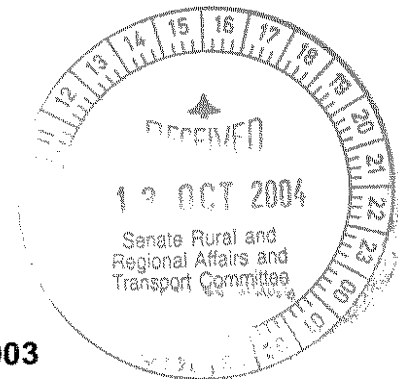




The Secretariat  
Senate Rural and Regional Affairs and Transport Committee  
Room SG.62,  
Parliament House  
CANBERRA ACT 2600

7 October 2004

Dear Sir / Madam,



**Subject: Provisions of the National Animal Welfare Bill 2003**

Australian Pork Limited welcomes the opportunity to provide comments on the Provisions of the National Animal Welfare Bill 2003. As the peak national body representing the interests of pig producers and the broader pork industry, APL is a unique agricultural organisation that combines the functions of marketing, research and strategic policy development and implementation, supported through industry levy funds. There are currently approximately 2000 Australian pork producers, and APL has a membership representing approximately 75% of production.

In addition to government legislation, the Australian pig industry regulates itself to ensure high standards of animal health and welfare, through the Australian Pork Industry Quality (APIQ) Program. APL is supportive of the aims of the National Animal Welfare Bill, however we have concerns with the following aspects of the Bill, which will be outlined more fully below:

- A lack of consultation with key stakeholders prior to the Bill's release.
- The need for a science base for any decisions made regarding animal welfare, rather than community concerns.
- The proposed regulation of animal welfare Codes of Practice.
- The cross over between Australian and State legislation.
- Membership of the Animal Welfare Authority is weighted in favour of animal welfare and activist groups.
- The selection and training of inspectors.
- Animal welfare becoming an issue on the trade agenda.
- The labelling of animal products with information on production methods used.
- Cruelty offences for production practices used in industry (currently acceptable under the Model Code of Practice).
- The fit with the Australian Animal Welfare Strategy.

### **General Comments**

The aims of the National Animal Welfare Bill (the Bill) are acceptable as it includes a sentence stating that the Act will ensure the development and maintenance of proper standards that achieve a reasonable balance between the interests of people who depend on animals for their livelihood and the

welfare of animals. However, to our knowledge, no other livestock industries whose livelihoods are based on animal production have been consulted during the development of this Bill.

One of the stated aims of the Bill is to reflect human community attitudes and expectations. However, it is equally important that any changes are based on sound science and sustainable and not solely driven by community attitudes and expectations, which can differ markedly within the community. Research undertaken both in Australia and overseas show that there is a wide spectrum of consumer and community attitudes. Community concerns in general are based on a convergence of media publicity and actual knowledge. There appear to be fundamental underlying values, which are indirectly connected to purchasing behaviours.

There is also a need to undertake financial cost benefit analysis to determine the real economic impacts on any proposed changes. Sustainable livestock production depends on economic viability, ecological viability and social acceptability, and all of these aspects need to be taken into account.

### ***National Animal Welfare Authority***

The Bill proposes for a National Animal Welfare Authority to be established as the regulatory body for animal welfare, with authority to regulate Codes of Practice (COP) and compliance with COPs. There is no explanation as to how this would fit in with the current Model code review processes and structures in place. This Authority will have the power to do "whatever is necessary" in order to achieve its aims. There is a large amount of unchecked power vested in this Authority, and it fails to take into account other impacting issues such as biosecurity practices that must be enforced by industry under the Cost Sharing Deed of Agreement.

There has been no consultation with respect to the adequacy of the current Code of Practice system or how any weaknesses could be strengthened. A set of National Guidelines could be of use to ensure state consistency in approach to animal welfare issues. However, again it fails to include consultation with stakeholders, or justifications based on scientific principles.

While the principle of a national approach to animal welfare is noteworthy, there appears to be significant cross over between this Bill and state legislation - Section 6 states that this Act will not affect the operation of state laws on animal welfare, and the explanatory memorandum states that the Bill would operate concurrently with state and territory laws, however it lacks detail as to how this will work in practice.

### ***Membership***

Membership of the authority is heavily weighted on the animal activist / welfare side, with **at least 5 out of the 14** positions in this category (2 animal welfare NGOs, 2 community groups, 1 ethicist, and 4 "other" members, which could be from the animal welfare area). There is opportunity for only two representatives from agriculture – one intensive and one extensive. Any

nationally representative committee must be well balanced in its representation, and this committee is clearly not. The administration / voting of the committee is also highly questionable and weighted heavily in favour of animal welfare/rights groups in that a quorum requires only 5 attendees; under the current membership structure this clearly implies that the animal welfare / rights groups could hold a significant balance of power should other members be unable to attend.

### ***Inspectors***

"Authorised officers" and "inspectors", designated to monitor compliance with compulsory code requirements and enforcing the Act will be either members of the public service, RSPCA employees or "an approved class of person". The issue of whether these inspectors who will be operating at the state level will also be enforcing national legislation is unclear. It is also unclear how these inspector positions will be funded. These inspectors will have functions and powers that go well beyond current state legislation and allows the inspectors to cross State and Territory borders. Again it isn't clear whether they will still be expected to carry out their state responsibilities concurrently.

The "approved class of person" includes organisations such as Animal Liberation. Having inspectors appointed by the government drawn from groups with an agenda such as Animal Liberation is highly contentious. The inspectors that are appointed from AL may take a different focus on their role such as targeting practices that their organisation has a policy to outlaw. It should be noted that when NSW had a system of appointing "special constable" rights to people, this was severely abused by some special constables representing Animal Liberation, and NSW consequently removed the system. APL supports the status quo of RSPCA and departmental inspectors.

Part 4, relating to "duty of care" gives the inspectors a judgement call when deciding on what is appropriate for the species, environment and circumstances, rather than referring to the relevant COP. The "qualifications" required to become an inspector are a "prescribed course of training in animal welfare or an equivalent course of study". Our research shows that general animal welfare training provides a good foundation, but it is imperative that inspectors have industry specific training. APL has funded pig industry specific training of inspectors in Western Australia, and this has been very successful.

In giving the powers of inspection, it must be ensured that the inspectors are trained in the production systems of the industry and that they are aware of Biosecurity practices of each industry that is required under the Emergency Animal Disease Response (agreement with Commonwealth, State and industries).

### ***International***

Imports of animal products (ie meat) will require a permit from the animal welfare authority (no mention of whether this comes before or after AQIS regulations). To issue a permit, the authority must be satisfied that the laws

and COP relating to animal welfare in the country of origin are comparable to those of Australia.

Animal welfare should not be placed on the trade agenda and runs counter to the Government's own policy position or international obligations to prevent animal welfare becoming a trade issue. Any attempt to use animal welfare measures in trade negotiations contradicts the SPS Agreement.

The Office International des Epizooties (OIE) is the body under the WTO with the mandate for dealing with animal welfare issues. In May 2002 the OIE adopted a Resolution on Animal Welfare. The 158 nation members of the OIE have accepted to start the development of policies and guiding principles to provide a sound foundation from which to elaborate specific recommendations and standards on animal welfare.

#### ***Labelling of Animal Products***

The Bill requires that a COP on labelling of animal products be prepared within 3 years. The labelling system is to provide consumers with information on methods used to produce the meat or other animal products, including animal welfare, and will apply to both domestic and imported products. This is of concern because it brings the animal welfare agenda into trade issues, which is contrary to government and WTO policy. It should remain a market driven issue. The costs of the proposed labelling have not been examined, nor the responsibility for bearing the costs. This will potentially significantly increase costs to producers. Enforcement of the auditing and labelling regime has also not been determined.

#### ***Cruelty Offences***

Section 64 (2) (e) prohibits the use of electrical devices on animals. While we are sure that this was included for genuine reasons, it overlooks the allowable use of electrical prodders in some livestock industries, including pigs as allowed under the Model Code of Practice for the Animal Welfare of Pigs.

We note that the Australian Animal Welfare Strategy is currently in draft form. This Bill seems to be pre-emptive of this Government strategy.

We trust that these comments are useful to the Committee in preparing a report on the National Animal Welfare Bill.

Yours sincerely



**Kathleen Plowman**  
General Manager  
Policy Division