



# Advance Australian animal welfare:

The urgent need to re-establish national frameworks



This report was written by Dr Jennifer Ford and reviewed by World Animal Protection policy and scientific experts. Published 29th February 2016.

## World Animal Protection

(formerly WSPA Australia Limited)

Level 1, 39 Chandos Street

St Leonards NSW 2065

D: +61 (0)2 9902 8000

E: [protect@worldanimalprotection.org.au](mailto:protect@worldanimalprotection.org.au)

W: [www.worldanimalprotection.org.au](http://www.worldanimalprotection.org.au)

## About World Animal Protection

**World Animal Protection** is one of the world's leading animal welfare organisations, and has been helping to protect animals for over 50 years. Our vision is for a world where animals live free from suffering.

We work in over 50 countries, collaborating with local communities, businesses, NGOs and governments to change animals' lives for the better. We also act for animals at a global level, leveraging our United Nations consultative status to give them a voice and work to put animal welfare on the global agenda.

**Disclaimer:** The information contained in this report is current as of February 2016. While **World Animal Protection** has made every effort to ensure the accuracy of information presented in this report, World Animal Protection does not guarantee the accuracy or completeness of that information. **World Animal Protection** is not responsible for, and disclaims all liability for, any loss or damage arising out of the use of or reliance on this report.

For more information go to  
[www.worldanimalprotection.org.au](http://www.worldanimalprotection.org.au)

# Foreword

When my career in the field of animal welfare began, Australia was a very different place for animals. By some measures it was better. Intensive farming was less prevalent and animals did not commonly endure transportation over long distances for slaughter. In other ways, things have improved. It is no longer socially acceptable to abandon or abuse an animal, there are over ninety animal law courses in Australian universities, and veterinary science is highly sophisticated, progressive and prioritises animal husbandry. Animal protection as a cause now enjoys immense community support, enabling investments in in-depth research such as this report.

I have been privileged to witness great transformations in society's treatment of animals as my work placed me at the forefront of cardinal achievements in animal welfare development.

One of the proudest moments of my career was seeing the Australian Animal Welfare Strategy (AAWS) implemented as government policy. The Strategy, along with collaborative efforts from scientific experts, industry groups and animal organisations, and a burgeoning public engagement with animal protection, saw Australia as a global leader in animal welfare.

Sadly, the AAWS no longer exists. Since its demise, Australia has no active strategy for progressing with the times on animal welfare. We have no national funding, no leadership, and no mechanism for coordinating the various voices with a stake in profiting from, protecting or policing the way our animals are treated.

Although the situation for animals is largely improved since the sixties – when I first started work as a veterinarian – certain practices place Australia shamefully behind our international peers in the developed world. Groups within the veterinary community have done much to highlight the humane need for pain relief in procedures such as tail docking or castration, yet these are still carried out

on livestock without anaesthetic. Close confinement is still legal for poultry and sows.

These are two examples from a long list of enduring poor practices in Australia, more of which are outlined in this report by World Animal Protection along with the current failings in the regulatory framework. The solution which follows moves a step further than the AAWS, in a direction that I have always been keen to see realised.

The public expects better for animals, and business needs support and a timetable for policy upgrade. There is a strong will from the Australian people to improve our standards of animal welfare, a committed veterinary body which I am so proud of, and a well-resourced and modern agricultural system ready to take the next step. We simply need a revised framework that can guide these stakeholders to work together for a common goal and move Australia to become the leader that it deserves to be in animal welfare.

*– Dr Hugh Wirth, is an accomplished veterinarian, was elected President of RSPCA Victoria in 1972 and held this position until his retirement in 2015. Dr Wirth was President of RSPCA Australia for 22 years until 2006, and was the President of World Animal Protection Australia and New Zealand until earlier this year. Prior to this he was on the international board of World Animal Protection, including President for two years, and continues to support the World Animal Protection Australia and New Zealand boards in an advisory capacity.*

*Since 1980 Dr Wirth has been appointed to ten government animal welfare advisory committees at national and state level. The most prominent of these are the Australian Animal Welfare Advisory Committee since 2005; the National Consultative Committee on Animal Welfare 1989-2011; the Independent Reference Group on Live Animal Exports 2004-2009; and the Victorian Animal Welfare Advisory Committee since 1980.*





"Renewed national leadership and new national frameworks are needed to drive progress on animal welfare."

World Animal Protection



# Summary

Animal welfare in Australia falls short both in best practice and in meeting community expectations for the protection of animals. This is largely due to a lack of robust and balanced national frameworks to provide leadership, coordination and a sustained funding source dedicated to achieving better animal welfare outcomes. These gaps have impacts on business and compromise our standing on the international stage.

This report discusses the failings of the current animal welfare framework, identifies the causes of these failings, and proposes a solution through a return to national leadership in animal welfare and a reinvigorated national regulatory framework.

World Animal Protection believes that the establishment of national frameworks in the form of an Independent Office of Animal Welfare is the strongest way forward to advance animal welfare in Australia. By establishing more appropriate and effective frameworks the government will help meet the needs of industry and fulfil the expectations of the community on animal welfare.

## Main findings

- National frameworks for animal welfare, regulations and their enforcement are failing to keep pace with community expectations, international best practice and industry needs.
- Australia was ranked C on the Animal Protection Index (API), falling significantly short of developed country peers ranked A such as Austria, the United Kingdom and New Zealand.
- Farming practices are increasingly scrutinised by consumers, investors and other stakeholders, both nationally and internationally. National standards meeting international best practice for animal welfare are needed to safeguard Australia's reputation and future investment opportunities.
- The prevalence of serious animal welfare incidents over recent years highlights the failure of the current system to protect animals through its largely reactionary rather than proactive approach, leaving industry exposed to reputational risk.
- There is currently no Australian government leadership, coordination or funding dedicated to progressing domestic animal welfare in Australia. Responsibility for domestic animal welfare is devolved to the states and territories.
- In November 2013 Australian government funding for a national framework through the Australian Animal Welfare Strategy (AAWS) ceased, and consequently the Australian Animal Welfare Advisory Committee (AAWAC) was disbanded, as was the Animal Welfare Committee (AWC). These bodies were well supported by stakeholders, and had provided a strong start to developing robust national frameworks.
- The Australian government has subsequently given no indication of an agenda to progress farm animal welfare, and a number of inhumane practices are widely permitted by the different jurisdictions.
- A lack of national coordination for animal welfare has led to inevitable variation in standards of animal welfare across state and territory laws, and threatens a stall in progress as jurisdictions are reluctant to take the lead in national reform.

Public trust in animal welfare standards needs attention. Animal welfare is an increasing public concern and purchasing patterns are shifting.

There is precedence in other parts of the world of investment in animal welfare frameworks and restructures. The European Union transferred the responsibility for animal welfare to the Directorate-General for Health and Consumers. New Zealand has the National Animal Welfare Advisory Committee and India has an Animal Welfare Board, both statutory bodies established to advise government.

Animal welfare is significantly under resourced and underfunded in Australia.

Indicators of regulatory failing for animal welfare include:

- Competing responsibilities within or between government departments in ensuring industry productivity and administering animal welfare laws, with the latter afforded lower priority.
- A lack of common understanding of what constitutes animal welfare amongst government, industry and the general community.
- Industry and state government dominating the process of setting standards, providing for only minimal input from community and animal protection groups.
- Industry funded research prioritising measures of animal welfare that align with their economic interests.
- A lack of standardised definitions and labelling for animal production systems to provide transparency for consumers and a level playing field for producers.

A national forum in 2015 hosted by the Australian Veterinary Association, National Farmers' Federation and the RSPCA resulted in agreement from many participants that national coordination and consistency is needed: "National leadership and coordination is required to promote strategic thinking, partnerships and shared investment rather than a patchwork of differing standards"<sup>1</sup>. Animal welfare is a national issue that requires national leadership to enable uniformity of standards, encourage states to act to implement these standards, as well as ensure regulatory frameworks keep pace with industry innovation, consumer demand and support progress.

A new framework is needed to address competing responsibilities of agriculture departments so animal welfare standards meet community expectations, and are based on independent, internationally recognised and impartial science.

## The solution – renewed and robust national frameworks for animal welfare.

Renewed national leadership and new national frameworks are needed to drive progress on animal welfare according to a clear and agreed vision and timetable.

World Animal Protection recommends an Independent Office of Animal Welfare (IOAW) is the model that would most efficiently and effectively achieve this.

Political support for an IOAW already exists. In 2011 the Labor Party re-committed at its national conference to support the creation of an IOAW. In 2015 the Greens re-introduced a bill for an IOAW into federal parliament.

Leading animal protection organisations including World Animal Protection, RSPCA, Animals Australia and Voiceless, (that are supported by and represent an ever-growing movement of millions of Australians) actively encourage the establishment of national frameworks for animal welfare.

The Australian Veterinary Association currently advocates for a national strategy and broad collaborative approach to animal welfare leadership at a national level<sup>2</sup>.

Implementing a national framework through an IOAW would achieve a balance between commercial and community interests in standard setting, provide coordination across states and territories on legislation and enforcement, and allow Australia to be internationally recognised for best-practice in animal welfare.

<sup>1</sup> Australian Veterinary Association (AVA), National Farmers Federation (NFF) & RSPCA, *Animal Welfare Roundtable: Outcomes Report*, Canberra, 16 Oct. 2015.

<sup>2</sup> Australian Veterinary Association, 'Improving Animal Welfare', Australian Veterinary Association, <[www.ava.com.au/welfare](http://www.ava.com.au/welfare)>, accessed 19 Jan. 2016.

# Contents

---

## Introduction

Current status of animal welfare framework in Australia stagnation and fragmentation.....	9
Community expectations and industry needs are not being met by the current framework .....	11

## Failings of the current animal welfare framework

A prevalence of animal welfare incidents.....	14
Diminishing public trust.....	14
Comparison with international standards.....	15
Stakeholder relations.....	15
Governance and standard-setting flaws .....	16
Conception of animal welfare .....	17
Science – The need for greater independence and a more integrated approach to welfare assessment.....	17
Departmental conflict with animal welfare responsibilities .....	18
Australia’s need for a balanced standard setting framework .....	18


## The solution – renewed and robust national frameworks for animal welfare

Call for an Independent Office of Animal Welfare .....	20
Proposed aims, responsibilities and structure of an IOAW for Australia.....	21

Conclusion .....	23
------------------	----

References .....	24
------------------	----

Endorsements .....	27
--------------------	----



"The current piecemeal, state and industry based approach lacks cohesion, consistency, and objective scientific underpinning, and is in need of significant reform if it is to serve both the industry and the community."

Mick Keogh, Executive Director  
of the Australian Farm Institute



# Introduction

Over recent years, the treatment of animals has increasingly attracted public attention in Australia and internationally, reflecting a shift in consumers' expectations of acceptable standards for farm animal welfare.

At any one time, Australia has stewardship for the lives and welfare of over 76 million sheep, 29 million cattle, 2 million pigs, almost 99 million chickens,<sup>3</sup> approximately 33 million companion animals,<sup>4</sup> as well as wild animals in captivity and animals in the wild. As a major livestock producer, the responsibility to care for farm animals is particularly important to the Australian community. However, Australian animal welfare policy and regulations are failing to keep pace with international best practice and community expectations, and are failing to protect the welfare of animals. Consequently, animal welfare scandals are a regular occurrence, with regulators and industry often on the back foot rather than taking a proactive approach to achieving good animal welfare.

## Current status of animal welfare legislation in Australia – stagnation and fragmentation

Currently, no national leadership or funding exists for the progression of domestic animal welfare in Australia. A relatively consistent framework for animal welfare standards was in development from 2004, through the Australian government-led coordination of the Australian Animal Welfare Strategy (AAWS).<sup>5</sup>

In November 2013 active support for the AAWS from the Australian government ceased and responsibility was devolved to the states. A group named the Animal Welfare

Task Group (AWTG), with representatives from state and Australian governments, were to continue on with a number of projects of the AAWS already in progress, and had the aim to oversee the development of Standards and Guidelines. However Australian government funding for the AAWS, including the work of the AWTG, ceased in June of 2015. Following this, the Minister for Agriculture states the Australian government “continues to contribute to the Australian Animal Welfare Strategy (AAWS) agenda to develop Australian Animal Welfare Standards and Guidelines and participates as a member of the Animal Welfare Task Group.”<sup>6</sup>, “a body with no Commonwealth funding, membership limited to government officials, obligations to meet just twice a year, and no published minutes or actions.

Following the dismantling of the AAWS, the Australian Animal Welfare Advisory Committee (AAWAC) was disbanded, as was the Animal Welfare Committee (AWC). The AAWS website is currently being hosted by the Australian Veterinary Association and AAWS strategy documents are still available and in existence. The last existing National Implementation Plan for the AAWS was for the period 2010–2014, and there are no known plans for any further headway.

Industry-specific welfare standards for farm animals are currently reflected in *Model Codes of Practice for the Welfare of Animals*. Concerns over the currency of the

<sup>3</sup> Australian Bureau of Statistics, Agricultural Commodities, Australia, 2012-2013, cat. No. 7121.0, May, 2014, Australian Bureau of Statistics, <<http://www.abs.gov.au>>, accessed 20 Jan, 2015.

<sup>4</sup> Australian Animal Welfare Strategy, 'Australian Animal Welfare Strategy & National Implementation Plan 2012-2014', Australian Animal Welfare Strategy, 2011, <<http://www.australiananimalwelfare.com.au/content/about-aaws>>, accessed 21 Jan, 2016.

<sup>5</sup> First developed in 2004, revised in 2008 & 2010.

<sup>6</sup> B. Joyce, Minister for Agriculture, written correspondence with World Animal Protection, received 13th August 2015.



Codes prompted a review under the AAWS in 2005 (six are dated 1991 or 1992, with the most recent now being 2008). This resulted in a recommendation to convert the Codes into Australian Animal Welfare Standards and Guidelines.<sup>7</sup> The Standards and Guidelines “aim to harmonise and streamline livestock welfare legislation in Australia, ensuring that it results in improved welfare outcomes and is practical for industry.”<sup>8</sup> However, since 2005, little progress has been made. Standards and Guidelines that have been developed and endorsed include: Land Transport of Livestock (endorsed in 2009, then implemented into state regulations from 2012–2014),<sup>9</sup> and Cattle and Sheep<sup>10</sup> (finally endorsed by state and territory governments in January 2016, eight years after development began). Progress has stalled on Standards and Guidelines for Horses since 2011.<sup>11</sup> This leaves 11 Codes yet to be progressed in any way and little in terms of up to date and comprehensive national standards for farm animals.

Without national coordination there are discrepancies across states and territories in the standards of animal welfare promoted in their laws. Within these jurisdictions, administration of animal welfare legislation is delegated to the departments of agriculture (or equivalent). These departments vary greatly in their progress to implement the Codes into law and compliance with the Codes is not always mandatory nor well regulated. This has resulted in variations in laws, discrepancies between state laws and Codes, and current laws that still permit levels of animal suffering unacceptable to the broader community.

For example, South Australia is the only jurisdiction making all Codes mandatory, while the ACT passed legislation to prohibit sow stalls and battery cages for poultry (decisions that go beyond the relevant Codes). Inconsistencies also exist between New South Wales and Queensland in their standards for free-range egg production with neither adhering to the Codes recommendations on density for outdoor birds.<sup>12</sup> In Tasmania, a phase out of battery cages was announced in 2012 but no legislation has been introduced to date.

Objectives of state and territory Animal Welfare Acts also show great variation. All Acts retain the historical primary objective for regulators to prevent cruelty to animals.<sup>13</sup> Some also include the objective of promoting welfare, but with no consistency between Acts in the definition of “welfare”. South Australia has “An Act that promotes welfare” but provides no definition and the Act for ACT provides no specific objectives.<sup>14</sup> In contrast, objectives of the Queensland Act (2001) appear to be the most developed, and amongst its many stated objectives is achieving a balance between the welfare of the animal and the interests of the people whose livelihood rely on them, and allowing for advancements in scientific knowledge.<sup>15</sup>

National leadership is essential to enable uniformity of standards and encourage all states to act to implement these. Without leadership and coordination from national government, jurisdictions may be reluctant to take the lead in reform and progress stalls in the process. An absence

<sup>7</sup> Animal Health Australia, *Australian Animal Welfare Standards and Guidelines*, <<http://www.animalwelfarestandards.net.au/>>, accessed 14 February 2016.

<sup>8</sup> *ibid*, ‘About’

<sup>9</sup> *ibid*, ‘Land Transport’

<sup>10</sup> *ibid*, ‘Cattle’ and ‘Sheep’

<sup>11</sup> *ibid*, ‘Horses’.

<sup>12</sup> Australian Farm Institute, *Designing Balanced and Effective Farm Animal Welfare Policies in Australia*, Research Report, 2015, p. 35.

<sup>13</sup> P. Thornber, D. Kelly, & A. Crook, Australia’s animal welfare arrangements and capacity, Animal Welfare Committee’s Working Group on Australia’s Animal Welfare Arrangements and Capacity, cited in *ibid*.

<sup>14</sup> Australian Farm Institute, *op. cit.*, p. 37.

<sup>15</sup> *ibid*.





of national leadership is also clearly at odds with the geography of the industries, which are ultimately national in their operation.

Australia's shortfall in leadership and coordination of animal welfare is also showing in the global context. This deficiency was the main reason for Australia's rank of C in the Animal Protection Index (API).<sup>16</sup> The API classifies (from A – G) the world's 50 biggest livestock producing countries according to their commitments to protect animals and improve animal welfare, as reflected in policy and legislation. Australia shares its ranking with India, Malaysia and the Philippines, and falls short of developed country peers ranked A such as New Zealand, Austria, Switzerland, and the UK, and those ranked a B such as Chile, Germany, Sweden, Netherlands and Denmark.

The API report for Australia states that without national leadership, community consultation and inclusive forums, progress will stall and Australia's progress could fall even further behind international standards of best practice.<sup>17</sup>

### Community expectations and industry needs are not being met by the current system

Evidence indicates that farming practices are failing to meet public expectations of welfare standards<sup>18</sup> and are increasingly scrutinised by consumers, investors and other

stakeholders, nationally and internationally. Sociological and consumer research shows that over the past 40 to 50 years public attitudes to animals have been shifting from a traditional utilitarian approach (emphasising productivity and instrumental worth of animals) to one reflecting compassion and empathy.<sup>19</sup> This attitude shift is driving greater public concern for animal welfare, causing a growing gap between current livestock production methods and consumer expectations for animal care.<sup>20</sup> This is evident in the Australian community, where expectations have grown beyond mere expectation of avoiding cruelty in farming practices.<sup>21</sup> A research study, commissioned by Voiceless<sup>22</sup> and surveying just over 1,000 Australian adults found that 90% regarded the welfare of farm animals as important, and 60% agreed that farm animals deserve the same level of protection as companion animals. This study also found strong support for prohibiting the use of battery cages for egg-laying hens (67%) and prohibiting the use of sow stalls for pregnant pigs (57%). Another national study revealed that 52% of Australians believe that modern farming methods relating to the production of eggs, milk, and meat, are cruel.<sup>23</sup>

This change carries through to consumer behaviour. For example, the retail market share for non-cage eggs doubled in size from 24.8% in 2005 to 50% in 2013.<sup>24</sup> Demand for free-range chicken has also been growing, representing up to 20% of the market in 2013.<sup>25</sup> Retailers are recognising the business benefits of being associated

<sup>16</sup> World Animal Protection, *Animal Protection Index*, 2014, <<http://api.worldanimalprotection.org/>>, accessed 20 Jan. 2016.

<sup>17</sup> World Animal Protection, op. cit., 'Australia', API Country Report.

<sup>18</sup> J. Goodfellow, M. Tensen & L. Bradshaw, 'The Future of Animal Welfare Policy and its Implications for Australian Livestock Industries', *Farm Policy Journal*, vol. 11, no. 1, 2014, <<http://www.farminstitute.org.au/>>, accessed 6 Jan. 2016.

<sup>19</sup> Humane Research Council, *Animal Tracker Australia: Baseline Survey Results June 2014*, funded by Voiceless; *ibid*.

<sup>20</sup> F. Vanhoneracker, W. Verbeke, E. Poucke, F. Tuytens, 'Do Citizens and Farmers Interpret the Concept of Farm Animal Welfare Differently?', vol. 116 *Livestock Science*, 2008.

<sup>21</sup> Australian Farm Institute, op. cit., p. 30.

<sup>22</sup> Humane Research Council, loc. cit.

<sup>23</sup> A. Franklin, 'Human-nonhuman Animal Relationships in Australia: An Overview of Results from the First National Survey and Follow-up Case Studies 2000-2004', *Society and Animals*, vol. 15, issue 1, 2007, p.9.

<sup>24</sup> Australian Egg Corporation Limited, 'Woolworths and Cage Eggs', Media Statement, 4 Oct. 2013; IBIS World, *Industry Report A0172: Egg Farming in Australia* (2014). Cited in J. Goodfellow, 'Animal Welfare Regulation in the Australian Agricultural Sector: A Legitimacy Maximising Analysis'. Unpublished Ph.D thesis. Macquarie University, Sydney, 2015.

<sup>25</sup> Australian Chicken Meat Federation Inc. 2013, 'Growing Meat Chickens', Australian Chicken Meat Federation Inc. 2013, <<http://www.chicken.org.au/page.php?id=6>>, accessed 14 Jan. 2016.

with good animal welfare, increasingly marketing high welfare produce and removing those associated with worst practice from their product lines. In response to consumer demand, Coles supermarkets announced that their home-brand eggs would be cage free from 2013, and that its pork products would be sow stall free by 2014.<sup>26</sup> Woolworths has also announced the removal of all cage eggs from its supermarkets, by 2018.<sup>27</sup>

Whilst these major retail chains are leveraging the marketing benefits and making changes to animal welfare policies and practices, both Woolworths and Coles have more to achieve to reach international peers within the Business Benchmark of Farm Animal Welfare (BBFAW) report, a report for investors commissioned by Compassion in World Farming and World Animal Protection. Woolworths and Coles appeared in tier 4 and tier 5 respectively, with tier 1 being the best and tier 6 the worst.<sup>28</sup>

To further assist the retail sector, legislation needs to ensure accuracy of marketing, which will enable consistency, and Australian and international consumers to better understand the animal welfare standards associated with the products they are buying. In the absence of consistent labelling standards some Australian food services and retailers are setting their own ad hoc standards to market higher welfare products. In response to demand for a legal definition for free-range eggs, the Australian Competition and Consumer Commission (ACCC) recently released a free-range egg guide and have led a number of investigations, even taking court action against some suppliers on the basis of misleading consumers with free-range claims.<sup>29</sup>

The farming industry is acutely aware of these trends in consumer attitudes and behaviour, and the potential impact for business. They have expressed regret in the dismantling of the national framework for animal welfare and strong disapproval of the current structure, calling for nationally recognised standards to boost consumer and investor confidence. The Executive Director of the Australian Farm Institute summed up the issues in his statement:

“Achieving improvements in both the perceptions and the reality of farm animal welfare in Australia will be extremely difficult, unless significant structural change occurs to the way these issues are managed. The current piecemeal, state and industry based approach lacks cohesion, consistency, and objective scientific underpinning, and is in need of significant reform if it is to serve both the industry and the community.”<sup>30</sup>

National standards meeting international benchmarks for animal welfare are needed to safeguard Australia’s reputation and investment opportunities. Internationally, investors are starting to consider businesses’ performance on animal welfare when making investment choices. Standards will become increasingly important for Australian products in premium international markets.<sup>31</sup> The CEO of Responsible Investment Association of Australia also recognises animal welfare as an issue for business and investors, acknowledging that:

“... investors have observed both the business advantages of good practices and the great downside risk of poor practices... Animal welfare is an ethical issue but is also an issue for business and investors. In the same way good practices in human rights result in stronger businesses, similar links are ever more apparent between strong animal welfare practices being simply good business, and those businesses making better investment opportunities.”<sup>32</sup>

Tools like the BBFAW are making it easier for businesses to be scrutinised by both investors and consumers. The policy and regulatory environment needs to support business in meeting investor expectations.

Regardless of the lack of involvement and leadership by the Australian government, animal welfare standards have advanced in some sectors with effort and cooperation from industry and NGOs. To consider the removal of national coordination and leadership for animal welfare, the Australian Veterinary Association (AVA), National Farmers’ Federation (NFF) and RSPCA Australia hosted an Animal Welfare Roundtable in October 2015 for all the former participants of AAWS working groups. At the meeting (attended by 120 participants representing Australia’s animal industries, veterinary profession, and leading animal welfare organisations) evidence was presented of some continuing progress in animal welfare for each sector. The Livestock and Production Animals sector reported ongoing work to develop Standards and Guidelines, active task force groups and the organisation of proactive forums, and progress in research and development to improve on-farm welfare. Nevertheless, the conference summation noted agreement from many participants that “National leadership and coordination is required to promote strategic thinking, partnerships and shared investment rather than a patchwork of differing standards.”<sup>33</sup>

<sup>26</sup> N. Eckersley, ‘Coles Pork to Go Sow Stall Free’, *Australian Food News*, 22 July 2010, <<http://ausfoodnews.com.au>>, accessed 7 Jan. 2016.

<sup>27</sup> S. Whyte, ‘Woolworths to Phase Out All Battery Hen Eggs’, *The Sydney Morning Herald*, 4 Oct. 2013, <<http://www.smh.com.au/environment/animals>>, accessed 7 Jan. 2016.

<sup>28</sup> ‘2015 Business Benchmark on Farm Animal Welfare’ *Business Benchmark on Farm Animal Welfare* (BBFAW), <<http://www.bbfa.com/publications>>, accessed 14 Jan. 2016.

<sup>29</sup> *Australian Competition and Consumer Commission (ACCC) v Pirovic Enterprises Pty Ltd* (No 2) [2014] FCA 1028, BC201407839 (eggs labelled as ‘free range’ found to be misleading and deceptive as most chickens did not leave the barn to access the range on most days); *Australian Competition and Consumer Commission (ACCC) v CI & Co Pty Ltd* [2010] FCA 1511,

BC201010409 (eggs from battery cage production system labelled as ‘free-range’ found to be misleading and deceptive). *Australian Competition and Consumer Commission (ACCC)*, <<https://www.accc.gov.au>>, accessed 18 Jan. 2016.

<sup>30</sup> Australian Farm Institute, op. cit., p.iii.

<sup>31</sup> Australian Farm Institute, loc. cit.

<sup>32</sup> S. O’Connor, interview with World Animal Protection, available at *World Animal Protection*, <<http://www.worldanimalprotection.org.au/news/world-animal-protection-speaks-labor-fringe-festival>>, accessed 16 Feb. 2016.

<sup>33</sup> Australian Veterinary Association (AVA), National Farmers Federation (NFF) & RSPCA, *Animal Welfare Roundtable: Outcomes Report*, Canberra, 16 Oct. 2015.



**"National leadership and coordination is required to promote strategic thinking, partnerships and shared investment rather than a patchwork of differing standards."**

Participants Animal Welfare Roundtable,  
convened by AVA, NFF and RSPCA 2015





# Failings of the current animal welfare framework

Evidence shows that Australia's current farm animal welfare framework fails to protect the welfare of animals, meet public expectations of animal welfare standards, engender trust in the industry, and keep pace with international standards.

## A prevalence of animal welfare incidents

The frequency of significant animal welfare incidents highlights the failure of the current system to safeguard animal welfare through its largely reactionary rather than proactive approach. Although data on animal welfare incidents is currently not collected nationally (something the Gemmel Review [2009]<sup>34</sup> described as a "major weakness" of the AAWS), combined reports from government, animal protection groups and media suggest such incidents are frequent.

Incidents in intensive production and processing facilities for pigs, broiler chickens and ducks, and cases of cruelty involving dairy calves, pigs, and sheep have all come to light through widely publicised cases in the past three years. In 2015 the greyhound racing industry was rocked by public exposure of live baiting practices, and saw a barrage of calls for greater regulation and transparency. Extensive media coverage of the exposé captured public interest and starkly highlighted the inadequacy of enforcement by both the industry and government.<sup>35</sup> The "puppy farm" industry also attracts regular public criticism. Australia's live export trade has been another heated topic over recent years with 49 reports of mass mortality and suffering of animals during transport.<sup>36</sup> Other cases of serious animal welfare incidents within the trade, have

been documented on several occasions by a number of animal welfare groups.

## Diminishing public trust

Government regulations and their enforcement are also failing to meet modern community expectations of animal welfare, which puts public trust in the farming industry at risk. The importance of industry meeting welfare standards in line with community expectations, is stated in the AAWS.<sup>37</sup> However, evidence shows that this key stakeholder is not feeling heard or heeded.

A study commissioned by the Victorian Department of Primary Industries found that the "humane treatment of animals" was one of the top three issues of public concern about farming in Victoria – 32% of the 1,000 people surveyed expressing a "low level of trust" that farmers would address animal welfare concerns without coercion.<sup>38</sup> It warned that if community trust in farming is not strengthened further protest and critical activism will result, and that resolving such difficulties requires government and industry to listen to public concerns.<sup>39</sup>

A lack of confidence that the livestock industry and government will address community concerns around animal welfare is also reflected by the development of

<sup>34</sup> B. Gemmel, Review of the Australian Animal Welfare Strategy (AAWS) 2009, Australian Government, <<http://www.australiananimalwelfare.com.au/app/webroot/files/upload/files/Gemmel%20review-aaws.pdf>>, accessed 11 Jan. 2016.

<sup>35</sup> A. Toshoshanko & C. Parker, 'Animal welfare laws need more bite to stamp out live baiting', The Conversation, 3 March 2015, <<http://theconversation.com>>, accessed 14 Jan, 2016.

<sup>36</sup> Federal Department of Agriculture, 'Investigations into mortalities', 2014, Department of

Agriculture, Fisheries, and Forestry, <<http://www.daff.gov.au/biosecurity/export/live-animals/livestock>>, cited in Goodfellow, op. cit. p. 144.

<sup>37</sup> Australian Animal Welfare Strategy, loc. cit.

<sup>38</sup> P. Parbery & R. Wilkinson, Victorians' Attitudes to Farming, Department of Primary Industries, Victoria, 2012, cited in Goodfellow, op. cit. p. 97.

<sup>39</sup> ibid.





the modern-day animal protection movement, including direct action by individuals and private organisations.<sup>40</sup> It was a recent investigation by both Animals Australia and Animal Liberation into live baiting within the greyhound racing industry, which led to regulatory reviews in three states and the prosecution of over 60 individuals.<sup>41</sup> These organisations cite their lack of confidence in the government's administration of animal welfare laws and inaction from industry as the reasons for their investigations.<sup>42</sup>

Evidence of public approval for the role played by animal activists would suggest that such actions are attracting an increasing degree of public support. For example, Lyn White of Animals Australia, was the 2011 South Australian finalist for the Australian of the Year award for her services to animal protection<sup>43</sup> and she was recognised as a Member of the Order of Australia in 2014.

## Comparison with international standards

A comparison with equivalent standards in other developed nations show that the current Australian farm animal welfare standards are falling short of best practice. Existing Australian standards allow for intensive farming to include battery caged hens, individual stalls for pigs, invasive husbandry procedures, and body mutilations without pain relief, as well as a range of out-dated approaches to pest control and long-

distance transportation. In contrast, the European Union, consisting of 27 member states, is much more evolved in its standards. It passed legislation to phase out the use of conventional battery cages by 2012,<sup>44</sup> and to ensure pregnant sows are kept in groups instead of individual stalls during most of their pregnancy, by 2013.<sup>45</sup> New Zealand is also making significant improvements and is further advanced on animal welfare issues than Australia, amending its *Pig Code of Welfare* in 2010 to phase out the use of sow stalls by 2015 and, in 2012, amending the *Layer Hen Code of Welfare* to phase out the use of battery cages by 2022.<sup>46</sup> Nine states of the United States have committed to similar bans and restrictions<sup>47</sup>, and the Canadian National Farm Animal Care Council effectively implemented a ban on the construction of new sow stalls from July 2014, as well as a phase out of all stalls by 2024.<sup>48</sup> Despite these advancements in other developed nations, the Australian government has given no indication of progressing farm animal issues by phasing out any of the identified out-dated practices.

## Stakeholder relations

Further evidence of a failing system since the withdrawal of funding for the AAWS and cessation of consultative forums is deteriorating relations between key stakeholders, and the ensuing hostile policy environment.<sup>49</sup> In recent years, state and national farmers' associations have publicly attacked RSPCA (an organisation that has

<sup>40</sup> Goodfellow, op. cit. p. 4.

<sup>41</sup> Queensland Government, Queensland Greyhound Racing Industry Commission of Inquiry, 2015, cited in Goodfellow, op. cit. p. 147.

<sup>42</sup> Goodfellow, op. cit. p. 147.

<sup>43</sup> Australian of the Year Awards, 'Honour Role: Past Award Finalists and Recipients', *Australian of the Year Awards*, 2010, <<http://www.australianoftheyear.org.au/honour-roll/>>, accessed 7 Jan. 2016.

<sup>44</sup> Council Directive 1999/74/EC of July 1999 laying down minimum standards for the protection of laying hens, 1999, OJ L 203, 0053-0057, Art 5, cited in Goodfellow, op. cit., p. 140.

<sup>45</sup> Sows must be kept in groups instead of individual stalls from four weeks after service

(insemination), to one week before the expected time of farrowing, *European Commission, 'Animal Welfare on the Farm'*, European Commission, <[http://ec.europa.eu/food/animals/welfare/practice/farm/pigs/index\\_en.htm](http://ec.europa.eu/food/animals/welfare/practice/farm/pigs/index_en.htm)>, accessed 18 Jan. 2016.

<sup>46</sup> National Animal Welfare Advisory Committee, *Animal Welfare (Layer Hens) Code of Welfare 2012 (NZ)*, <<https://www.mpi.govt.nz/news-and-resources>>, accessed 7 Jan. 2016.

<sup>47</sup> One Green Planet, '9 States That Have Banned Cruel Gestation Crates for Pigs', *One Green Planet*, <<http://www.onegreenplanet.org/animalsandnature>>, accessed 25 Jan. 2016.

<sup>48</sup> National Farm Animal Care Council, *Code of Practice for the Care and Handling of Pigs (Canada)*, *National Farm Animal Care Council*, <[https://www.nfacc.ca/pdfs/codes/pig\\_code\\_of\\_practice.pdf](https://www.nfacc.ca/pdfs/codes/pig_code_of_practice.pdf)>, accessed 7 Jan. 2016. (The Codes of practice are voluntary, but well enforced through a combination of supply management sanctions and assurance schemes).

<sup>49</sup> Goodfellow, op. cit. p. 151.



traditionally had a cooperative relationship with the farming sector), eliciting response from the RSPCA saying that farmers are losing touch with community views.

Australian Live Export Council CEO, Alison Penfold, “expressed disappointment that the opportunity to meet formally and collaborate on key issues periodically, with the RSPCA, Animals Australia and industry stakeholders, was lost” and agrees there is now “too much of an adversarial approach to these issues.”<sup>50</sup> Without consultative forums, stakeholders are more likely to act in isolation and this increases the risk of misunderstandings and conflict.<sup>51</sup>

### Governance and standard-setting flaws

These indicators of regulatory failing point to flaws in governance and standard-setting processes. Agricultural departments exist primarily to promote profitability and productivity in primary industries. When these departments are also given the responsibility to enforce animal welfare regulations, conflict arises – evidenced in government and parliamentary reviews into the failing of departments of agriculture to adequately carry out their animal welfare regulatory responsibilities.<sup>52</sup>

Current administration of animal welfare law shows evidence of regulatory capture – the process whereby a regulatory agency acts in the interests of the industry it is charged with regulating, in a manner inconsistent with

public interest, which the regulation is designed to serve.<sup>53</sup> Australia’s animal law experts have identified conflicting interests among regulatory bodies<sup>54</sup> with the interests of animals coming second to commercial interests.

Goodfellow (2015) found evidence of regulatory capture within the farm animal welfare context through interviews with nine regulators responsible for the administration of animal welfare legislation (one representing each state, territory and federal jurisdiction of Australia, except the ACT). Key findings include that: the regulatory framework produces structural incentives prioritising productivity goals over animal welfare, and regulators identify more strongly with industry stakeholders than with animal welfare stakeholders and taking a primarily instrumental view of animal welfare. Industry bias was revealed by one interviewed regulator who indicated that the larger and more powerful the industry, the less likely it is that the state government would enforce relevant regulations.<sup>55</sup>

A significant factor influencing regulatory performance is a lack of funding and resources. This came out in interviews with regulators, who used the words “grossly underfunded” and “hopelessly under-resourced” in their descriptions.<sup>56</sup> Less than one percent of funding for most departments of agriculture is spent on animal welfare related services.<sup>57</sup>

<sup>50</sup> C. Bettles, ‘Animal Welfare Stakeholders to Meet’, *Farm Online*, 27 May 2015, <<http://www.farmonline.com.au/news/agriculture/livestock/events/>>, accessed 7 Jan. 2016.

<sup>51</sup> Goodfellow, op. cit. p. 152.

<sup>52</sup> Reviews into both the failed investigation of a significant case of animal neglect on a university-operated cattle station in the Northern Territory, and regulatory issues within the Federal Department of Agriculture for the live animal export trade, reported conflict between industry development and regulatory roles as major contributing factors. (Council of Territory Co-operation, Animal Welfare Governance Sub-Committee, Parliament of Northern Territory,

Final Report, 2011.; B. Farmer, *Independent Review of Australia’s Live Animal Export Trade 2012*, Commonwealth of Australia).

<sup>53</sup> B. Mitnick, *The Political Economy of Regulation*, Columbia University Press, 1980, p. 95-96.

<sup>54</sup> Goodfellow, op. cit. p. 159.

<sup>55</sup> Goodfellow, op. cit. p. 190.

<sup>56</sup> Goodfellow, op. cit., p. 191.

<sup>57</sup> *ibid.*



## Conception of animal welfare

A common understanding and definition of animal welfare among stakeholders is a necessary cornerstone of successful regulation. Such a definition must be consistent with current, internationally recognised research and ethical guidelines.

Holistic assessment of an animals' state of welfare involves measures of the animal's basic health and functioning, its affective state, and to what degree it is able to live a natural life.<sup>58</sup> Measures of welfare have moved beyond just applying the Five Freedoms,<sup>59</sup> which focus on preventing negative aspects (including pain, hunger and distress), to also promoting positive experiences. The concept of a "good life" is now applied by the Farm Animal Welfare Council (FAWC of Great Britain) to farm animals, recognising that quality of life should be beyond that of simply a "life worth living". This represents a standard of welfare substantially higher than the current legal minimum.<sup>60</sup>

However, a lack of common understanding of what constitutes good animal welfare is evident among government, industry and the general community. Evidence indicates that livestock industries generally adopt an instrumental view of animal welfare emphasising "basic health and functioning" as the only measure, as this aligns with productivity goals,<sup>61</sup> and commonly claim that productivity is an indicator of good animal welfare.<sup>62</sup> In contrast, the public is more concerned with the naturalness of an animal's production environment and how the animal actually feels (its affective states).<sup>63</sup>

Recent research found that several regulators, despite being veterinarians, had difficulty defining animal welfare, using the words "subjective" and "emotional" to describe the topic<sup>64</sup>. When asked about the role of animal welfare within the livestock industries, they were quick to emphasise the instrumental benefits of ensuring good animal welfare including enhancing productivity, protecting trade and market access, competitiveness via improvements in marketing, and ensuring the sustainability of livestock industries. There was no reported mention of an ethical basis for protecting animals for the sake of the animals themselves.

## Science – The need for greater independence and a more integrated approach to welfare assessment

The AAWS and the standards development Business Plan emphasise the need for animal welfare policy to be underpinned by contemporary scientific knowledge.<sup>65</sup> However, the methods used to assess animal welfare and the source of funding for such research is a matter of contention. The majority of funding for primary industries animal welfare research comes from industry, government and universities. The degree of influence and control exerted by some industry Research and Development Corporations over this research (despite the matched contribution of public funding) has raised concerns within the scientific community. Research on the Canadian animal welfare standard-setting framework found that scientists were reluctant to act as advocates of animal welfare due to concerns about career security and the "necessity of working with industry".<sup>66</sup>

It is not surprising that as industry sets the parameters in the research they fund, measures of animal welfare which align with economic interests (i.e. basic health and functioning of the animal), can often be prioritised. This can lead to conclusions at odds with equivalent international research that takes a more integrated approach (i.e. including assessment of the animals' affective state and degree of natural living). Industry funded and controlled science has influenced the development of animal welfare standards with a number of cases attracting significant concern from community and animal welfare organisations.

In 1997, the European Union Scientific Veterinary Committee conducted a landmark review of scientific literature on the welfare of intensively reared pigs and concluded that the overall welfare of sows is optimal when kept in groups throughout gestation.<sup>67</sup> This led to a prohibition on the use of sow stalls across all EU member states by 2012. In contrast, a similar review of scientific literature relating to the welfare of sow stalls and group housing conducted in 2001 by a leading Australian university, funded by industry, resulted in quite a different outcome.<sup>68</sup> This review relied solely on anatomical and physiological data<sup>69</sup> and led to the endorsement of sow

<sup>58</sup> D. Fraser, D. Weary, E. Pajor, & B. Milligan, 'A Scientific Conception of Animal Welfare that Reflects Ethical Concerns', *Animal Welfare*, vol. 6, no. 3, Aug. 1997, p. 188; Australian Farm Institute, op. cit., p.9-15.

<sup>59</sup> Farm Animal Welfare Council (FAWC), *Farm Animal Welfare in Great Britain: Past, Present and Future*, Oct. 2009, Gov.UK, <<https://www.gov.uk/government/uploads>>, accessed 11 Jan. 2016.

<sup>60</sup> *ibid*.

<sup>61</sup> J. Serpell, 'Sheep in Wolves Clothing? Attitudes to Animals Among Farmers and Scientists', in F. Dolins (ed.) *Attitudes to Animals: Views in Animal Welfare*, Cambridge University Press, 1999, p. 27; M. Bracke, K. de Greef & H. Hopster, 'Qualitative Stakeholder Analysis for the Development of Sustainable Monitoring Systems for Farm Animal Welfare', *Journal of Agricultural and Environmental Ethics*, vol. 18, no. 1, 2004, p. 27.

<sup>62</sup> B. Rollin, 'The Ethics of Agriculture: The End of True Husbandry' in M. Dawkins & R. Bonney (eds), *The Future of Animal Farming: Renewing the Ancient Contract*, Wiley-Blackwell, 2008, p. 7.

<sup>63</sup> Humane Research Council, loc. cit.; J. Sorensen & D. Fraser 'On-Farm Welfare Assessment for Regulatory Purposes: Issues and Possible Solutions', *Livestock Science*, vol. 131, no. 1, 2010, p. 1.

<sup>64</sup> Goodfellow, op. cit., p. 196.

<sup>65</sup> Australian Animal Welfare Strategy, loc. cit.

<sup>66</sup> A. Bradley & R. MacRae, 'Legitimacy and Canadian Farm Animal Welfare Standards Development: The Case of the National Farm Animal Care Council', *Journal of Agricultural and Environmental Ethics*, vol. 24, no.19, 2011, p. 21.

<sup>67</sup> Scientific Veterinary Committee, *The Welfare of Intensively Kept Pigs*, Report of the Scientific Veterinary Committee, European Commission, 1997, <[http://ec.europa.eu/food/fs/sc/oldcomm4/out17\\_en.pdf](http://ec.europa.eu/food/fs/sc/oldcomm4/out17_en.pdf)>, accessed 11 Jan. 2016.

<sup>68</sup> Goodfellow, op. cit., p. 224.

<sup>69</sup> S. Weaver & M. Morris, 'Science, Pigs, and Politics: A New Zealand Perspective on the Phase- Out of Sow Stalls', *Journal of Agricultural and Environmental Ethics*, vol. 17, 2004, p. 51.

stalls for the entire 16 weeks of pregnancy, until 2017 when this would be reduced to six weeks. A similar example can be found regarding the welfare of chickens in battery cages. Again the European Committee reviewed scientific literature with an independent and integrated approach to welfare assessment while the Australian researchers (in 2001) prioritised biological indicators. Again, significantly different conclusions resulted. The EU prohibited battery cage egg production by 2012, while the Australian review is said to have heavily influenced the Code of Welfare for Layer Hens 2004 (New Zealand),<sup>70</sup> which continues to endorse the use of barren battery cages. The Australian Code of Practice for domestic poultry (2002) continues to endorse use of barren battery cages without any environmental enrichment. These examples highlight the need for independent scientific review and analysis that takes an integrated approach to welfare assessment.

### Departmental conflict with animal welfare responsibilities

The core aim for national and state departments of agriculture is to achieve the economic goals of improving industry productivity and profitability. Due to a common conflict between animal welfare and industry productivity, regulatory problems arise when these departments are also delegated with responsibility for administering animal welfare laws. Goodfellow (2015) found evidence in interviews with key regulators that the ultimate decision making powers of the agriculture ministers and their close relationships with livestock industries gives rise to “a community of interests”. This results in a very narrow concept of animal welfare being applied, placing significant constraints on what the departments can do to promote good welfare on a holistic level. Goodfellow found that; “On the whole, the framework fails to provide sufficient incentives for the regulators to pursue animal welfare goals consistent with the public’s interest in protecting farm animals from cruelty and improving welfare standards over time.”<sup>71</sup>

### Australia’s need for a balanced standard setting framework

Standards should be developed following considered consultation with a balanced composition of key stakeholders. However, the current standard setting process is dominated by industry and government, and provides for only minimal input from community and animal groups. At present, Animal Health Australia (AHA) manages the development of the farm animal welfare standards with a membership including a range of peak industry bodies. The AHA, AWTG and relevant livestock industries determine what standards to develop, provide funding and determine what scientific research is needed and commission it.<sup>72</sup> A stakeholder reference group (including representation from animal welfare groups) review and provide comment on standards drafted by a writing group. Public consultation is then invited and public submissions considered in producing a final draft. Standards are approved by being referred through intergovernmental agriculture committees, ultimately reaching the Agriculture ministers for endorsement and implementation.

The degree of control exerted by the agricultural sector in developing the standards has been criticised by animal welfare organisations concerned that the voices of the broader community are not being heard. The minimal public consultation is in contrast to the stated role of the AWTG, which is to focus on issues that support “outcomes that are informed by community expectations and are of national interest or concern.”<sup>73</sup> An independent review of the standards development process by PricewaterhouseCoopers<sup>74</sup> in 2013 stated that animal welfare groups believe “that AHA, as an organisation is more closely aligned with industry positions, and therefore may not be sufficiently independent in the process.”

It is clear that Australia’s current approach to regulating farm animal welfare fails on many levels, but most significantly, leads to the endorsement of standards that do not meet community expectations nor protect the welfare of animals. Compounding these issues is a lack of long term plans for progressive improvements. It is evident that national frameworks for animals are in urgent need of being reinvigorated.

<sup>70</sup> M. Humphrey & M. Stears, ‘Animal Rights Protest and the Challenge to Deliberative Democracy’, *Economy and Society*, vol. 35, no. 3, 2006, p. 498.

<sup>71</sup> Goodfellow, op. cit., p. 209.

<sup>72</sup> Animal Health Australia, loc. cit.

<sup>73</sup> Animal Welfare Task Group (AWTG), ‘Animal Welfare Task Group: Terms of Reference’, *Department of Agriculture and Water Resources*, 2013, <<http://www.agriculture.gov.au>>, accessed 11 Jan. 2016.

<sup>74</sup> PricewaterhouseCoopers, *Review of the Animal Welfare Standards and Guidelines Development Process*, Federal Department of Agriculture, 2013.





"Animal welfare related services attract a fraction of one per cent of most department of agriculture funding arrangements."

Jed Goodfellow, Department of Law,  
Macquarie University



# The solution – an Independent Office of Animal Welfare

Animal welfare is a national issue which requires national leadership. World Animal Protection strongly advocates for renewed national leadership and the establishment of a new national framework to drive progress on animal welfare legislation and implementation across the country to address the issues highlighted in this report.

Reform needs to increase the priority of meeting community expectations and provide collaborative and consultative forums for a broad range of stakeholders. History has shown that deliberative forums, including a diverse range of stakeholders, work in Australia.

The AAWS advisory committees played a vital role in bringing diverse stakeholders together on a periodic basis to discuss animal welfare issues of common concern. It allowed stakeholders to better understand one another's concerns and no doubt contributed to more constructive relationships. At the 2015 Animal Welfare Roundtable,<sup>75</sup> the merits of re-establishing the networks that existed under the AAWS were discussed, with participants highlighting that communication and collaboration between and within sectors (through the working groups) was something that worked well. The Gemmel Review,<sup>76</sup> in assessing the AAWS framework over its first three years, also found the processes effective in engaging diverse stakeholders in constructive debate on controversial animal welfare issues. Recommendations from research by the Australian Farm Institute (2015) in relation to achieving balanced and effective animal welfare policies in Australia include establishing an advisory council and relevant committees.

(Note: Although this report focuses on the need for animal welfare reform for farming standards, reform would also greatly benefit wild animals kept in captivity, animals used for sport and entertainment, animals harvested from the wild and companion animals, all of which are of community concern).

Reform also needs to address the issue of competing responsibilities of the agriculture departments so that the development and enforcement of animal welfare standards meets community expectations; is based on independent, internationally recognised science and is independent of industry productivity goals.

This separation was successfully achieved by the European Union, where responsibility for animal welfare was transferred from the Directorate-General for Agriculture, to the Directorate-General for Health and Consumers where "protecting the health and welfare of farm animals" is one of their key aims.<sup>77</sup> To add further independence, scientific advice on animal welfare is provided by an independent Panel on Animal Health and Welfare within the European Food Safety Commission. In New Zealand the government has developed a National Animal Welfare Advisory Committee, a statutory committee providing advice to the Minister, and more historically India established the Animal Welfare Board a statutory advisory body set up to advise government.<sup>78</sup>

<sup>75</sup> AVA, NFF & RSPCA, loc. cit.

<sup>76</sup> Gemmel, loc. cit.

<sup>77</sup> European Commission, 'Animal Health and Animal Welfare', 2012, *European Commission*, <[http://ec.europa.eu/food/animal/index\\_en.htm](http://ec.europa.eu/food/animal/index_en.htm)>, accessed 19 Feb. 2016.

<sup>78</sup> Ministry of Primary Industries, New Zealand, 'National Animal Welfare Advisory Committee', Ministry of Primary Industries, <<https://www.mpi.govt.nz/protection-and-response/animal-welfare/overview/national-animal-welfare-advisory-committee/>>, accessed 19 Feb. 2016; Animal Welfare Board of India, <<http://awbi.org/>>, accessed 19 Feb. 2016.

## Call for an Independent Office of Animal Welfare

The model that would most efficiently and effectively achieve nationally consistent animal welfare policy and legislation in Australia is an Independent Office of Animal Welfare (IOAW); a statutory independent body with a remit and timetable to review and consult on standards to progress animal welfare.

Whilst there are many different models of animal welfare frameworks to consider, this is the preferred model promoted by World Animal Protection. The proposal for an IOAW is not new and this concept has already garnered political support. In 2011 the Labor Party committed at its national conference to support the creation of an IOAW. This was the culmination of political concern over the conflict of interest experienced by the department of agriculture in their role in legislating animal welfare.<sup>79</sup> In 2015 the Greens re-introduced a bill for an IOAW into Parliament. The Australian Veterinary Association and animal protection groups (including Animals Australia, RSPCA and Voiceless) are also in support of the establishment of new national frameworks for animal welfare. Public support is also evidenced by over 30,000 people having signed a World Animal Protection petition calling for an IOAW. Stakeholders at the 2015 Animal Welfare Roundtable<sup>80</sup> consistently expressed support for a return to national leadership and coordination.

Implementing a national framework through an IOAW would achieve a balance between commercial and community interests in standard setting, coordination across states and territories on legislation and enforcement, and allow Australia to be internationally recognised for best policy and practice in animal welfare. Updated country ratings on the Animal Protection Index<sup>81</sup> will be released in 2017, providing the Australian government with an opportunity to showcase reform. Australia should strive to establish an IOAW as a “Centre for Excellence” in animal welfare, one that would promote welfare standards based on up-to-date, internationally recognised science, and use a model of legislation that other countries strive to replicate.

## Proposed aims, responsibilities and structure of an IOAW for Australia

An IOAW should aim to:

- Protect animals from cruelty and promote good animal welfare
- Meet expectations of the public and consumers with regard to animal welfare standards and build their trust in the industry
- Ensure nationally consistent, objective, evidence based standards

- Safeguard Australia’s reputation and investment opportunities, by meeting international benchmarks for animal welfare
- Reduce poor animal welfare incidences by taking a proactive instead of reactive approach to animal welfare issues.

The responsibilities of an IOAW should include:

- Facilitating inclusive consultation on animal welfare policy and standard setting (involving national, state and territory governments, animal welfare experts, the community, industry, NGOs, consumer bodies and retailers)
  - Provide and facilitate an expert forum such as an Animal Welfare Advisory Committee (AWAC)
- Coordinating and supporting the timely implementation of national standards into state based legislation
- Ensuring evidence-based standard setting according to an agreed timetable and based on independent, internationally recognised research
- Reviewing and progressing implementation of the AAWS, and development of the Standards and Guidelines to an agreed timetable
- Facilitating development of a long term strategy for animal welfare legislation
- Ensuring relevant Ministers and Parliament receive balanced and evidence-based advice
- Ensuring public funds are used efficiently and effectively
- Overseeing animal welfare responsibilities that fall to the Australian government.

To achieve the above aims and responsibilities, we propose the following structure for an IOAW:

- The appointment of an independent CEO and a Chair, both whom are recognised animal welfare experts.
- Staffing including policy and legislation experts, investigators and administrative officers.
- Establishment of a balanced advisory and standard setting committee, consisting of:
  - Representatives of the national, state and territory governments
  - Representatives of industry
  - Representatives of animal protection organisations (community)
  - Representatives of animal welfare academia and animal welfare law
  - Expert scientists and animal technicians.

<sup>79</sup> Australian Labor Party (ALP), *National Platform: 46th National Conference*, 2011, p. 179.

<sup>80</sup> AVA, NFF & RSPCA, loc. cit.

<sup>81</sup> World Animal Protection, loc. cit.





**"It is clear that Australia's current approach to regulating farm animal welfare fails on many levels, but most significantly, leads to the endorsement of standards that do not meet community expectations nor protect the welfare of animals."**

World Animal Protection



# Conclusion

---

The current animal welfare framework in Australia is failing. There is no national leadership, coordination or sustained funding source to achieve better animal welfare outcomes to meet the needs of industry and expectations of the community.

An IOAW is the strongest way forward to advance animal welfare in Australia. With such a large agricultural industry and many millions of animal lives in our care the urgency to do so is great. The momentum created by the recent Animal Welfare Roundtable provides a strong platform to advance reform.



# References

.....

Animal Health Australia, *Australian Animal Welfare Standards and Guidelines* <<http://www.animalwelfarestandards.net.au>>, accessed 20 Jan. 2016.

Animal Welfare Board of India <<http://awbi.org/>>, accessed 19th Feb, 2016.

Animal Welfare Task Group (AWTG), 'Animal Welfare Task Group: Terms of Reference', 2013, <<http://www.agriculture.gov.au>>, accessed 11 Jan. 2016.

Australian Animal Welfare Strategy, 'Australian Animal Welfare Strategy & National Implementation Plan 2012-2014', *Australian Animal Welfare Strategy*, 2011, <<http://www.australiananimalwelfare.com.au/content/about-aaws>>, accessed 21 Jan, 2016.

Australian Bureau of Statistics, *Agricultural Commodities, Australia*, 2012-2013, cat. No. 7121.0, May, 2014, <<http://www.abs.gov.au>>, accessed 20 Jan. 2015.

Australian Chicken Meat Federation Inc. 2013, 'Growing Meat Chickens', *Australian Chicken Meat Federation Inc. 2013* <<http://www.chicken.org.au/page.php?id=6>>, accessed 14 Jan. 2016.

Australian Competition and Consumer Commission <<https://www.accc.gov.au>>, accessed 18th Jan. 2016.

Australian Egg Corporation Limited, 'Woolworths and Cage Eggs', Media Statement, 4 Oct. 2013.

Australian Farm Institute, *Designing Balanced and Effective Farm Animal Welfare Policies in Australia*, Research Report, 2015.

Australian Labor Party (ALP), *National Platform: 46th National Conference*, 2011.

Australian of the Year Awards, 'Honour Role: Past Award Finalists and Receipients', *Australian of the Year Awards*, 2010, <<http://www.australianoftheyear.org.au/>>, accessed 7 Jan. 2016.

Australian Veterinary Association (AVA), *Improving Animal Welfare* [webpage], [www.ava.com.au/welfare](http://www.ava.com.au/welfare), accessed 18 Feb, 2016.

Australian Veterinary Association (AVA), National Farmers Federation (NFF) & RSPCA, *Animal Welfare Roundtable: Outcomes Report*, Canberra, 16 Oct. 2015.

Bettles, C., 'Animal Welfare Stakeholders to Meet', *Farm Online*, 27 May 2015, <<http://www.farmonline.com.au/news/agriculture/livestock/>>, accessed 7 Jan. 2016.

Bracke, M., de Greef, K. & Hopster, H., 'Qualitative Stakeholder Analysis for the Development of Sustainable Monitoring Systems for Farm Animal Welfare', *Journal of Agricultural and Environmental Ethics*, vol. 18, no. 1, 2004.

Bradley, A., and MacRae, R., 'Legitimacy and Canadian Farm Animal Welfare Standards Development: The Case of the National Farm Animal Care Council', *Journal of Agricultural and Environmental Ethics*, vol. 24, no.19, 2011, p. 21.

Council of Territory Co-operation, Animal Welfare Governance Sub-Committee, Parliament of Northern Territory, *Final Report*, 2011.





Eckersley, N., 'Coles Pork to Go Sow Stall Free', *Australian Food News*, 22 July 2010, <<http://ausfoodnews.com.au>>, accessed 7 Jan. 2016.  
European Commission, 'Animal Health and Animal Welfare', 2012, <[http://ec.europa.eu/food/animal/index\\_en.htm](http://ec.europa.eu/food/animal/index_en.htm)>.

European Commission, 'Animal Welfare on the Farm', <[http://ec.europa.eu/food/animals/welfare/practice/farm/pigs/index\\_en.htm](http://ec.europa.eu/food/animals/welfare/practice/farm/pigs/index_en.htm)>, accessed 18 Jan. 2016.

Farm Animal Welfare Council (FAWC), *Farm Animal Welfare in Great Britain: Past, Present and Future*, Oct. 2009, <<https://www.gov.uk/government>>, accessed 11 Jan. 2016.

Farmer, B., *Independent Review of Australia's Live Animal Export Trade* (2011), Commonwealth of Australia.

Franklin, A., 'Human-nonhuman Animal Relationships in Australia: An Overview of Results from the First National Survey and Follow-up Case Studies 2000-2004', *Society and Animals*, vol. 15, issue 1, 2007.

Fraser, D., Weary, D., Pajor, E. & Milligan, B., 'A Scientific Conception of Animal Welfare that Reflects Ethical Concerns', *Animal Welfare*, vol. 6, no. 3, Aug. 1997.

Gemmell, B., *Review of the Australian Animal Welfare Strategy (AAWS) 2009*, Australian Government, [website] <<http://www.australiananimalwelfare.com.au/app/webroot/files/upload/files/Gemmell%20review-aaws.pdf>>, accessed 11 Jan. 2016.

Goodfellow, J., 'Animal Welfare Regulation in the Australian Agricultural Sector: A Legitimacy Maximising Analysis'. Unpublished Ph.D thesis. Macquarie University, Sydney, 2015.

Goodfellow, J., Tensen, M. & Bradshaw, L. 'The Future of Animal Welfare Policy and its Implications for Australian Livestock Industries'. *Farm Policy Journal*, vol. 11, no. 1, 2014, <<http://www.farminstitute.org.au>>, accessed 6 Jan. 2016.

Humane Research Council, *Animal Tracker Australia: Baseline Survey Results June 2014*, funded by Voiceless; *ibid*.

Humphrey, M. & Stears, M., 'Animal Rights Protest and the Challenge to Deliberative Democracy', *Economy and Society*, vol. 35, no. 3, 2006.

Mitnick, B., *The Political Economy of Regulation*, Columbia University Press, 1980.

Morris, M., 'The Use of Animals in New Zealand: Regulation and Practice', *Society & Animals*, vol. 19, 2011.

National Animal Welfare Advisory Committee, *Animal Welfare (Layer Hens) Code of Welfare 2012 (NZ)*, <<https://www.mpi.govt.nz/news-and-resources>>, accessed 7 Jan. 2016.

National Farm Animal Care Council, *Code of Practice for the Care and Handling of Pigs (Canada)*, <[https://www.nfacc.ca/pdfs/codes/pig\\_code\\_of\\_practice.pdf](https://www.nfacc.ca/pdfs/codes/pig_code_of_practice.pdf)>, accessed 7 Jan. 2016.

New Zealand Government, National Animal Welfare Advisory Committee <<https://www.mpi.govt.nz/protection-and-response/animal-welfare/overview/national-animal-welfare-advisory-committee/>>, accessed 19th Feb 2016.

O'Hara, P. & O'Connor, C., 'Challenge of Developing Regulations for Production Animals that Produce the Welfare Outcomes We Want', *Journal of Veterinary Behaviour*, vol. 2, 2007.



PricewaterhouseCoopers, *Review of the Animal Welfare Standards and Guidelines Development Process*, Federal Department of Agriculture, 2013.

Rollin, B., 'The Ethics of Agriculture: The End of True Husbandry' in M. Dawkins & R. Bonney (eds), *The Future of Animal Farming: Renewing the Ancient Contract*, Wiley-Blackwell, 2008.

Scientific Veterinary Committee, 'The Welfare of Intensively Kept Pigs', Report of the Scientific Veterinary Committee, European Commission, 1997, <[http://ec.europa.eu/food/fs/sc/oldcomm4/out17\\_en.pdf](http://ec.europa.eu/food/fs/sc/oldcomm4/out17_en.pdf)>, accessed 11 Jan. 2016.

Serpell, J., 'Sheep in Wolves Clothing? Attitudes to Animals Among Farmers and Scientists', in F. Dolins (ed) *Attitudes to Animals: Views in Animal Welfare*, Cambridge University Press, 1999.

Sorensen, J. & Fraser, D., 'On-Farm Welfare Assessment for Regulatory Purposes: Issues and Possible Solutions', *Livestock Science*, vol. 131, no. 1, 2010.

Toshoshanko, A. & Parker, C., *The Conversation*, <<http://theconversation.com>>, accessed 3 March, 2015.

Thornbur, P., Kelly, D. & Crook, A., Australia's animal welfare arrangements and capacity, Animal Welfare Committee's Working Group on Australia's Animal Welfare Arrangements and Capacity

Vanhonacker, F., Verbeke, W., Poucke, E. & Tuytens, F., 'Do Citizens and Farmers Interpret the Concept of Farm Animal Welfare Differently?', vol. 116 *Livestock Science*, 2008, pp.126-136.

Weaver, S. & Morris, M., 'Science, Pigs, and Politics: A New Zealand Perspective on the Phase - Out of Sow Stalls', *Journal of Agricultural and Environmental Ethics*, vol. 17, 2004.

Whyte, S., 'Woolworths to Phase Out All Battery Hen Eggs', *The Sydney Morning Herald*, 4 Oct. 2013, <<http://www.smh.com.au/environment/animals>>, accessed 7 Jan. 2016.

World Animal Protection, *Animal Protection Index*, 2014, <<http://api.worldanimalprotection.org>>, accessed 6 Jan. 2016.

World Animal Protection, 'World Animal Protection Speaks at Labor Fringe Festival', <<http://www.worldanimalprotection.org.au/news/world-animal-protection-speaks-labor-fringe-festival>>, accessed 16 Feb, 201



# Endorsements

.....

"Veterinary scholars of animal welfare are united in the view that an Independent Office of Animal Welfare will provide the ultimate sorting-house for local knowledge and international research that restores Australia's position as a global leader in this domain."

Prof. Paul McGreevy,  
Faculty of Veterinary Science, University of Sydney

"The number one issue in animal welfare is the strangle hold on animal welfare standards and enforcement by federal and state departments of agriculture over the past 30+ years. They serve to only advance the sectional interest of industry. The broader public interest in proper animal welfare is betrayed. A national statutory authority responsible for animal welfare, free of the taint of agricultural departments and industry is required to serve the public interest."

Greame McEwen,  
Founder and inaugural chair of the Barristers Animal Welfare Panel

"It is clear to me that the Australian government is failing to provide the necessary leadership on the many animal welfare issues that the public are concerned about. Having had experience of the function of such offices in several countries overseas, it appears to me that the current leadership vacuum in this major area of concern of the public could very well be filled by a body of the sort suggested by World Animal Protection."

Prof. Clive Phillips,  
Chair of Animal Welfare, Director, Centre for Animal Welfare and Ethics, School of Veterinary Science, University of Queensland

"Australia's current animal welfare system is a patchwork. The history of federalism demonstrates that effective, progressive reform requires federal coordination. I welcome this initiative and look forward to working closely with Australia's Independent Office for Animal Welfare in the future."

Dr. Siobhan O'Sullivan,  
School of Social Sciences, UNSW Australia

"Animal welfare policy is currently overseen by government institutions that have competing organisational priorities. The views and expectations of the broader Australian community are largely excluded from the process. This is undemocratic and unsustainable. It is time the Australian Government recognised the growing community concern for animal welfare through the establishment of an independent statutory body dedicated to this increasingly important area of public policy."

Jed Goodfellow,  
Lecturer in Animal Law, Department of Law, Macquarie University

