



6 September 2005

Committee Secretary
Senate Rural and Regional Affairs and Transport Committee
Department of the Senate
Parliament House
Canberra ACT 2600
Australia

Dear Sir / Madam,

Australian Pork Ltd (APL) is the peak industry body representing Australian pork producers. Animal welfare is a key area of interest and concern to APL and its producer members. Maintaining high standards of health, productivity and welfare for pigs is a critical part of modern pig farming systems and also an important area of personal interest to the farmer. The pig is an animal which is very prone to stress and disease if poorly cared-for so maintaining good animal husbandry and welfare is a key aspect of modern pig farming practice.

APL is concerned about Senator Bartlett's National Animal Welfare Bill, commended to Parliament in June 2005. This is simply a re-hash of the National Animal Welfare Bill that he proposed in 2003. APL has serious concerns with the proposed National Animal Welfare Bill (2005). These include:

Industry Consultation

- 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 (COPs) and compliance with COPs. There is no mention of consultation with stakeholders, or justifications based on scientific principles. Our industry was not consulted at any time.

State and National Cross-over

- 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, however there appears to be some conflicts. It must also be noted that there are inconsistencies that currently exist between the states on animal welfare regulation.

Inspectors

- This Committee appoints inspectors (and therefore would need to fund these as well.) The "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". This raises the question of how current state inspectors would be integrated. Clarification is needed on whether inspectors at the state level will also be enforcing national legislation, or whether it is planned to have separate groups of inspectors.
- The Bill also provides for a subsection of class of individuals (such as animal rights groups as opposed to the RSPCA) also being vested with inspection powers if approved.

- The "approved class of person" gives scope for the previous system used in some states where members of the animal activist groups were given "special constable" rights, which were open to abuse of the system. We believe that this leaves the door open for animal rights activists to enter farms and raise spurious or dubious claims of animal cruelty against farmers. Australian pork producers have already experienced a number of unlawful farm raids from such activists which are disruptive, distressing to farmers and damaging to the industry. These people and the organisations they represent have a clear objective of banning the use of animals by humans for food or profit. Their activities are escalating, both internationally and now in Australia. There is strong precedent to support APL's concern that animal activists can readily infiltrate into such organisations as RSPCA.
- In giving inspectors powers you should also ensure that they are properly trained in the production systems of the industry and that they are aware of the Biosecurity practices of each industry that is required under the Emergency Animal Disease Response (agreement with Comm. States and industries.) APL is concerned that, if these proposals are adopted, there would be an enhanced need for training of inspectors in relation to the assessment of pig farming practice, that there is no method proposed for the standardisation of their conduct in that role and that the RSPCA may not have the resources to carry out such a role professionally without significant additional funding and resources being provided.
- 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. This is unacceptable, because, as noted above, the inspectorate is open to "special constables" who may in fact be recruits of animal activist groups with their own agendas.
- Under 17(5), an inspector may humanely kill an animal or administer analgesics to animals. This brings up the question of what training they will have, how will the animals be humanely killed, and who will control the drugs?
- Section 61 - the inspector may destroy an animal that it believes is in pain and that it is cruel to keep it alive. These decisions are being made without input from a veterinarian.

Membership

- Membership of the authority is heavily weighted on the animal activist side, with at least 5 (2 animal welfare NGOs, 2 community groups, 1 ethicist, and 4 "other" members), out of the 14 members possibly from the animal welfare area. Any nationally representative committee must be well balanced in its representation. Also the administration and process of the Committee is also questionable - as only 5 members for a quorum are required this could be successfully filled by all the animal welfare groups alone and is hardly the basis for balanced decision making.

Labelling

- The requirement for labelling of all animal products based on animal welfare grounds is highly questionable. The Bill will require that a Code of Practice on labelling of animal



products is prepared within 3 years. The labelling system is to provide consumers with information on methods used to produce the meat (etc) including animal welfare, and will apply to both domestic and imported products. There are questions to be raised regarding the costs of this labelling, who will bear the cost and also who will enforce the labelling. The suggested labelling would also apply to imported product, which is not consistent with Australia's WTO obligations. APL's view is that it is the market which should be left to drive such requirements not regulations.

We also bring your attention to recent developments which seem to pre-empt many of these concerns. Animal Health Australia has commissioned an options paper on the Future Management and Regulation of Livestock Welfare and held a successful workshop in July 2005. The workshop was extremely well attended and whilst the issue of welfare codes and standards is clearly not a simple one, the day was productive and participants identified key principles upon which any future direction for the development and review of animal welfare standards/codes should be based.

I ask that you consider APL's stated concerns in relation to this Bill and would welcome a discussion with your office on these issues when convenient.

Yours sincerely

Kathleen Plowman
General Manager
Policy