical procedures but it's unclear if this includes beak trimming¹¹, and maceration of male chicks continues to be allowed¹². For broilers there are two housing systems, shed systems and free-range systems¹³. Only in the latter do they have access to the outdoors¹⁴, found only within the guidelines¹⁵.

⁵ Arnja Dale and Steven White, 'Codifying Animal Welfare Standards: Foundations for Better Animal Protection or Merely a Façade?' in Peter Sankoff, Steven White and Celeste Black (eds), *Animal Law in Australasia* (Federation Press, 2nd ed, 2013) 151, 160-1.

⁶ Animal Health Australia, 'Bobby Calves Time Off Feed Standard - Decision Regulation Impact Statement' (Animal Health Australia, 6 July 2011).

⁷ Katrina Sharman, 'Farm Animals and Welfare Law: An Unhappy Union' in Peter Sankoff, Steven White and Celeste Black (eds), *Animal Law in Australasia* (Federation Press, 2nd ed, 2013) 61.

⁸ Australian Consumer Law (Free Range Egg Labelling) Information Standard 2017 P2 - the stocking density for free-range chickens has been increased from 1500 to 10,000 per hectare, casting further doubt on free-range systems.

⁹ Animal Health, 'Proposed Draft Australian Animal Welfare Standards and Guidelines for Poultry' (Public Consultation, Animal Health Australia, November 2017) 39-40.

¹⁰ Ibid.

¹¹ Ibid 30.

¹² Ibid 34.

¹³ Free range chicken meat accounts for only 10-15% of chicken produced, Australian Chicken Meat Federation Inc, *Growing Meat Chickens* (2013) <<http://www.chicken.org.au/page.php?id=6>>.

¹⁴ Animal Health Australia, 'Proposed Draft Australian Animal Welfare Standards and Guidelines for Poultry' (Animal Health Australia, November 2017) 44-45.

¹⁵ Ibid.

Battery cages result in poor bone health bones¹⁶, leading to breakage during handling¹⁷, and forced moulting leads to a dramatic increase in mortality¹⁸.

While in broilers, the effects of rapid growth results in reaching slaughter weight by about 35 days¹⁹. This causes ascites, sudden death and lameness (some chickens are unable to move), while chickens used for breeding purposes are chronically underfed²⁰. Further, allowing them to become any older would subject them to heart disease, osteoporosis and broken bones²¹. This means that selective breeding for 'desirable' traits has resulted in inherent cruelty.

Meaningful reforms to national policy would include a ban on battery cages and painful procedures or the mandatory use of anaesthetic and pain relief for such procedures. We can look to the EU, countries within the EU²², states within the US²³, and the ACT²⁴ for practical examples of how this can be achieved.

Welfare v Profit – Opposing Objectives

The primary reason for the existence of Departments of Agriculture (or their equivalent in each state) is to promote the interests of the industries, with productivity and profitability at the forefront²⁵. This completely contradicts their role as regulators of the industry and results in animal welfare being a negligible part of the Departments' work, with less than 1% of the budget dedicated to welfare issues²⁶. It is wrongly stated by politicians and representatives of livestock industries that there is no discord between the two different goals based on an

¹⁶ RSPCA Australia (2016) *The Welfare of Layer Hens in Cage and Cage-Free Housing Systems*. RSPCA Australia, Deakin West.

¹⁷ Ian J. H. Duncan, 'Animal Welfare Issues in the Poultry Industry: Is There a Lesson to Be Learned?' (2001) 4(3) *Journal of Applied Animal Welfare Science* 207, 209-211.

¹⁸ *Ibid* 209.

¹⁹ A. Robins and Phillips, 'International approaches to the welfare of meat chickens' (2011) 67 *World's Poultry Science Journal* 352; in the 1950's it took more than twice that time: MD Cooper and JHM Wrathall, 'Assurance schemes as a tool to tackle genetic welfare problems in farm animals: broilers' (2010) 19 *Animal Welfare* 51.

²⁰ MD Cooper and JHM Wrathall, 'Assurance schemes as a tool to tackle genetic welfare problems in farm animals: broilers' (2010) 19 *Animal Welfare* 51.

²¹ *Ibid*.

²² Council Directive 91/630/EEC of 19 November 1991 on Laying Down Minimum Standards for the Protection of Pigs [1991] OJ L 340/33, art 3. The EU also phased out battery cage systems in 2012, Germany prohibited enriched cages as of 2012, and England, Scotland and Wales were to ban beak trimming by 2016 - Bruce A. Wagman, Matthew Liebman, *A Worldview of Animal Law* (Carolina Academic Press 2011).

²³ ASPCA, *Farm Animal Confinement Bans by State* (2018) Public Policy <<https://www.aspc.org/animal-protection/public-policy/farm-animal-confinement-bans>>.

²⁴ *Animal Welfare Act 1992* (ACT) ss 9(a)-(b).

²⁵ Jed Goodfellow, 'Regulatory Capture and the Welfare of Farm Animals in Australia' in Deborah Cao and Steven White (eds), *Animal Welfare Law and Science - International Perspectives* (Springer International Publishing Switzerland 2016) 195.

²⁶ *Ibid*.

assumption that if animals are producing they must be in a good state of welfare²⁷. The science clearly shows otherwise, as unfortunately for animals, they can keep producing despite poor welfare states²⁸, not to mention that they are only able to remain at maximum production for a short period of their natural lifespan. And reasonableness dictates that confining a sentient being to a cage in darkness for most or all of his/her shortened life is hardly exemplary of animal welfare.

Moreover, evidence of what has long been suspected, corruption within the departments, has recently come to light²⁹, which further indicates that agricultural departments cannot promote productivity, be responsible for animal welfare, and regulate the industry.

The only reason that animal welfare is gaining in prominence is due to a growing awareness amongst members of the public - this awareness is solely attributable to the work of animal charities, whistle-blowers and animal welfare scientists.

Scientific Research – Sound not Skewed

A crucial and turning point in the standard-setting process has been the growing recognition of the importance of scientific research. However, this recognition is still not reflected in the national standards, which amount to a rebranding of relics (state codes) that were never based on scientific research but were driven by efficiency and maximization of profit³⁰. This is partly because despite the growing field of animal welfare science, the industry is still able to skew information by commissioning research which will support poor practices. Criteria for sourcing animal welfare research must be tightened to ensure it is peer-reviewed and carried out by independent bodies³¹, not commissioned by the industry with implicit predetermined outcomes.

²⁷ John McNerney, 'Animal welfare, economics and policy: Report on a study undertaken for the Farm & Animal Health Economics Division of Defra' (Report, Farm & Animal Health Economics Division of Defra, February 2004) 18.

²⁸ Ibid.

²⁹ ABC, 'Allegations of backroom deals to keep battery hen eggs on the market', *7:30 Report*, 21 December 2017 (Leigh Sales) < <http://www.abc.net.au/7.30/allegations-of-backroom-deals-to-keep-battery-hen/9281050>>.

³⁰ MP Caulfield and H Cambridge, 'The questionable value of some science-based 'welfare' assessments in intensive animal farming: sow stalls as an illustrative example' (2008) 86(11) *Australian Veterinary Journal* 446.

³¹ Productivity Commission, 'Regulation of Australian Agriculture' (Final Report No 79, Productivity Commission, 15 November 2016) 199-259.