

29 September 2005

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

**By email: [rrat.sen@aph.gov.au](mailto:rrat.sen@aph.gov.au)**

Dear Ms Weeks

***Senate Rural and Regional Affairs and Transport Committee Inquiry into the National Animal Welfare Bill 2005***

As the NSW Farmers' Association (the 'Association') represents a large number of livestock producers in NSW, it welcomes the opportunity to provide a submission to the *Senate Rural and Regional Affairs and Transport Committee Inquiry into the National Animal Welfare Bill 2005*.

The proposed Bill was tabled despite the existence of the Australian Animal Welfare Strategy and the Draft Neumann Report into the Australian model codes of practice for the welfare of animals. The Association therefore believes the Bill may be premature, considering the current collaborative approach between Government, industry and consumers in constructing a framework for advancing welfare outcomes which has ownership and support across the community.

The Department of Agriculture, Fisheries and Forestry ('DAFF') and industry bodies at the national and state level are currently involved in the implementation of the Australian Animal Welfare Strategy which was a collaborative effort between all stakeholders who are interested in the welfare of animals. Due to this stakeholder involvement it is a document owned by the whole community and the goals of the strategy include a commitment to high animal welfare standards and sustainable improvements.

It is submitted that this inclusive approach is preferred to the excessive regulation which is proposed in the *National Animal Welfare Bill 2005*. At the Global Conference on Animal Welfare which was held in Paris last year, a presentation was delivered which analysed the responses to animal welfare within the European Union. This analysis by Quintili R. and Grifoni G. stated that crises "have been followed by a series of changes at a rate totally unsustainable for producers, who ended up as the only scapegoats instead of being regarded as a key factor in promoting zootechnics with a sound respect for animals". Based upon this analysis, the Association considers the Bill to possibly disrupt and retard the implementation phase of Australia's Animal Welfare Strategy.

Further to this, Quintili and Grifoni (2004) stated that consumers have negative perceptions of livestock producers and techniques when strong Regulations are used. The continued alienation of consumers from animal production by reinforcing mistrust will require increasing reassurance through regulatory means and thus increasing taxpayer funded enforcement costs.

The Draft Neumann Report (2005) commissioned by DAFF has been well received by the Association's livestock members. The key themes contained in the report of minimum regulated standards and the promotion of best practice is strongly supported. The Association believes that Animal Health Australia is effectively consulting with industry and coordinating a response whilst also raising awareness of the need to improve the code development and enforcement process based on international and domestic economic, scientific and ethical considerations. The proposed Bill which will prescribe codes of practice for animal welfare will effectively halt such an important discussion at the industry level and set back the advancement in the empowerment of industry on welfare issues.

The valid concerns of national consistency in Regulations are also recognised in the Neumann Report. The proposed strengthening of the process by agreement at a national level through the Primary Industries Standing Committee of minimum regulated standards and best practice standards will deliver national consistency at the state level without the need for national legislation.

The Neumann Report as well as industry and State regulators recognise the importance of objective measurement when enforcing Regulations. The proposed Bill uses subjective wording (for example Division 1 part 4 and words such as 'reasonable', 'undue' and 'proper') which may expose it to costly and lengthy consideration by the judicial system. For this reason, the Neumann report clearly defines regulated minimum standards and best practice standards. In Part 8, the definition of psychological pain as taken to be the same sensation that an average, well human, having suffered the same trauma, would experience is not objective. The Neumann report, offers a more practical, resource efficient and successful way forward for prosecutions on animal welfare.

The *NSW Prevention of Cruelty to Animals Act* was recently strengthened in response to community concerns with the support of the NSW Farmers' Association to include spot fines and greater access to inspectors. It also covers major areas of the proposed Bill, including the prohibition of trap shooting, bull fighting, animal baiting, animal fighting, trapping. The Association envisages that national animal welfare legislation is therefore duplication and an added cost to the community by creating a regulatory authority for administration.

As the proposed Bill bans mulesing, it pre-empts the current negotiations the wool industry is conducting over the Regulation of the mulesing procedure and the use of pain relief ahead of the industry's commitment to the phase out of the procedure by 2010. The Government has been of great assistance throughout this process which is sensitive to the considerations of the global market and is fundamentally at odds with the content of the proposed Bill.

The intention of the Bill to limit bilateral trade to countries with comparable animal welfare standards pre-empts the international debate within the World Organisation for Animal Health and the World Trade Organisation.

The Association is extremely concerned by section of the proposed Bill which suggests that Animal Liberation (an organisation which seeks to outlaw the factory farming of animals and end animal experimentation) should be responsible for enforcing the welfare of farm and research animals.

Though well intentioned to optimise animal welfare outcomes, the Association believes the proposed Bill is not a sustainable implementation mechanism for the Australian Animal Welfare Strategy.

By way of background regarding the Association, it is Australia's largest state farming organisation representing a majority of the farming community in NSW. Through its commercial, policy and apolitical lobbying activities the Association provides a powerful and positive link between farmers, the Government and the general public.

The Association is the key state representative body for both intensive and extensive industries ranging from broad acre, meat, wool and grain producers, to more specialised producers in the horticulture, dairy, poultry meat, egg, pork, oyster and goat industries. It also represents the interests of rural and regional communities and the important issues associated with natural resource management.

Thank you for the opportunity to provide these comments to your Committee.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J. Laurie', written over a horizontal line.

Jock Laurie  
**President**