

Kathleen Plowman
Chief Executive Officer
Animal Health Australia
PO Box 5116
Braddon ACT 2612

By email: publicconspoultry@animalhealthaustralia.com.au

Dear Ms Plowman,

RE: Consultation on Australian Animal Welfare Standards and Guidelines for Poultry

The Law Institute of Victoria (**'the LIV'**) is Victoria's peak body for lawyers and represents more than 19,500 people working and studying law in Victoria, interstate and overseas. This submission has been drafted in consultation with members of the LIV's Animal Welfare Working Group.

The LIV welcomes this public consultation and the opportunity to comment on the proposed draft Australian Animal Welfare Standards and Guidelines for Poultry (**'the draft Standards and Guidelines'**).

The RSCPA's report 'The Welfare of Hens in Cage-Free Housing Systems' (**'the RSPCA Report'**) recommends that any new system created to improve the welfare of hens (and other farming birds) needs to ensure the following is achieved:

1. To phase out cage hens given the behavioural restrictions on the birds; and
2. To improve management practices and genetic selection for cage free systems.

The LIV welcomes the introduction of the proposed draft Standards and Guidelines, which moves towards an animal welfare focus in the farming bird industry. The current Model Codes of Practice which are to be replaced by new Standards and Guidelines, do little to protect animals' basic needs, including hunger, thirst, disease and death from unnatural behaviours.

Positive States of Living

Animal welfare policy in Australia is moving away from a model which focuses on protecting animals from harm, and towards a model that promotes educating individuals and promoting awareness of animals' needs.

Animals should have, at the very least the "five freedoms", including freedom from thirst, hunger, ill health, pain and distress and a freedom to express "normal behaviour".¹ The LIV submits that the draft Standards and Guidelines should go further than ensuring that animals' basic needs are met.

The draft Standards and Guidelines should ensure that animals are able to regularly perform natural behaviours, including nesting, foraging, ground scratching, perching and dustbathing. The draft Standards and Guidelines should also ensure that animals are able to achieve positive states, including space to perform their normal behavioural tendencies and have positive physical and mental experiences.

Enforceability

As referred to in the RPSCA Report, Australia is vastly behind other developed countries that have moved away from battery hen operations to ensure that animal welfare is better protected. The LIV is concerned that the current Model Codes fail to protect animals from harm and are not adequately enforceable to ensure compliance.

The LIV submits that any Guidelines intended to protect animal welfare must be mandated by the Standards, otherwise they will be unenforceable. Any Guidelines should complement, rather than fill the gaps of, the Standards.

The LIV submits that education of the bird farming industry is important to ensure that the Standards and Guidelines will be complied with. If the industry is not educated, the Department will need to spend additional resources on ensuring enforcement.

¹ Moving beyond the "Five Freedoms" by Updating the "Five Provisions" and Introducing Aligned "Animal Welfare Aims", David J Mellor, 26 September 2016

The LIV recommends that enforcement of the Standards be independent of the farming industry, unlike the Model Codes which were primarily subject to internal oversight.

Feed and Water

The LIV submits that draft Guideline GA2.4 should be included as a Standard rather than as a Guideline. Spoilt feed, toxic plants and harmful substances may have a severely detrimental effect on birds, including causing infectious disease.

The LIV submits that draft Guideline GA2.13 should be included as a Standard rather than a Guideline to ensure compliance and to protect birds from disease.

Draft Standard SA2.5 will likely reduce the risk of diseases spreading by ensuring that birds have enough space to feed without injury, providing the space is adequate. Draft Standard SA2.7 will also likely reduce the risk of infectious disease, however it may be difficult to ensure compliance.

The LIV submits that the objective of these Standards should not only be to ensure that poultry have access to feed and water to minimize the risk to their welfare. The objective of the standards should also be to ensure that poultry are adequately fed and their health is maintained by positive practices that support their welfare.

Laying chickens

The LIV submits that the objective of the draft Standards SB1.1 – SB1.9 should be to ensure that the housing of battery hens is eradicated. If cages are to be phased out over a period of time, proposed 'Option D', then this should occur as quickly as possible. This is supported by the RSPCA Report which recognises that if the Standards permit any battery hen farming, then the system will continue.

The LIV submits that the Standards must be more overt in preventing this type of housing. These Standards should not only provide a minimum level of comfort to ensure that the animals are able to perform their normal behaviours, but that the animals are able to have positive experiences in their surroundings and not be restricted.

The bare minimum housing levels will not necessary meet the animal welfare standards and needs of the birds. For example, draft Standard SB1.2 provides a minimum standard for protecting animals from excreta from above. The LIV submits that this Standard should specify permissible multi deck arrangements to ensure that it can be enforced.

The LIV recognises that the draft Standard SB1.6 is aimed at ensuring that birds have sufficient space. However, the space allowances provided for are inadequate and will not ensure that animals are able to perform their usual behaviours. Their behavior within these spaces will be obstructed. The LIV suggests that Animal Health Australia engage in further consultation to determine appropriate space allowances. If the cages do not allow the birds to perform natural behaviours and live without stress and discomfort, then the Standards fail to satisfy proper animal welfare living requirements.

The provision of litter and dustbaths

The LIV recommends an additional Standard SA8.4 be inserted which provides that where litter is used, a person in charge must manage litter to ensure that poultry can perform their natural behaviours, including foraging and ground scratching. The draft Standards in their current form do not ensure that the animals can perform these habitual activities.

The provision of perches

Draft Standard SA4.2 is not specific and clear enough to protect the animal's welfare. It does not clearly define an adequate housing system that would ensure birds have the ability to stand. The LIV submits that draft Standard SA4.5 should be more specific in ensuring that the animals' health and wellbeing is protected from excreta from other birds.

Light level guidelines

The LIV submits that the guidelines in Chapter 6 are inadequate and do not ensure that there is a minimum light level for the birds. These guidelines, which would be more effective as Standards to ensure compliance, should ensure that birds have a period of continuous darkness that is representative of natural experiences.

Nests for layer hens

The draft Guidelines regarding nests for Layer Hens should be made into Standards to ensure compliance and enforceability.

Temperature and ventilation

The LIV submits that draft Standard SA7.2 should provide for at least a minimum airflow level and temperature so that the animal's welfare is protected from heat, cold, humidity, dust or noxious gas.

Standards on beak trimming and bill trimming

The LIV submits that draft Standards SA9.14 and SA9.15 should be more specific about 'appropriate tools' and 'methods' that can be used to trim the beaks of poultry.

The LIV does not support the draft Guidelines providing for induced moulting given that it affects the animal's physical wellbeing and welfare, including a loss to the animal's body mass.

Killing practices

The LIV submits that the Standards in Chapter 10 and 11 are inadequate to protect animal welfare. The Standards providing for the humane killing of the animals and slaughtering establishments need to be stricter to ensure that animal welfare is protected by increasing specificity and including the Guidelines as Standards to ensure that they are enforceable.

In particular, the LIV is concerned that draft Standard SA10.1 and SA10.2 would be difficult to enforce and do not provide the animal with sufficient protection from harm.

The LIV submits that draft Guideline GA10.2 should be inserted into draft Standard SA10.1 to ensure that the Standard is more specific about the acceptable methods of killing, and to ensure that this can be enforced. Further, the LIV submits that the reference to 'firearm' as a humane form of killing should be clarified. The use of a firearm may cause a long painful death if it is not a fatal shot.

Conclusion

In conclusion, the LIV welcomes this positive step towards introducing new Standards and Guidelines for the animal welfare of poultry. The LIV is concerned that the animal welfare of poultry and farming birds is largely unprotected by the current Model.

The Standards and Guidelines must ensure that animals welfare is paramount and that animals are able to positively perform natural behaviours. These Standards and Guidelines must be capable of strict compliance and effective enforcement, otherwise they will fail to protect the animal from harm and eradicate systems such as battery farming.

If you would like to discuss any of these matters further, please contact Lara Freidin, Policy Lawyer for the Administrative Law and Human Right Section at the LIV at LFreidin@liv.asn.au or on 03 9607 9380.

Yours sincerely,



Belinda Wilson
President
Law Institute of Victoria