

24<sup>th</sup> November 2005

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

Dear Ms Weeks,

**Re: Submission to the Senate Inquiry into the National Animal Welfare Bill 2005**

Humane Society International (HSI) wishes to provide comments to the Rural and Regional Affairs Legislative Committee on the adequacy of Australia's current animal welfare governance regime. Our full submission is enclosed.

HSI considers the current regime highly inadequate and we welcome the development of the Australian Animal Welfare Strategy and the Australian Animal Welfare Working Group.

Thank you for considering our comments.

Yours sincerely,

Verna Simpson  
Director  
Humane Society International



## **Humane Society International**

PO Box 439 Avalon NSW 2107

Ph: 02 9973 1728 Fax: 02 9973 1729

### Submission to the Senate Inquiry into the National Animal Welfare Bill 2005

#### **November 2005**

Humane Society International (HSI) welcomes the opportunity to provide comment to the Rural and Regional Affairs Legislative Committee on the adequacy of Australia's current animal welfare governance regime.

HSI considers the current regime fragmented, inconsistent, has poor penetration into industry, and is poorly policed. We welcome the development of the Australian Animal Welfare Strategy, the Australian Animal Welfare Working Group, and urge that development of implementation and action plans be well-resourced and extend beyond the remit of the primary industries bureaucracies.

HSI believes the lack of a body charged with overseeing national animal welfare policies, standards and policing, and to ensure consistently high standards of animal welfare across all states and territories in Australia must be addressed. We welcome the proposed establishment of a National Animal Welfare Authority, as detailed in this legislation.

HSI also considers the lack of national minimum standards, the poor definition of central terms, and the lack of enforcement of existing laws and codes of practice requires urgent and coordinated government action.

Issues surrounding animal use and care have been canvassed over a number of decades, most notably by the Senate Select Committee on Animal Welfare, which

provided 10 reports over its 8 year life-span and is recognised in the Australian Animal Welfare Strategy (AAWS) for its openness and inclusiveness.

Wider recognition of animal welfare issues and the need for standards originated in the work of this committee, however action to centralise and better define animal welfare standards and establish comprehensive inspection and policing regimes has yet to be effective.

- ◆ HSI does not believe current legislation adequately protects animals from cruelty and suffering
- ◆ HSI does not consider voluntary codes of practice are adequate to ensure best practice in all aspects of animal care in Australia
- ◆ HSI does not consider resources for inspection and enforcement of existing animal welfare laws are adequate

HSI believes the Senate's Rural and Regional Affairs Committee has a unique and important opportunity to improve animal welfare governance through this current inquiry and we welcome the opportunity to submit comments.

#### The Need for a Centralised Authority

The current regulatory system, where standards and definitions vary across state and territory borders plainly leaves a range of Australian industries with little real regulatory guidance on acceptable standards and practices, and vulnerable to the campaigning activities of powerful international animal welfare advocates.

HSI believes that while development and improvement of codes of practice is in reaction to community pressure, rather than from pro-active government initiatives to support industry moves towards best practice, high-profile and damaging public campaigns on animal welfare issues will continue to dog many industries.

In discussions with industry advocates, HSI noted few believe the current regime of state- and territory-based legislation and regulation clearly and adequately spells out their responsibilities. This is well-illustrated by the non-uniformity of definitions of central terms such as “cruelty” and “animal”, and of difficulties surrounding the concept of “necessary” or “unnecessary” pain.

While animal welfare is managed by the states and territories without a national coordinating authority, in a way similar to what once passed for effective rural water governance, disparities will disadvantage those keen to achieve highest possible animal welfare standards. Cross-border regulation relies on a coordinating role that can only be played by the Commonwealth. The benefits, to

industry and government, of the establishment of a centralised authority to deal with animal welfare matters are plain.

To illustrate this point, recent high-profile animal welfare issues, outside the agriculture portfolio include:

- ◆ the import of elephants from Thailand which is currently the subject of legal action by HSI, RSPCA and IFAW against the Federal Minister for Environment
- ◆ reports of significant increases in the numbers of animals used in scientific experiments in Victoria.
- ◆ the recent decision by the Minister for Environment to maintain the Federal Government's longterm policy on safari hunting of native wildlife due to welfare concerns
- ◆ the Cormo Express live trade disaster which extended beyond the agriculture portfolio to involve the Minister for Foreign Affairs and the Minister for Trade.

That the Primary Industries Ministerial Council (PIMC) currently holds responsibility for the development of animal welfare policy is inappropriate. The AAWS recognises that animal welfare regulation must extend to "*animal users, the veterinary profession, livestock producers, processors and transporters, animal welfare bodies, researchers and teachers, governing bodies of sport and recreation organisations, educational facilities, consumers, government agencies and harvesters*". PIMC can hardly be responsible for oversight of issues as broad and diverse as health, transport, education, sport and recreation.

Similarly, HSI also considers it inappropriate that PIMC is charged with oversight of the recently established Sectorial Working Groups responsible for developing action plans to implement the 25 activities identified under the Objectives of the AAWS. It is unlikely that recommendations delivered through PIMC will have significant impact on state and territory governments in areas outside the remit of the primary industries portfolio.

Within the current delivery structure, there is an inherent danger that the goals and objectives set out under the AAWS will result in little real improvements in the welfare of animals, or in the streamlining of existing regulation.

The establishment of a National Animal Welfare Authority, as proposed by the Bill, would guarantee continuing funding for a centralised and expert body, beyond the Australian Animal Welfare Working Group whose recommendations will only be implemented through PIMC, to provide a coordinated approach to welfare issues.

A broader authority, as proposed in the Bill, would allow parties to COAG to better develop coordinated cross-portfolio policy and legislation, and to better “*facilitate the timely development, and revision of codes of practice, standards and guidelines and legislation for the welfare of animals where scientific, social and industry developments justify changes being made to existing practices*” as set out under Goal 1 of the AAWS.

The example of the National Water Commission is most relevant – a body with Commonwealth and state representatives working in conjunction with experts and stakeholders towards implementation of a national approach; in the case of water the National Water Initiative, in the case of animal welfare the Australian Animal Welfare Strategy.

**Without a National Animal Welfare Authority, established through national law, funded by the Commonwealth and charged with responsibility to oversee development of the national strategy, the AAWS provides little real surety for industry or for animal welfare advocates on questions of definitions, standards, regulation, banned practices and demonstrable improvements.**

**While we believe that PIMC has the scope to achieve intergovernmental agreements on agriculture, it is unable perform a similar role on issues that involve a wide range of other portfolios.**

Likewise PIMC can provide little surety that states and territories will legislate in a uniform way to implement agreements. The Neumann Report<sup>1</sup> recognises that “*under current arrangements, States and Territories jointly endorse Codes (of Practice) via the Primary Industries Ministerial Council (PIMC). However, each jurisdiction uses them in ways that suit their legislative, political and environmental circumstances and their local industries.*” To assume this approach will result in a nationally-consistent framework on animal welfare governance is naïve.

#### Animals and Animal Products in Trade

The development of the AAWS and particularly the inclusion of “*a firm commitment to high standards of animal welfare*” is most welcome. HSI understands the strategy was developed in response to a need to demonstrate those high standards to the national and international community.

---

<sup>1</sup> Geoff Neumann & Associates Pty Ltd, Draft Report *Review of the Australian Model Codes of Practice for the Welfare of Animals* February 2005

With relation to our domestic market, HSI believes that in order to recognise and promote good animal welfare practices, especially in agriculture, significant steps must be taken to better label humane choice products. We believe consumer should play a definitive role in shaping the marketplace for humane products, and without good labelling this cannot happen.

- ◆ HSI is currently working with farmers to establish humane labelling standards and networks, and would welcome government and legislative support for labelling initiative.

While Part 7 of the Bill provides for the labelling of animal products, HSI considers both Section 95 (1) and Section 95 (2) (a) need to be broadened to include better definitions of “*animal products*” and “*animal welfare*” respectively.

Also, recognition of labelling standards in a code of practice will not give the necessary legislative weight and consistency to ensure labelling is properly carried out. The Neumann Report found that the legal status of Model Codes of Practice governing agricultural standards “*varies from non enforceable guidelines to direct inclusion as regulations.*” The report states “*There is little consistency in the way in which Codes are enforced.*”

In the context of our international markets, we believe the existence of the AAWS provides some advantage for Australian exporters, for example in the context of Australia’s European trading partners. The Neumann Report supports this belief in asserting “*As the largest exporter of livestock in the world and a significant producer and export of livestock products, Australian animal welfare practices are subject to intense international scrutiny.*”

In this context, to develop the AAWS and fail to oversee and adequately fund its implementation across all states and territories or to place primary responsibility for implementation with the agricultural bureaucracies is irresponsible.

While, animal welfare does not currently form a part of WTO trade standards, it should be considered that the existence of national animal welfare standards relating to imports may benefit Australian producers who claim they are disadvantaged by their scientific, ethical and moral obligations to maintain high animal welfare standards.

HSI believes the Australian Democrat’s National Animal Welfare Bill provides an appropriate initial framework, in the form of a National Animal Welfare Authority, under which the development of policy, strategy, codes of practice and regulation can be coordinated and communicated to the international community. We do not believe that PIMC, the Federal Minister for Agriculture, or the

Australian Animal Welfare Working Group can appropriately perform this role, especially in the absence of national animal welfare legislation.

#### Governing to the lowest possible denominator

HSI believes the current regime governing animal welfare in Australia leaves animals with no consistent national regulatory protection, dependent on varying regional laws and codes that encourage industry to take advantage of lowest possible standards, and with little fear that flouting of codes of practice will result in significant penalties.

- ◆ HSI believes a set of national minimum standards and nationally-enforceable bans on practices, for example safari-hunting, tail-docking, import or sale of cat and dog fur, debarking, cock-fighting, de-horning of cattle and mulesing, must be established.
- ◆ HSI recommends that the development of minimum standards would be the first responsibility of a National Animal Welfare Authority, in consultation with state government representatives, representatives from a number of Federal Government departments, animal welfare experts, consumer groups, industry representatives and scientists.

We believe a fragmented state-based approach to animal welfare has in the past resulted in disadvantage for welfare-based management approaches. For example, the ACT's 1997 ban to phase out battery cages for egg production within 6 years was undermined by the unwillingness of other states to agree to support the ban.

The ACT was unable to govern the import of battery eggs across its territorial borders, so despite long-term and well-documented animal welfare concerns, and the territory government's decision to the end the practice within its jurisdiction, battery eggs were supplied to ACT retailers by producers in NSW and Victoria, and the efforts of a territory government to outlaw what has long been regarded as a poor method of egg farming, failed.

Not only did this set back the improvement of the dismal lot of battery hens but also sent a message to producers that attempts to ensure their animals were well cared for, and given adequate light and exercise, must come second to cost-cutting. There is an obvious role for a National Animal Welfare Authority to play in situations such as this in setting minimum standards, and providing Commonwealth support for good state-based welfare initiatives.

#### Policing of existing laws and codes of practice

It is estimated that, currently, there up to 30 million companion animals and over half a billion animals used for agriculture in Australia. As well, hundreds of thousands of animals are used in scientific and educational institutions each year. The policing of the welfare and standards of care for all of these animals is predominantly the responsibility of 75 full-time and 75 part-time RSPCA inspectors. Plainly, this ratio is inadequate.

To expect state and Commonwealth agriculture and primary industry bureaucracies to adequately police animal welfare standards involves an unavoidable conflict of interest.

The Howard Government's decision to deregulate the live trade industry in 1998 and its establishment of Livecorp as the industry-dominated management body illustrates the dangers of leaving animal welfare in the hands of those with vested interest in commercial production and export of animals.

HSI understands that over 125,000 people petitioned the Federal Government on this issue. It is plain that embarrassing incidents such as the Cormo Express will continue under the current regulatory regime. Leaving industry advocates to manage animal welfare issues was, at the time, an unfortunate case of bad judgement. The continuing and widespread community concerns since 1998 illustrate well the problems that live trade will continue to cause, and the attention it will continue to draw from the international animal welfare lobby if the current approach continues.

Whether responsibility for the policing of breaches should fall on the Commonwealth or be retained by the states and territories remains a matter for debate, however there can be little doubt that inspection regimes are weak and provide little incentive for the community and industry to live up to the noble rhetoric of the Federal Government's AAWS.

#### Animals in Science – Opportunities for Progress

HSI supports concerns raised by Senator Bartlett in his second reading speech that incongruent state and territorial legislation governing use of animals in science minimise opportunities for creating an effective national register of the use of animals in research. Lack of a concerted national approach to the monitoring of animals used in scientific research reduces knowledge-sharing, promotes poor communication between scientific institutions, and means experiments are often duplicated.

Reports earlier in the year that the number of animals used in scientific experiments in Victoria have increased, despite a national code of conduct



requiring significant efforts towards reduction, illustrates well the failure of codes of practice to result in significant progress.

Within educational facilities, HSI has much experience promoting the use of alternatives to widely undertaken and obsolete surgical training procedures. While the rhetoric governing use of animals in education generally recommends the reduction and replacement of animals, little concerted and coordinated efforts have been made to even ascertain the true numbers of animals used. Lecturers and teachers, wedded to existing practice, often appeared not to be aware of alternatives, such as the development of computer simulations in the place of actual dissection. Much needs to be done to reduce the use of animals in education.

The transparency and accountability of scientific institutions using large number animals, including primates, are well-short of acceptable.

Little has been done by government to ensure the welfare of these animals, and while the definition of “necessary pain” remains in doubt, HSI will remain concerned that many of Australia’s scientific institutions continue to confine for long periods large numbers of animals, subject them to varying degrees of pain and suffering, for dubious reasons.

### **In Summary**

In May 2004, in endorsing AAWS, PIMC acknowledged as a high priority the need “*to facilitate improved consistency of legislation across states and territories for improved... animal welfare outcomes*”<sup>2</sup>.

The Neumann Report recognises that “*under current arrangements, States and Territories jointly endorse Codes (of Practice) via the Primary Industries Ministerial Council (PIMC). However, each jurisdiction uses them in ways that suit their legislative, political and environmental circumstances and their local industries.*”

- ◆ Without a national body overseeing the development of definitions, standards, codes and implementation, it seems unlikely that the priorities of the AAWS can be achieved or that more clear and effective animal welfare legislation and governance will result.
- ◆ To leave responsibilities for governing of companion animals, wild animals in trade, animals in display and animals involved in scientific use within the

---

<sup>2</sup> Australian Animal Welfare Strategy available at <http://www.affa.gov.au/>

remit of the primary industries portfolio will limit the usefulness and penetration of the AAWS.

- ◆ HSI considers the establishment of a National Animal Welfare Authority is necessary to coordinate action under the implementation plan, within the sectoral working groups and through the action plans, and to oversee the development of improved and uniform animal welfare legislation across states and territories.

We remind the committee of the broad goals of the AAWS:

1. *Enhancing the national approach and commitment to ensure high standards of animal welfare based on a concise outline of current processes;*
2. *Achieving sustainable improvements in animal welfare based on national and international benchmarks, scientific evaluation and research, taking into account changes in community standards; and*
3. *Achieving effective communication, education and training across the whole community to promote improved understanding of animal welfare.*<sup>3</sup>

HSI does not believe these goals, or the objectives and activities set out under them, are achievable in the absence of a Federal cross-portfolio coordinating authority, and without the support of national legislation that defines terms central to animal welfare governance, sets minimum standards, and nationalises legislative bans on specified practices.

---

<sup>3</sup> Australian Animal Welfare Strategy available at <http://www.affa.gov.au/>