



Supplementary submission on the Productivity Commission's draft report on the regulation of agriculture following Sydney public hearing 19 August 2016

Structure of an Independent Office for Animal Welfare

In its primary submission, World Animal Protection discussed the make-up of an advisory and standards setting committee made up of a range of stakeholders and considerate of ethical questions, community expectations and needs of industry. The Commission has recommended an independent body be tasked with developing national standards and guidelines and be advised by a science and community ethics advisory committee to provide independent and rigorous evidence of animal welfare science and community values. In light of the Commission's recommendation, World Animal Protection considers it important to draw a distinction between an expert advisory committee and a stakeholder consultation committee and thinks there is a role for both.

An expert advisory committee would be asked to act as independent experts – they would come from a balanced range of experience but not be expected to represent different stakeholder groups. This is the nature of the advisory groups in New Zealand (the National Animal Welfare Advisory Committee) and in the United Kingdom (the Farm Animal Welfare Committee). Whereas, a stakeholder consultation committee would be used to canvas the views of a balance of all stakeholders. We recommend the IOAW has a permanent expert advisory committee of animal welfare scientists and experts in community ethics. In addition, the IOAW could convene a permanent stakeholder consultation committee or convene stakeholders committees for particular issues under discussion.

The balance and qualifications of the expert advisory committee should be prescribed in the enabling legislation. There should also be requirements for balance in the stakeholder committees.

How involved should states and territories be in appointments to an IOAW?

World Animal Protection recommends positions are appointed federally rather than at a state or territory level, with skills, knowledge and experience prescribed in the enabling legislation for the IOAW. In New Zealand, to be deemed eligible for membership of their relevant committees, individuals must have experience in areas of:

- veterinary science
- agricultural science
- animal science
- the commercial use of animals



- the care, breeding, and management of companion animals
- ethical standards and conduct in respect of animals
- animal welfare advocacy
- the public interest in respect of animals
- environmental and conservation management
- medical science
- biological science
- education issues, including the use of animals in schools
- manipulation of animals in research, testing, and teaching

How do animal welfare models in likeminded countries operate?

New Zealand

Animals used in New Zealand are protected by the [Animal Welfare Act 1999](#), including the general anti-cruelty and duty of care provisions. In 2015, the [Animal Welfare Amendment Bill](#) was unanimously passed recognising animals as sentient beings and introducing higher levels of penalty for transgressions of the provisions of the Act.

[Codes of welfare](#) provide detailed standards for transport, husbandry procedures, commercial slaughter and requirements for farmed animals. There are codes of welfare for dairy and beef cattle, sheep, llamas and alpaca, goats and deer. There are also codes for layer hens, pigs and meat chickens. Codes are currently being converted into regulation to enable enforceability.

The 2013 [Animal Welfare Strategy](#) emphasises the New Zealand government's wishes to take a progressive stance on animal welfare and remain industry and world leaders, keeping pace with scientific and technological advances.

There are two committees which provide expert advice to the Minister for Primary Industries. These committees are the [National Animal Welfare Advisory Committee](#) (NAWAC) and the [National Animal Ethics Advisory Committee](#) (NAEAC).

The function of NAWAC is to advise the minister on matters relating to animal welfare, including where research is required, legislative proposals and guideline recommendations including trapping and



hunting of animals in a wild state.¹ Members are appointed to this committee for their knowledge and experience in;

- veterinary science
- agricultural science
- animal science
- the commercial use of animals
- the care, breeding, and management of companion animals
- ethical standards and conduct in respect of animals
- animal welfare advocacy
- the public interest in respect of animals
- environmental and conservation management²

The function of NAEAC is to advise the Minister on animal welfare matters relating to research, testing and teaching.

Members are appointed to NAEAC for their knowledge and experience in;

- veterinary science
- medical science
- biological science
- commercial use of animals
- ethical standards and conduct in respect of animals
- education issues, including the use of animals in schools
- manipulation of animals in research, testing, and teaching
- animal welfare advocacy

Appointment terms of both committees are 3 years, with members being able to be appointed for an additional 3 years.

Members are appointed as independent members rather than representatives of stakeholder groups, with a balance of viewpoints represented. In advising the Minister the committee reflects the New Zealand Animal Welfare Strategy which has the aim of good welfare. Therefore they act as expert

¹ Government of New Zealand 1999, *Animal Welfare Act 1999*, Wellington, <http://www.legislation.govt.nz/act/public/1999/0142/latest/DLM50470.html>.

² Government of New Zealand 1999, *Animal Welfare Act 1999* 58.3, Wellington, <http://www.legislation.govt.nz/act/public/1999/0142/latest/DLM50470.html>.



advisory committees rather than stakeholder consultation committees. NAWAC acts with a culture of finding practical solutions for good animal welfare.

To date, Ministers usually accept the recommendations of the Committee and there is not a history of the Minister regularly deviating from recommendations, although legislation does not preclude this.

Animal Welfare Export Certificates must be issued before any live export of animals can take place. In November 2007, the government introduced the Customs Exports Prohibition (Livestock for Slaughter) Order, which explicitly prohibits all exports of livestock for slaughter unless approval is obtained on a specific case-by-case basis direct from the Director General of the Ministry of Agriculture and Forestry.

United Kingdom

Farm animals are protected under the Animal Welfare Act 2006 (for England and Wales), the Animal Health and Welfare Act (Scotland) 2006 and the Welfare of Animals Act (Northern Ireland) 2011. The UK government has made significant progress in improving the welfare of this category of animals and has acted on scientific evidence about the needs of farm animals, leading the way internationally by banning the veal crate in 1990 and the dry sow stall in 1999, ahead of the 2007 and 2013 European Union wide bans.³ In other areas, the government meets the requirements of the European Union, for example in the battery cage ban that requires use of enriched cage or non-cage systems for laying hens.

In January 2014 the Department for Environment, Food and Rural Affairs announced it would replace the ten statutory welfare codes for laying hens, pigs, cattle, rabbits, deer, sheep, ducks, goats, turkeys, meat and breeding chickens, with guidance developed in collaboration with industry. However, it subsequently reversed this decision, and codes will remain under government control, with guidance from the Farm Animal Welfare Committee.

The Farm Animal Welfare Committee (FAWC), formerly the Farm Animal Welfare Council, is an independent, expert committee reporting to the Minister responsible for the Department for Environment, Food and Rural Affairs and the Devolved Administrations in Scotland and Wales. The Committee provides advice on the welfare of farmed animals, including farmed animals on agricultural land, at market, in transit and at the place of killing.⁴

³ World Animal Protection 2014, *Animal Protection Index*, London, <http://api.worldanimalprotection.org/country/united-kingdom#_ftn1>.

⁴ Gov.UK 2016, *Farm Animal Welfare Committee*, London, <<https://www.gov.uk/government/groups/farm-animal-welfare-committee-fawc>>.



Committee members hail from a range of academic, scientific, ethical and farming backgrounds. Members are appointed on merit and are considered individuals, rather than stakeholder representatives.

Appointment terms are 3 years, with members being able to be appointed for one or two additional 3 year periods.

The previous Farm Animal Welfare Council was able to publish independent, public research, however following the most recent review, the Committee's primary reporting is direct to government.

Enforcement of legislation is undertaken by a number of organisations including local authorities, and in England, Wales and Scotland the Animal and Plant Health Agency and the Food Standards Agency. In Northern Ireland similar functions are undertaken by the Department of Agriculture and Rural Development.

World Animal Protection has an expert staff member acting on the FAWC who would be willing to provide the Commission with further information.

European Union

The European Forum of Animal Welfare Councils (EuroFAWC) was established in 2006 with membership being available only to European nations with national frameworks and an advisory council/committee for animal welfare. The [EuroFAW website](http://www.eurofawc.com/) outlines the various national council or committees structures for animal welfare from member states including Austria, Belgium, the Czech Republic, Denmark, Finland, Germany, Ireland, the Netherlands, Norway, Sweden and the UK.⁵

Mission Statement

The European Forum for Animal Welfare Councils aims to promote sound scientific and ethical advice about animal welfare. It provides a platform for debate, for sharing information and views and a network for members of the Animal Welfare Councils throughout Europe.

Aims

- Exchanging views and knowledge
- To exchange views and knowledge to help in the formulation of advice about animal welfare by national Councils.
- To exchange views informally and in a non-binding way – which is of particular importance to those there representing Government Departments rather than an independent Council.

⁵ European Forum of Animal Welfare Councils 2016, *Members*, <<http://www.eurofawc.com/>>.



- To hold discussions and raise issues that might be beyond national comfort zones, without members feeling the need to qualify their statements with national interests.
- To share information about animal welfare priorities and work already carried out.

Exchanging best practices

- To exchange information on the organisation and structures of Animal Welfare Councils in Europe.
- To promote best practice for efficiency of Animal Welfare Councils in Europe.
- To promote the use of Animal Welfare Councils to advise Governments in countries where they were yet to be established.⁶

What are the costs associated with an Independent Office of Animal Welfare?

The cost of an IOAW would be determined by the size, scope and function of the Office.

Prior to the 2016 federal election, the Greens [released figures](#) related to the model for an IOAW they propose as detailed in the [Voice for Animals \(Independent Office of Animal Welfare\) Bill 2015](#)⁷. They believed the establishment of the office would be \$0.5 million, with ongoing costs of \$2.5 million per annum⁸.

How does industry influence scientific research?

In its 2015 submission to the Senate Rural and Regional Affairs Committee, World Animal Protection refers to research undertaken by Professor Clive Phillips and Agnes van der Schot examining bias in animal welfare related research in their article *Publication Bias in Animal Welfare Scientific Literature*. Through content analysis of published animal welfare articles, Phillips and van der Schot discuss how funding flows towards research beneficial to the industry funding it. Further, Phillips and van der Schot discuss how many studies aren't published if findings are contrary to the desired outcome of industry

⁶ European Forum of Animal Welfare Councils 2016, *Mission statement & aims*, <<http://www.eurofawc.com/>>.

⁷ Parliament of Australia 2015, *Voice for Animals Bill 2015*, Canberra, <http://www.aph.gov.au/Parliamentary_Business/Bills_LEGislation/Bills_Search_Results/Result?bld=s1006>.

⁸ The Greens 2016, *Animal Welfare and Rights – Budget Implications*, Canberra <<http://greens.org.au/sites/greens.org.au/files/160523%20-%20Animals%20Initiative%20.pdf>>.



funding bodies. These practices thereby skew results and influence the currency of thinking and findings of animal science including animal welfare.⁹

2016 letter to the Prime Minister

In March this year, 23 organisations from a range of stakeholder groups including industry, the RSPCA and the Australian Veterinary Association wrote to the Prime Minister Malcolm Turnbull calling for national frameworks for Australian animals including companion animals, animals used in research, working animals, livestock, and those used in sport, recreation and entertainment. This letter accompanies the supplementary submission.

⁹ van der Schot, A. A. & Phillips, C. 2013, 'Publication bias in animal welfare scientific literature', *Journal of agricultural and environmental ethic*, vol. 26 no. 5, pp. 945-958.



References

European Forum of Animal Welfare Councils 2016, *Members*, <<http://www.eurofawc.com/>>.

European Forum of Animal Welfare Councils 2016, *Mission statement & aims*, <<http://www.eurofawc.com/>>.

Gov.UK 2016, *Farm Animal Welfare Committee*, London, <<https://www.gov.uk/government/groups/farm-animal-welfare-committee-fawc>>.

Parliament of Australia 2015, *Voice for Animals Bill 2015*, Canberra, <http://www.aph.gov.au/Parliamentary_Business/Bills_LEGislation/Bills_Search_Results/Result?bld=s1006>.

The Greens 2016, *Animal Welfare and Rights - Budget Implications*, Canberra <<http://greens.org.au/sites/greens.org.au/files/160523%20-%20Animals%20Initiative%20.pdf>>.

van der Schot, A. A. & Phillips, C. 2013, 'Publication bias in animal welfare scientific literature', *Journal of agricultural and environmental ethic*, vol. 26 no. 5, pp. 945-958.

World Animal Protection 2014, *Animal Protection Index*, London, <http://api.worldanimalprotection.org/country/united-kingdom#_ftn1>.

World Animal Protection 2014, *Animal Protection Index*, London, <http://api.worldanimalprotection.org/country/united-kingdom#_ftn1>.

Gov.UK 2016, *Farm Animal Welfare Committee*, London, <<https://www.gov.uk/government/groups/farm-animal-welfare-committee-fawc>>.