



From Paddocks to Prisons

Pigs in New South Wales, Australia Current Practices, Future Directions

A report prepared by Voiceless December 2005





ABOUT VOICELESS

Voiceless is a non profit Australian organisation established in 2004 by the Sherman Family. Voiceless' mission is to work to promote respect and compassion for animals, increase awareness of the conditions in which they live and take action to protect animals from suffering.

Its aims are to:

1. give grants to organisations that share its vision;
2. educate Australians and in particular young Australians; and
3. work to modify or create legislation and policies to protect animals.

PATRONS

J.M. COETZEE

Nobel Prize for Literature Winner 2003 and author of 'Lives of Animals' and 'Elizabeth Costello'

BRIAN SHERMAN AM

President of the Board of Trustees of the Australian Museum; Director of Network Ten,

Chairman of Sonic Communications Pty Limited and Pulse International Pty Limited and a number of listed investment companies in the USA, Canada and Australia;

Former Chairman and Joint Managing Director of the EquitiLink Group; and former board member of the Sydney Organising Committee for the Olympic Games (SOCOG)

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HUGO WEAVING Actor

The Adventures of Priscilla Queen of the Desert, Matrix Trilogy, Lord of the Rings Trilogy



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Pigs in New South Wales Current Practices, Future Directions

By Brian Sherman AM, Ondine Sherman & Katrina Sharman

Introduction

This report is based on material sourced from government, industry and animal protection groups and has been prepared by Voiceless to stimulate public debate about the conditions in which Australian pigs live.

When buying bacon, ham and pork, most Australians imagine pigs living in the 'old MacDonald farm' of nursery rhymes, roaming freely and wallowing in the mud. However, the reality of life for 90% of Australian pigs is starkly different and in many ways more sinister.

The structure of Australia's pigmeat industry has changed significantly over the last few decades with small family farms being displaced by large-scale, foreign-owned 'factory' pig production facilities where cruelty and suffering are sanctioned by government regulation.

This revolution has been staggering and almost invisible to the Australian public. Between 1970-71 and 2002-03 the number of Australian pig farmers fell by 94% while output grew by an astonishing 130%.

In short, pig farms have discreetly evolved from 'old Macdonald's farm' into large factories. Production is hidden from public scrutiny inside enormous prison-like sheds. This report is designed to give consumers the facts and lift the veil of secrecy over what goes on behind these closed doors.

Voiceless believes that as consumer awareness increases, cruel pig industry practices will no longer be accepted. Trends indicate that Australian consumers are now demanding humanely farmed animal products. Furthermore, major retailers are moving away from factory farmed produce, preferring to stock free-range animal products in supermarkets and food outlets. This is just the beginning. As consumer attitudes change, pig farmers and the entire \$32 billion Australian agricultural industry will be forced to adapt in the years ahead.

We hope this report encourages consumers to reject factory farmed pigmeat and politicians to introduce new laws to reduce the suffering of pigs. We also hope that farmers recognise that a consumer revolution is on its way and that changes should be made now to ensure their businesses remain viable.

For further information contact:

Voiceless, the fund for animals

2 Paddington Street Paddington NSW 2021 AUSTRALIA

Tel: (02) 9357 0723 Fax: (02) 9357 0711

Email: info@voiceless.org.au Web: <http://www.voiceless.org.au>

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CONTENTS

	PAGE
I. EXECUTIVE SUMMARY	3 - 5
II. BACKGROUND	6 - 13
1. A global movement towards animal protection	6
2. Consumer attitudes	7
3. Retail support	7
4. About pigs	8
5. The international legal environment - protecting pigs through legislation	9
6. Pig protection in Australia	11
III. INDUSTRY PRACTICES AND IMPACT ON PIGS	14 - 19
1. What do pigs need?	14
2. Indicators of pig stress and pain	15
3. Sow stalls	15
4. Farrowing crates and premature/abrupt weaning	17
5. Mutilations	18
6. Space allowance	19
IV. ALTERNATIVES	20 - 23
1. Family pens and hooped roof structures	20
2. Free-range overview	20
V. INDUSTRY OVERVIEW	24 - 27
1. National features	24
2. The Pigmeat Inquiry	25
3. Government and Industry assistance	26
4. Pigmeat production in New South Wales	27
VI. ARGUMENTS IN FAVOUR OF BANNING FACTORY FARMING	28 - 29
APPENDIX: Definitions	30



I. EXECUTIVE SUMMARY

Australians have had a love affair with ham, pork and bacon for generations, with the great Aussie breakfast of bacon and eggs having become an integral part of our national diet.

Yet the farming of pigs has changed more rapidly than arguably just about any industry in Australia over the past generation.

The figures speak for themselves. Between 1970-71 and 2002-03 the number of Australian pig producers fell by an astounding 94 per cent. What other industry has suffered such a labor decline?

Astonishingly rather than total output falling by a similar margin, production actually increased by 130 per cent over the same period.

The reason is that well-managed family run farms are being run out of business, unable to compete with larger factory-style operations that increasingly are being run by foreign interests.

The implications for the welfare of pigs have been sinister and largely invisible to the Australian consumer.

The sad reality for pigs now is that mothers no longer forage in the earth in the open air, but are confined for most of their lives to steel stalls so cramped they cannot turn around, with cold concrete floors on which to feed.

Sow stalls have already been outlawed in the United Kingdom and Sweden and they are being phased out in the European Union, Florida (USA) and New Zealand. Why is Australia so slow to act?

They are akin to battery-caged chickens yet the public is largely unaware of this unfolding animal tragedy.

Evidence proves that factory farmed pigs suffer prolonged depression by being denied natural light, space and foraging or rooting for food in natural surroundings.

Tail docking of piglets is so painful it provokes vomiting, trembling and leg shaking.

Piglets' teeth are clipped causing up to 15 days of extreme pain.

This report is designed to start a debate on the appalling condition of factory farms in Australia and to raise the awareness of politicians, producers and consumers to the alternative of free-range operations that are on the increase in Europe and elsewhere.

SUMMARY OF FACTS:

Global Movement

- The animal protection movement is growing in size and legitimacy, both in Australia and around the world.
- Australian animal organisations have generated significant media coverage in recent years.

Consumer Attitudes

- Consumers in Australia and around the world are willing to pay more for humanely farmed animal products.
- The market for organic and environmentally friendly products is booming. Humane products will follow suit.

Retail Support

- Major retailers internationally are no longer supporting products derived from cruel farming methods.
- Australian retailers are set to follow this trend.

About Pigs

- Pigs are highly intelligent and sensitive. They have abilities previously assumed to be unique to apes and humans.
- 'Rooting' with their snout is essential to pig welfare.
- Pigs are highly active. They spend 75% of their daylight hours rooting, foraging and exploring.
- Few species are more social than pigs.
- Female pigs go to great efforts to make a nest for their young.
- Mother and piglet bonds are very strong.

The International Legal Environment and Pig Protection in New South Wales

- Sow stalls and other cruel intensive farming practices are banned in the United Kingdom and Sweden and are being phased out in the European Union, Florida (USA) and New Zealand.
- Many of the cruel practices being phased out are still permitted under NSW law.
- The previous improvements to pig welfare introduced in NSW do not go far enough.
- The *Australian Model Code of Practice for the Welfare of Animals - Pigs* is not an appropriate mechanism for protecting pigs from cruel intensive farming practices such as tooth clipping, tail docking and the keeping of sows in stalls because it sanctions many such practices and because it has ambiguous legislative force and weight.
- In order to ensure that standards for pig protection are effective and enforceable, any protection must be embodied in the *Prevention of Cruelty to Animals Act 1979 (NSW)* or its associated regulations.

What Do Pigs Need?

- Freedom to move – pigs are highly active.
- Freedom to engage in their natural behaviours such as rooting, exploring and manipulating materials. If sows cannot carry out their natural behaviours, they will bite tails and injure their snouts trying to root steel bars and concrete.
- To be housed on natural materials such as straw.
- To build a nest – sows will travel long distances and spend considerable time and energy preparing a comfortable and safe place to give birth to their piglets.
- To wean their piglets slowly.

Indicators of Stress and Pain

- Pig welfare is affected by pain, fear, frustration and hunger.
- Pigs suffer when prevented from engaging in natural behaviour.

Sow Stalls

- Sow stalls are so small that pregnant pigs are not able to turn around or take more than one step forward or back.
- Stalls cause stereotypies, repetitive purposeless behaviour and a sign of suffering.
- Some studies have shown that over 90% of stall-housed sows exhibit stereotypic behaviour.
- Pigs can spend up to half their time in stereotypic behaviour.
- Stereotypies can result in physical damage or illness.
- Sows in stalls may well be ‘clinically depressed’.
- Stalls rate the lowest of all sow housing systems in terms of welfare.
- It is widely accepted that sow welfare is better in alternative systems.

Farrowing Crates and Premature/Abrupt Weaning

- Farrowing crates allow almost zero movement.
- Sows give birth on concrete and are unable to fulfil their need to make a nest.
- Slatted or solid floors in farrowing crates increase the incidence of foot lesions in piglets.
- The stress of abrupt weaning results in piglets having a high incidence of clinical disease and diarrhoea.

Mutilations

- Tail docking of piglets without pain relief causes considerable pain leading to trembling, leg shaking, sliding on their hindquarters, tail-jerking and vomiting.
- It is unclear how effective tail docking is in reducing tail biting.
- Provision of straw-based bedding (or some other natural material) in pens, providing adequate feeding space and managing stocking densities is known to reduce the incidence of tail biting.
- Teeth clipping of piglets is a serious welfare concern and makes no clear contribution to sow welfare.



Space Allowance

- Pig aggression generally increases as space allowance decreases.
- Crowded living conditions leads to chronic stress in growing pigs.

Alternatives

- The family pen system and open-ended hooped roof shelters (Ecoshelters®) have been used successfully in indoor pig housing.
- Outdoor pig production has expanded greatly in recent years in Australia.
- The capital costs of outdoor production are lower.
- Studies suggest that production levels are comparable and that the pigs are calmer, less stressed, healthier and have better body condition.
- Sensitivity to heat by pigs and environmental damage can be mitigated.

Industry Overview

- Pigmear production is the smallest of the 'main meat' industries, accounting for approximately 0.09% of total GDP in 2003-04.
- Between 1970-71 and 2002-03, the number of pig producers Australia-wide declined by 94%; however production increased by 130% in that same period.
- Australian pork producers are facing considerable difficulties competing in international markets and have turned to establishing economies of scale as a means of improving their international competitiveness.
- Government and industry have spent millions of dollars seeking to assist pork producers in restructuring or exiting the market.
- Despite establishing economies of scale, Australia's international competitiveness continues to fluctuate and new methods of product differentiation must be sought.
- NSW is Australia's biggest producer of pigmeat and raises the most sows Australia wide.

- In 2001-02, 1% of NSW pork producers held more than 48% of the state's sows collectively.
- Some of the largest piggeries in NSW are foreign owned.
- Only 805 people were directly employed in pig farming in NSW in 2001.

Arguments in Favour of Banning Factory Farms

- The current legislation has institutionalised cruelty.
- Free-range pork is a valuable form of product differentiation.
- Government won't need to fund a 'struggling industry'.
- NSW has the opportunity to exercise leadership in the area of animal welfare.
- Australian agriculture should be returned to the hands of the small family farmer.
- Australian agriculture is becoming less Australian.

II. BACKGROUND

I. A Global Movement Towards Animal Protection

a) The animal protection movement is growing in size and legitimacy, both in Australia and around the world. The movement now is comparable to the environmental movement 10 years ago. Back then, environmentalists were considered 'radical greenies'. Today almost 3 million Australians donate time or money to help protect the environment and 89% of Australians purchase environmentally friendly products.¹ Rural communities have enthusiastically embraced programs such as Landcare which now has 1,777 groups in NSW alone.² Environmental law and policy are an integral component of all sectors of government and an important aspect of good corporate governance.

b) The animal protection movement is following suit and is moving from the 'fringe' to becoming a concern of many mainstream Australians. International animal groups such as the *Humane Society of the United States* and the *International Fund for Animal Welfare* boast more than 10 million and 1.4 million supporters respectively.³ The *World Society for the Protection of Animals* has more than 600 member societies in 120 countries and has consultative status at the United Nations and in the Council of Europe.⁴ Animal rights groups such as *People for the Ethical Treatment of Animals* have also attracted a mass following.⁵

c) In Australia, RSPCA NSW has 125,000 supporters⁶ and the *International Fund for Animal Welfare* has 50,000.⁷ Other organisations such as *Animals Australia* have seen a four-fold increase in membership over the last two years.⁸

d) Australian animal organisations have generated significant media coverage in recent years. In 2004-05, footage of factory farming practices has been shown on *60 Minutes* (1.7 million viewers), *Four Corners* and *Australian Story* (1.2 million viewers).⁹ Mainstream magazines such as *WHO* (792,000 readers) have published photographs of sow stalls and battery hen farms.¹⁰ Animal welfare issues are also regularly featured in leading newspapers such as the *Sydney Morning Herald*, *The Financial Review*, *The Australian* and *The Age*.¹¹

GLOBAL MOVEMENT - KEY POINTS

- The animal protection movement is growing in size and legitimacy, both in Australia and around the world.
- Australian animal organisations have generated significant media coverage in recent years.

1 Australian Bureau of Statistics, Austats, 'Environmental Issues: People's Views and Practices', 24 November 2004, [11 July 2005] <<http://www.abs.gov.au/ausstats>>

2 Landcare NSW, Summary Report as at 1 July 2005, [12 July 2005] <<http://www.landcare.nsw.gov.au/>>

3 Verna Simpson, Executive Director, Humane Society International, *pers comm*, 11 November 2005; *Commonwealth of Australia, A universal metaphor: Australia's opposition to commercial whaling, May 1997* Report of the National Task Force on Whaling. <<http://www.deh.gov.au/coasts/publications/whaling/chapter7.html>>

4 *World Society for the Protection of Animals* [2 November 2005] <<http://www.wspa.org.uk>>

5 People for the Ethical Treatment of Animals has more than 850,000 members. See: *People for the Ethical Treatment of Animals*, [12 July 2005] <<http://www.peta.org/about>>

6 Bernie Murphy, CEO, RSPCA NSW *pers comm* 7 July 2005.

7 IFAW *Submission to Board of Taxation on Draft Charities Bill 2003* [12 July 2005] <http://www.taxboard.gov.au/content/charity_subs/International_Fund_for_Animal_Welfare.pdf>

8 Glenys Oogjes, Director, Animals Australia, *pers comm*, 7 July 2005.

9 Nine Network Australia, Ratings Result Survey Week 27, 4 July 2005 [12 July 2005] <<http://www.pbl.com.au>>

10 Louise Weihart, Political Animal, *WHO Magazine* May 2005.

11 Daniel Lewis, The unkindest clip of all, *The Sydney Morning Herald* (Sydney), 11 March 2005; Peter Singer, Animal liberation turns 30, *The Financial Review*, (Sydney) 9 May 2003; The cluck stops here, *The Weekend Australian Magazine*, (Sydney), 25-26 May 2002; Michael Gratten, Sheep on board a national shame, *The Age* (Melbourne), 24 September 2003.

2. Consumer Attitudes

a) Although there is still little public awareness about the conditions in which pigs live in factory farms, it is generally agreed that increasing public concern over animal welfare is driving change in intensive industries. For example:

i) The reported importance to Australians of 'animal welfare and cruelty to animals' increased from 29% to 54% between 1994 and 2000.¹²

ii) In a 2001 survey, consumers in Queensland ranked the humane treatment of animals ahead of price when buying meat.¹³

iii) Increasing public concern over individual housing of sows in sow stalls is one of the biggest impetuses for change in the Australian pork industry. There has also been noted public concern of farrowing crates.¹⁴

iv) In a welfare audit of the pork industry in Australia, it was recognised that working towards high standards of animal welfare can increase industry sustainability.¹⁵

v) In a recent UK survey, 82% of adults said they would like to see a return to more traditional methods of farming, even if this meant paying more for food.¹⁶ In another UK survey, 80% of adults said they would like to see better welfare conditions for farm animals.¹⁷

vi) The organic industry in Australia, which has high animal welfare standards, has grown from \$28m in 1995 to \$300m today, which constitutes an increase of more than 1000% in ten years. It is predicted to continue on this upward trend.¹⁸

CONSUMER ATTITUDES - KEY POINTS

- Consumers in Australia and around the world are willing to pay more for humanely farmed animal products.
- The market for organic and environmentally friendly products is booming. Humane products will follow suit.

3. Retail Support

a) Consumer preference for humane animal products such as pork and eggs are making a mark on retail companies. Retailers internationally are making significant moves towards supporting only free-range animal products. The following are several current examples:

i) *McDonalds* in the UK has changed egg suppliers to those that use only free-range eggs. They recently won an RSPCA award for their commitment to improving animal welfare.¹⁹

ii) *Chipotle Mexican Grill* ('Chipotle') is a chain of inexpensive Mexican taco/burrito restaurants in the US. They operate approximately 460 quick-service Mexican eateries in about 20 states and are now 90% owned by *McDonalds*. *Chipotle* now provides only free-range pork and chicken in their meals with free-range beef expected on the menu in the near future.²⁰

iii) Giant US fast-food chain, *Bon Appetit*, whose clients include major corporations, colleges and universities, recently announced that its 200 outlets will use eight million fewer battery eggs

12 Meat and Livestock Australia 'Animal Welfare Issues Survey 2000' March 2002.

13 Smith, A. (Eds) Queenslanders' attitudes towards everyday food items. *Rural Ind. Bus. Serv. Grp. News* 2, 2001 quoted in G.J. Coleman and M. Hay, Consumer Attitudes and Behaviour Relevant to Pork Production, Animal Welfare Centre, Monash University, AAPV Canberra Conference Proceedings 3-6 May 2004.

14 J.L. Barnett, P.H. Hemsworth and G.M. Cronin et al, A review of the welfare issues for sows and piglets in relation to housing, *Australian Journal for Agricultural Research*, 2001, 52, 1-28, CSIRO Publishing.

15 Department of Primary Industries, *Free range pigs, Farm Diversification Information Service*, Bendigo, February 1999.

16 Phil Macnaghten, Animal Futures: Public Attitudes and Sensibilities towards Animals and Biotechnology in Contemporary Britain *Institute for Environment, Philosophy and Public Policy for the Agricultural and Environmental Biotechnology Commission* October 2001.

17 *ibid.*

18 Organic Expo 2005 [18 August 2005] <<http://www.organicexpo.com.au/visitors/index.php>>

19 BBC News 'McDonald's praised for happy cows' Thursday, 13 October 2005 <<http://news.bbc.co.uk>>

20 John Schmeltzer, 'U.S. develops taste for meat seasoned with sun, fresh air', *Chicago Tribune*, September 18, 2005.

per year owing to consumer demand. It is phasing out battery eggs in favour of cage-free eggs. Its stated goal is to purchase only cage-free eggs in shell and liquid form.²¹

iv) Major UK supermarkets are also increasingly expanding their free-range product lines for eggs. For example:

(1) *Wal-Mart's* UK supermarket chain *Asda* recently announced that they will switch 500,000 hens from battery cages into open barns by 1 May 2006. *Asda*, which has 277 stores nationwide, will sell 140 million fewer battery eggs in the next year alone.²²

(2) *Sainsbury's* have also dropped cage eggs from their standard own-label eggs and have converted sales of over two million eggs a week from cage to barn.²³

(3) *Waitrose* has removed battery eggs from all its products containing eggs.²⁴

(4) *Marks & Spencer* now only offers free-range eggs, both in shell and as egg ingredient in its entire range of processed foods and ready made meals.²⁵

v) The value of free-range egg sales in Britain has recently overtaken battery eggs. The latest figures from retail analyst TNS show a mere 1% differential, with free-range sales at 45.9% and battery egg sales at 47.6% in the latest 52 week returns.²⁶

b) Enormous potential exists in Australia for animal protection groups to lobby retailers to expand their free-range / humane product lines. In fact the changing face of our supermarket shelves and menus foreshadows this trend.

RETAIL SUPPORT - KEY POINTS

- Major retailers internationally are no longer supporting products derived from cruel farming methods.
- Australian retailers are set to follow this trend.

4. About Pigs

a) Every year we discover more about the cognitive abilities and emotional complexity of animals, including farm animals. They can feel pain and suffer physically and they also experience psychological wellbeing and distress.

b) Pigs are recognised to be at least as good at problem-solving as dogs. Scientists have discovered that pigs 'have an understanding of what is going on in other pigs' minds and make their own decisions accordingly in order to get what they want.' This type of thinking has often been assumed to be unique to apes and humans.²⁷

c) Pigs are extremely active and inquisitive. When free to roam, pigs spend much of their day smelling, nibbling, manipulating objects with their snouts and rooting ("nosing") about in the soil for titbits. Their powerful but sensitive snout is a highly developed sense organ. Rooting, exploring and manipulating natural materials are essential elements of pig welfare.²⁸

d) Few species are more social than pigs; they form close bonds with each other and other species, including humans. They cooperate with, and defend, one another. Adults will protect a piglet, leaving their own litters if necessary to defend an endangered youngster.²⁹ Pigs may be able to

21 HSUS 'Bon Appetit Puts the Chicken Before the Egg' October 18 2005, <<http://www.hsus.org>>

22 British Free Range Egg Producers Association Wednesday, November 02, 2005 [02 November 2005] <<http://www.theranger.co.uk>>

23 British Free Range Egg Producers Association Wednesday, October 26, 2005 [26 October 2005] <<http://www.theranger.co.uk>>

24 Poultry World, June 2005, p.13; Compassion in World Farming Trust, Supermarkets and Farm Animal Welfare 'Raising the Standard' 'Compassion in World Farming Trust Supermarket Survey 2003-2004' [26 October 2005] <<http://www.ciwf.org.uk/publications/consumers.html>>

25 BBC News 'NI farms cash in on 'free-range' market' Friday, 29 March, 2002 [26 October 2005] <<http://news.bbc.co.uk>>

26 Farming UK, 'Landmark as free range overtakes cage', 26 October 2005 <<http://www.farminguk.com>>

27 S Held et al. Social tactics of pigs in a competitive foraging task: the 'uniformed forager' paradigm. *Animal Behaviour* 59: 569-576, 2000 quoted in CIWF, Stop-Look-Listen: Recognising the sentience of farm animals, 2003.

28 World Animal Foundation [10 July 2005] <<http://worldanimalfoundation.homestead.com>>

29 *ibid.*



recognise and remember up to 20-30 individuals.³⁰ Touch and bodily contact are especially important to pigs. They seek out and enjoy close contact, and will lie close together when resting.³¹

e) Pigs are vocal and communicate constantly with one another. More than 20 of their vocalizations have been identified. They have an elaborate courtship ritual, including a song between males and females. Newborn piglets learn to run to their mother's voice, and the mother pig sings to her young while nursing. After nursing, a piglet will sometimes run to her mother's face to rub snouts and grunt.³²

f) When she is ready to give birth, a sow selects a clean, dry area apart from the group, sometimes walking 5-10km to search for a good nest site and to gather preferred bedding materials. She hollows out a depression in the ground and lines it with grass, straw or other materials. For several days after her piglets are born, she defends the nest against intruders. When her piglets are five to ten days old, she encourages them to leave the nest to socialise with other pigs.³³

g) Weaning occurs naturally at three months of age, but young pigs continue to live with their mothers in a close family group. Two or more sows and their piglets usually join together in an extended family, with particularly close friendships developing between sows. Young piglets play with great enthusiasm, play-fighting and moving or throwing objects into the air. Pigs appear to have a good sense of direction too, as they have found their way home over great distances. Adults can run at speeds of about 15 km an hour.³⁴

ABOUT PIGS - KEY POINTS

- Pigs are highly intelligent and sensitive. They have abilities previously assumed to be unique to apes and humans.
- 'Rooting' with their snout is essential to pig welfare.
- Pigs are highly active.
- Few species are more social than pigs.
- Female pigs go to great efforts to make a nest for their young.
- Mother and piglet bonds are very strong.

5. The International Legal Environment - Protecting Pigs Through Legislation

a) The European Union

i) In recent years, the European Union (EU) has enacted a number of animal welfare reforms in response to increasing awareness about the inability of the intensive farming system to accommodate farm animals' basic welfare needs. A number of these welfare reforms have taken the form of Directives, which are binding but which allow member states to select legislative implements of their choice to achieve the desired result of the Directive.³⁵

ii) In relation to pig protection, the most significant EU law is *Council Directive 91/630/EEC*³⁶ ('The Pigs Directive') (amended by *Council Directive 2001/88/EC*³⁷ and by *Commission Directive 2001/93/EC*³⁸)

30 CIWF, above n. 27.

31 *ibid.*

32 *ibid.*

33 Dr Suzanne Pope, 'Critical Pathways in Welfare for the Pig', unpublished report, 2000; CIWF above n. 27.

34 *ibid.*

35 Peter Stevenson, 'European Union Law on the Welfare of Farm Animals' (Paper presented at the International Animal Law Conference', San Diego, 4 April 2004). Conference materials, p 5.

36 Council Directive 91/630/EC of 19 November 1991 laying down minimum standards for the protection of pigs. Official Journal L316, 11.12.1991, pp 33-38, quoted in Stevenson, *ibid.*

37 Council Directive 2001/88/EC of 23 October 2001 amending Directive 91/630/EC laying down minimum standards for the protection of pigs. Official Journal L316, 1.12.2001, pp 1-4, quoted in Stevenson, above n. 35, p 5.

38 Commission Directive 2001/93/EC of 9 November 2001 amending Directive 91/630/EC laying down minimum standards for the protection of pigs. Official Journal L316, 1.12.2001, pp 36-38.

(‘2001 Pigs Directives’). The key aspects of this Directive are:

(1) a ban on sow stalls, except for the first 4 weeks of pregnancy;³⁹

(2) a ban on sow tethering;⁴⁰

(3) a requirement that all pregnant sows receive sufficient quantities of high fibre food as well as high energy food;⁴¹

(4) a prohibition on fully slatted floor for sows;⁴²

(5) a requirement that pigs be provided with straw, hay, wood or a similar material as environmental enrichment;⁴³ and

(6) a prohibition on routine tail-docking.⁴⁴

iii) The prohibition on sow stalls was based largely on the findings of a report by the European Commission’s Scientific Veterinary Committee.⁴⁵

iv) In implementing this Directive, certain EU member states, including the United Kingdom⁴⁶, Netherlands⁴⁷ and Sweden⁴⁸ have exceeded the provisions by taking steps to prohibit sow stalls prior to the deadline stated in the Pigs Directive.

b) North America

In comparison to the European Union, North America has not taken active steps to address the welfare of animals kept in confinement. In Florida, the keeping of pigs in sow stalls was prohibited in November 2002 following a successful constitutional ballot initiative by Florida’s citizens.⁴⁹ However at the time of writing, Florida remains the only US state to be demonstrating leadership in this area.

c) New Zealand

i) A detailed report and public consultation process regarding the welfare of pigs was undertaken in New Zealand between 2001 and 2005. As part of that process, the government acknowledged that sow stalls and farrowing crates do not meet the welfare requirements set out in New Zealand’s animal welfare legislation which requires animals to have the opportunity to display normal patterns of behaviour.⁵⁰

ii) The review process culminated in the enactment of the *New Zealand Animal Welfare (pigs) Code of Welfare 2005* which had the effect of, inter alia, phasing out sow stalls, except for the first 4 weeks of pregnancy by 2013.⁵¹

39 The installation of new sow stalls was prohibited from 1 January 2003, with existing stalls to be prohibited from 1 January 2013. 1991 Pigs Directive, as amended by 2001 Pigs Directive (2001/93/EC), *ibid*.

40 This ban is to take effect from 1 January 2006. 2001 Pigs Directive, above n. 37, article 3(3).

41 2001 Pigs Directive, above n. 37, article 3(7).

42 2001 Pigs Directive, above n. 37, article 3(2)(a).

43 Annex to Pigs Directive as amended by 2001 Pigs Directive (2001/88/EC), n. 37, Ch 1, para 4.

44 Tail docking can only be carried out “where there are injuries to sows’ teats or to other pigs ears or tails’. Of particular significance, the 2001 Pigs Directive states that before carrying out tail-docking “other measures shall be taken to prevent tail biting and other vices taking into account *environmental and stocking densities*” [Italics added] 2001 Pigs Directive, above n. 37, Chapter 1, article 8.

45 European Commission - Scientific Veterinary Committee, Animal Welfare Section, *Report on the welfare of intensively kept pigs*, 30 September 1997. [26 May 2005] <http://www.europa.eu.int/comm/food/fs/sc/oldcomm4/out17_en.pdf>

46 Sow stalls have been banned in the United Kingdom since 1999. The UK Department for Environment Food and Rural Affairs (‘DEFRA’) is currently researching methods of avoiding close confinement of sows during the farrowing period. See: *The Welfare of Livestock Regulations 1994*, *The Welfare of Farmed Animals (England) Regulations 2000* and *The Welfare of Farmed Animals (England) Regulations 2003* (Statutory Instrument 2003/299; DEFRA, *The Welfare of Pigs*), [27 May 2005] <<http://www.defra.gov.uk/animalh/welfare/farmed/pigs/index.htm>>

47 Sow stalls have been banned in the Netherlands since 1994. However an exception is made for units built prior to 1998 which will be banned from 2013 when the EU Directive comes into effect. Netherlands law provides a minimum floor area per pig larger than prescribed in the Pig Directive. See: *The Netherlands Pig Farming Decree (Varkensbesluit)*; *The Dutch Meat Board/Holland Meat, Housing, Pigmeat production in the Netherlands* (updated November 2004) [27 May 2005] <<http://www.hollandmeat.nl/default.aspx?cid=55>>

48 Sow stalls have been banned in Sweden since 1994. See: *Swiss Animal Protection Ordinance 1981*, Article 22; Dr Jacky Turner, *The Welfare of Europe’s Sows in Close-Confinement Stalls, A Report prepared for the European Coalition for Farm Animals*, Compassion in World Farming Trust, September 2000.

49 Florida Amendment Article X Section 19.

50 Animal Welfare Act 1999 (New Zealand); National Animal Welfare Advisory Committee New Zealand, *Animal Welfare (Pigs) Code of Welfare 2003 Report* (24 November 2003), p 10 and p 13 [12 July 2005] <<http://www.biosecurity.govt.nz/animal-welfare/codes/pigs/index.htm>>; National Animal Welfare Advisory Committee New Zealand, *Animal Welfare (Pigs) Code of Welfare: A code of welfare issued under the Animal Welfare Act 1999*, 1 January 2005, p 32 and p 35.

51 *Animal Welfare (Pigs) Code of Welfare: A code of welfare issued under the Animal Welfare Act 1999*, above n. 50, p 35. In stark contrast to Australia, 71% of producers in New Zealand do not use sow stalls. See: *Animal Welfare (Pigs) Code of Welfare 2003 Report*, above n. 50, p 6.

Unfortunately the phase out will not apply if 'exceptional circumstances' can be shown. This has the practical effect of deferring a complete phase out of sow stalls until the code is next revised in 2009.⁵² The reduction or phasing out of farrowing crates in New Zealand has also been deferred until 2009.⁵³

6. Pig Protection in Australia

a) National Overview

Although state and territory legislation varies to some degree, the intensive farming of pigs (including the keeping of pigs in sow stalls and farrowing crates) is permitted in all jurisdictions in Australia. Within the federal system, some states and territories have sought to promote uniformity in pig keeping practices by incorporating a *Model Code of Practice for pigs* ('The Pig Code') in their legislation.⁵⁴ However this Code is not incorporated in all state and territory animal welfare acts and its enforceability also varies, depending on the jurisdiction in which it is being applied.

b) New South Wales

i) The farming of pigs in New South Wales (NSW) is regulated by the *Prevention of Cruelty to Animals Act 1979* (NSW) (POCTAA) and its associated regulations, the *Prevention of Cruelty to Animals Regulation 1996* (NSW) (POCTAA regs). The POCTAA protects animals, including pigs, from acts of cruelty. An act of cruelty, as defined by POCTAA, is one in which an animal is unreasonably, unnecessarily or unjustifiably:

(1) beaten, kicked, killed, wounded, pinioned, mutilated, maimed, abused, tormented, tortured, terrified or infuriated,

(2) over-loaded, over-worked, over-driven, over-ridden or over-used,
(3) exposed to excessive heat or excessive cold, or
(4) inflicted with pain.⁵⁵

c) The POCTAA also creates specific offences of cruelty, which include the confining of an animal or failing to provide adequate or appropriate exercise.⁵⁶

d) Legislated cruelty

i) Under section 4 of the POCTAA, pigs, (referred to in the Act as 'swine'), are classified as 'stock animals', which means that they are exempt from certain protective provisions afforded to other animals. For example, pigs are exempt from the provisions of the Act which require confined animals to be exercised.⁵⁷ This enables them to be legally confined for extended periods.

ii) The POCTAA also contains a number of defences which sanction acts that would otherwise constitute acts of cruelty. For example, section 24(ii) permits castration without pain relief, by providing a defence to any person that castrates a pig of less than two months of age.

iii) The POCTAA does not expressly prohibit:

(1) tooth trimming, tooth grinding or tooth clipping of pigs, despite the findings of a 1992 NSW Agriculture Ministerial Review Team that the first of these two procedures are "demonstrably painful" and "have been banned in other countries";⁵⁸ or

(2) tail docking of pigs.

iv) Relevantly, tooth clipping and tail docking are permitted by the Pig Code.⁵⁹ Although the Pig

52 *Animal Welfare Act 1999*, s 73 (3), (New Zealand); *Animal Welfare (Pigs) Code of Welfare: A code of welfare issued under the Animal Welfare Act 1999*, above n. 50, p 35.

53 *Animal Welfare (Pigs) Code of Welfare: A code of welfare issued under the Animal Welfare Act 1999*, above n. 50, p 32.

54 Standing Committee on Agriculture and Resource Management, *Australian Model Code of Practice for the Welfare of Animals - Pigs (2nd edition, 1998)*, SCARM Report No. 66, CSIRO Publishing.

55 *Prevention of Cruelty to Animals Act 1979* (NSW), ss 4(2) and 5.

56 *Prevention of Cruelty to Animals Act 1979* (NSW), s 9(1).

57 *Prevention of Cruelty to Animals Act 1979* (NSW), s 9(1A).

58 Ministerial Review Team, *Ministerial Review of the Prevention of Cruelty to Animals Act 1979 and Regulations-Volume 1: Public Discussion Paper*, NSW Agriculture, November 1992, p 43.

59 *Australian Model Code of Practice for the Welfare of Animals - Pigs (2nd edition, 1998)*, above n. 54, Appendix 1, paragraphs 4 to 6.

Code is not currently part of the law in NSW, it may be argued that the inclusion of those procedures in the Code provides a sufficient basis to argue that the acts are reasonable, necessary or justifiable and that they do not constitute acts of cruelty.

e) Recent Reforms

i) Certain cruel practices which relate to pigs are prohibited by the POCTAA. For example, tethering, which involves tying a sow by its neck to a stall (by collar and chain), is no longer acceptable practice in NSW. It is important to note that:

(1) this prohibition did not form part of the original POCTAA. The prohibition was introduced by way of an amendment Bill in 1997, in response to community concern about the suffering associated with tethered pigs;⁶⁰ and

(2) many of the welfare problems identified in sows that are tethered are also exhibited by untethered sows kept in stalls.⁶¹

f) Comments on the Pig Code

i) As discussed above, the current Pig Code does not have legislative force under the POCTAA. In order for it to have such force, it would need to be listed as a 'prescribed guideline' under regulation 19A of the POCTAA regs.⁶² Even if that listing were to occur, failure to comply with the Code would not of itself, constitute a breach of the POCTAA; however evidence of compliance or non compliance would be admissible in prosecutions under the Act.⁶³

ii) At the time of writing, the Pig Code is under Government Review. However any improvements in pig protection provided by the Code are expected to be minor and may not be implemented for some time.⁶⁴

iii) Voiceless considers that in order to ensure that standards for pig protection are effective and enforceable; any protection for pigs must be embodied in the POCTAA or its associated regulations, as opposed to the Pig Code.

iv) If the revised Pig Code is listed as a prescribed guideline at the conclusion of the review process, it is likely that the confinement of pigs in sow stalls will be entrenched for the reasons explained above, unless the POCTAA is amended to expressly prohibit such confinement.

g) Political and Legal Comment on the intensive farming of pigs

i) Given that the present law in NSW (and indeed in Australia) permits intensive farming, including the close confinement of pigs, political and legal comment on this issue is limited. The following comments however are worth noting:

(1) In its 1990 Report on intensive livestock production, the Senate Select Committee on Animal Welfare said:

*"The Committee has considered the dry sow housing question, and noting the advantages of stalls and tethers... believes both to be undesirable forms of restraint. The Committee is of the view that those systems providing sow cubicles with access to exercise areas are more conducive to sow welfare. The Committee recommends that future trends in housing the dry sow should be away from individually-confined stall systems..."*⁶⁵

(2) In 1992, a public discussion paper was produced by the NSW Agriculture Ministerial Review Team on the *Prevention of Cruelty to Animals Act 1979* and *Regulations*. In commenting on the confinement of production animals (including pigs), the paper stated that:

60 *Prevention of Cruelty to Animals Amendment Act 1997 (NSW); Prevention of Cruelty to Animals Act 1979 (NSW)*, s 10(2).

61 J.L. Barnett and H. Hemsworth et al, above n. 14, p 4.

62 *Prevention of Cruelty to Animals Act 1979 (NSW)*, s 34A.

63 *ibid.*

64 Ella Randell, 'Saving Babe', *Yen Magazine*, Issue 16 April/May 2005, p 64.

65 Senate Select Committee on Animal Welfare, Commonwealth Government of Australia, *Intensive Livestock Production* (1990) paragraph 11.72.



“There is a specific exemption for farm livestock. This exemption is difficult to justify and may appear as a double standard.”⁶⁶

(3) In June 1997, the Hon Richard Jones MLC referred to the British case of *McDonald’s Corporation (First Plaintiff) and McDonald’s Restaurants Limited (Second Plaintiff) v Helen Marie Steel (First Defendant) and David Morris (Second Defendant)* (“the McLibel case”)⁶⁷, during debate concerning the *Prevention of Cruelty to Animals Amendment Bill*. The Hon Richard Jones noted that in the McLibel Case, Chief Justice Bell was required to decide whether McDonald’s was guilty of cruelty to animals. In his judgment, he said that:

“A small, but not insignificant proportion of the sows which produce pigs which contribute to the supply of pork for the Second Plaintiff’s food in the U.K. spend virtually the whole of their lives in dry sow stalls, with no access to the open air and sunshine and without freedom of movement. I do not find the lack of open air or sunshine to be cruel, but the severe restriction of movement is cruel and the Second Plaintiff is culpably responsible for that cruel practice.”⁶⁸

(4) On 15 October 2003, during a debate concerning the *Prevention of Cruelty to Animals Amendment (Penalties) Bill*, the Hon. Lee Rhiannon said that sow stalls were:

“yet another example of agricultural practice gone wrong. They are cruel cages for pregnant pigs that do not allow them to move or interact normally. These are all practices that are acts of cruelty to animals but, tragically, are legal. We need to recognise that this Bill is just a small step on the part of the Carr Government on the path toward eliminating animal cruelty.”⁶⁹

(5) More recently, in a debate concerning the *Prevention of Cruelty to Animals Amendment Bill 2004 (NSW)*, the Hon Ian Cohen MLC said:

“Sows in intensive pig farming are seen as production units, rather than animals needing space, comfort, a warm soft place to lie, and ample food. Almost 200,000 breeding sows in Australia are confined in a metal and concrete stall smaller than a child’s cot. The sows cannot walk, turn around or even lie down in comfort. If this was done to a dog, the law would strongly deal with the perpetrator. However, as pigs are stock animals they are not afforded protection from these atrocious conditions.... Sow stalls are banned in England, Florida and Sweden, and they are being phased out in Europe and New Zealand. Let us hope that we follow suit.”⁷⁰

THE INTERNATIONAL LEGAL ENVIRONMENT AND PIG PROTECTION IN NEW SOUTH WALES - KEY POINTS

- Sow stalls and other cruel intensive farming practices are banned in the United Kingdom and Sweden and are being phased out in the European Union, Florida (USA) and New Zealand.
- Many of the cruel practices being phased out are still permitted under NSW law.
- The previous improvements to pig welfare introduced in NSW do not go far enough.
- The *Australian Model Code of Practice for the Welfare of Animals - Pigs* is not an appropriate mechanism for protecting pigs from cruel intensive farming practices such as tooth clipping, tail docking and the keeping of sows in stalls because of its ambiguous legislative force and weight.
- In order to ensure that standards for pig protection are effective and enforceable, any protection must be embodied in the *Prevention of Cruelty to Animals Act 1979 (NSW)* or its associated regulations.

66 Ministerial Review Team, *Ministerial Review of the Prevention of Cruelty to Animals Act 1979 and Regulations-Volume 1: Public Discussion Paper*, NSW Agriculture, November 1992, p 38.

67 Chief Justice Bell, *Summary of the Judgment, Introduction*, June 19, 1997 (Eng. C.A.) [7 July 2005] <<http://www.mcspotlight.org/case/trial/verdict/summary.html>>

68 New South Wales, *Parliamentary Debates*, Legislative Council, 26 June 1997. [4 July 2005] <<http://www.parliament.nsw.gov.au/prod/parlment/hansart.nsf/V3Key/LC19970626008>>

69 New South Wales, *Parliamentary Debates*, Legislative Council, 15 October 2003, p 3856. [4 July 2005] <<http://www.parliament.nsw.gov.au/prod/parlment/hansart.nsf/V3Key/LC20031015049>>

70 New South Wales, *Parliamentary Debates*, Legislative Assembly, 6 May 2005, p 15869. [4 July 2005] <<http://www.parliament.nsw.gov.au/prod/parlment/hansart.nsf/V3Key/LC20050506035>>

III. INDUSTRY PRACTICES & IMPACTS ON PIGS

I. What Do Pigs Need?

a) The freedom to move

i) Pigs are very active. When given a semi-natural area to live in, they spend most of their time grazing, rooting, walking around and nosing or manipulating their environment.⁷¹

b) To 'root' with their snout

i) Rooting is normally part of the appetitive phase of feeding but in modern husbandry the total nutrient requirements of growing pigs are consumed in a few minutes. Therefore the 'need' to root remains unsatisfied. One study found that a sow rooted her food trough and concrete floor with such high frequency that she developed a bloody lesion on her snout.⁷²

ii) When pigs have no material to root or nibble, they resort to biting tails and ears of other pigs.⁷³ Tail biting is now one of the most commonly encountered and entrenched disorders of growing pigs and its incidence has tended to increase in parallel with our efforts to intensify modern pig production.⁷⁴

c) To sleep and nest on natural materials

i) Based on preference tests, sows prefer an earth to a concrete floor even when the earth floor reduces their social contact. Pigs contribute material to communal sleeping nests.⁷⁵

d) Opportunity to make a nest for their young

i) Sows become more active shortly before farrowing (giving birth). About 24hrs before they give birth they leave the group and seek an isolated spot to build a nest.⁷⁶

ii) In free-range conditions, pregnant sows may walk 5-10 km before selecting a sufficiently isolated and protected nest site. The nest can take 10 hours to build and the sow may completely cover herself in the nest material before giving birth.⁷⁷ In stalls, sows paw the ground and chew pen fixtures, as there is no opportunity to build a nest.⁷⁸

e) To wean their young slowly

i) Weaning is a slow and gradual process in free-range domestic pigs. This is in strong contrast to the abrupt separation of sows and piglets which is commonly used under commercial breeding conditions. In a natural environment, after the first 2-3 days in a nest, the sow will go out on foraging trips and the piglets will start to follow her. She calls the piglets to suckle by a 'lactation grunt', which causes them to gather and start to massage her udder.⁷⁹

ii) Sows stay with piglets in their nest for up to 2 weeks, at which time they move closer to the rest of their herd. After the sow and piglets leave the nest, the piglets are gradually integrated into the herd.⁸⁰ Weaning of piglets in free-ranging pigs generally occurs at 13-17 weeks but may occur as late as 22 weeks in some cases.⁸¹

71 A. Stolba & D. Wood Gush, 'The behaviour of pigs in a semi-natural environment', *Animal Production*, 1989 vol 48 p 419-425.

72 M. Baxter 'The nesting behaviour of sows and its disturbance by confinement and farrowing' in W. Bessei, *Disturbed Behaviour in Farm Animals*, 1982, Verlag Eugen Ulmer, Stuttgart.

73 G. Van Putten 'An investigation into tail-biting among fattening pigs', *British Veterinary Journal*, 1969 vol 125 p 511-517.

74 Dr Suzanne Pope, above n. 33.

75 A. Stolba & D. Wood Gush, 'The behaviour of pigs in a semi-natural environment', *Animal Production*, 1989 vol 48 p 419-425.

76 P. Jensen 'Observations on the maternal behaviour of free-ranging domestic pigs', *Applied Animal Behaviour Science*, 1986 vol 16 p 131-142.

77 H. W. Gonyou, *The Social Behaviour of Pigs* in L. J. Keeling, H. W. Gonyou (eds), *Social Behaviour in Farm Animals*, 2000 CABI Publishing.

78 Lawrence & Petherick *et al* 'The effect of environment on behaviour, plasma cortisol and prolactin in parturient sows', *Applied Animal Behaviour Science* 1994 vol 39 p 313-330.

79 CIWF, above n. 27.

80 H. W. Gonyou, *The Social Behaviour of Pigs* in L. J. Keeling, H. W. Gonyou (eds), *Social Behaviour in Farm Animals*, 2000 CABI Publishing.

81 CIWF Trust, *Intensive Farming and the Welfare of Farmed Animals*, 6 [17 November 2005] <<http://www.ciwf.org.uk/publications/Teachers/ITFWFA.pdf>>; P. Jensen and G. Stangel 'Behaviour of piglets during weaning in a semi-natural enclosure', *Applied Animal Behaviour Science* 1992 vol 33 p 244-255.

WHAT DO PIGS NEED? - KEY POINTS

- Freedom to move – pigs are highly active.
- Freedom to engage in their natural behaviours such as rooting, exploring and manipulating materials. If sows cannot carry out their natural behaviours, they will bite tails and injure their snouts trying to root steel bars and concrete.
- To be housed on natural materials such as straw.
- To build a nest – sows will travel long distances and spend considerable time and energy preparing a comfortable and safe place to give birth to their piglets.
- To wean their piglets slowly.

2. Indicators of Stress and Pain

a) Animals are affected by their experiences and their welfare can be compromised by feelings such as pain, fear, frustration or hunger and improved by comfort, contentment or pleasant social interactions.⁸²

b) Welfare can be assessed by two categories of scientific indicators: physiological such as immune suppression or levels of adrenal hormones and behavioural, such as evidence of abnormal behaviour or preference tests.⁸³

c) Deprivation becomes suffering when an animal is prevented, (through physical restraint or lack of suitable stimuli,) from performing activities that it wants to do, to such an extent that it experiences intense prolonged unpleasant feelings.⁸⁴

INDICATORS OF STRESS AND PAIN KEY POINTS

- Pigs welfare is affected by pain, fear, frustration or hunger.
- Pigs suffer when prevented from engaging in natural behaviour.

3. Sow Stalls

a) Approximately 26% of sows are housed in stalls in Australia for most of their reproductive cycles and up to 62% may be in stalls for a part of their reproductive cycle.⁸⁵ Under the Pig Code, sow stalls are 0.6m x 2.0m.⁸⁶ Sows are not able to turn around or take more than one step forward or back.

b) The housing of sows in stalls has been widely highlighted as a welfare concern by sections of the Australian and international community and is one of the most controversial issues in pork production.⁸⁷

c) Common types of abnormal behaviour shown by confined sows are stereotypies, apathy, depression and lack of responsiveness. All of these are indicators that the sow is having difficulty coping with her environment and show that her welfare is poor. It is likely that the sows are clinically depressed.⁸⁸

d) Stereotypies

i) Government bodies as well as animal protection groups acknowledge that sow crates cause stereotypies, a sign of suffering, as well as depression, stress and poor health.⁸⁹

ii) Stereotypical behaviour is purposeless repetitive behaviour believed to indicate

82 I Duncan and D Fraser 'Understanding animal welfare' in Appleby M and Hughes B (eds), *Animal Welfare* 1997 CAB International Wallingford UK.

83 Dr Suzanne Pope, above n. 33.

84 S Dawkins 'Behavioural deprivation: a central problem in animal welfare' *Applied Animal Behaviour Science* 1988 vol 20 p 209-225.

85 Animal Welfare Science Centre & Department of Primary Industries, *Pigs: Welfare Audit for the Pork Industry*, A reference document for industry quality assurance programs, April 2004.

86 *Australian Model Code of Practice for the Welfare of Animals - Pigs (2nd edition, 1998)*, above n. 54.

87 J.L. Barnett and H. Hemsworth et al, above n. 14.

88 European Commission - Scientific Veterinary Committee, above n. 45, p 93.

89 J.L. Barnett and H. Hemsworth et al, above n. 14.

suffering. It includes bar-biting, sham-chewing (chewing air), pressing the drinker, nosing in the feed trough, tongue rolling, head waving and attempts to root the concrete floor.⁹⁰

iii) In a 1995 report from INRA/CNRS in France found over 90% of stall-housed sows were observed to carry out stereotypies.⁹¹ Another 1995 study from Cambridge University observed sows over 4 pregnancies and has shown that fifty percent of sows' time can be spent in clearly or arguably stereotypical behaviour.⁹²

iv) Stereotypical behaviours rarely develop in free living animals.⁹³ They are very rare in sows kept in complex environments. Although they do occur among group-housed sows (especially when feed is restricted and no straw or similar material is provided), this is much less common than among confined sows.⁹⁴

v) When sows are first confined they show no immediate stereotypies as their instinct is to try to escape. Then they appear to quieten down and may become inactive. Stereotypies only become frequent after several weeks in confinement.⁹⁵

vi) Sows do not adjust to living in sow stalls. On the contrary, studies have found that the amount of stereotypical behaviour increases with the length of time the sow is confined over several pregnancies.⁹⁶ Stereotypies can result in physical damage or illness in the animal, for example, lesions in stall-housed sows that persistently rub their tail roots from side to side against stall fittings.⁹⁷

SOW STALLS - KEY POINTS

- Sow stalls are so small that pregnant pigs are not able to turn around or take more than one step forward or back.
- Stalls cause stereotypies, repetitive purposeless behaviour and a sign of suffering.
- Some studies have shown that over 90% of stall-housed sows exhibit stereotypic behaviour.
- Pigs can spend up to half their time in stereotypic behaviour.
- Stereotypies can result in physical damage or illness.
- Sows in stalls may well be 'clinically depressed'.
- Stalls rate the lowest of all sow housing systems in terms of welfare.
- It is widely accepted that sow welfare is better in alternative systems.

e) Depression

i) Confined sows exhibit depression and lack of responsiveness. It is likely that these sows are clinically depressed.⁹⁸ Confined sows are less responsive to events in the world around them than group-housed pigs.⁹⁹ This includes poured water on their back, sow grunts, piglet squeals and an electronic buzzer.¹⁰⁰

ii) Eleven pig experts from six countries surveyed in 1999 gave sow stalls the lowest rating of all sow housing systems in terms of

90 Dr Suzanne Pope, above n. 33.

91 C. Vieuille-Thomas, G. Le Pape and J.P. Signoret, 'Stereotypies in pregnant sows: indications of influence of the housing system on the patterns expressed by the animals. *Appl. Anim. Behav. Sci* 1995 Vol 44 p 19-27.

92 Dr Jacky Turner, above n.49.

93 G. Mason 'Stereotypies: a critical review', *Animal Behaviour* 1991 vol 41 p 1015-1037.

94 European Commission - Scientific Veterinary Committee, above n. 45, pp 91-93.

95 G. M. Cronin *The development and significance of abnormal stereotyped behaviours in tethered sows* PhD thesis, University of Wageningen, The Netherlands, 1985.

96 Pigs: Welfare Audit for the Pork Industry, above n. 85.

97 *ibid.*

98 European Commission - Scientific Veterinary Committee, above n. 45, p 93.

99 D. Broom 'The scientific assessment of animal welfare' *Applied Animal Behaviour Science* vol 20 p 5-19 1988.

100 Pigs: Welfare Audit for the Pork Industry, above n. 85.



welfare.¹⁰¹ It is now widely accepted that sow welfare is better in alternative systems such as extensive systems and the family pen system.¹⁰²

f) Stress

i) The frustration of nesting behaviour is stressful for the sow. Studies have shown that confined sows have increased activity of the adrenal glands and higher concentrations of the steroid cortisol (hydrocortisone), commonly associated with stress.¹⁰³

g) Poor Health

i) Muscle mass and bone strength are reduced in pigs housed in stalls over successive pregnancies and joint damage may increase in individually housed pigs, compared to group housed pigs.¹⁰⁴

ii) Sows kept in stalls have been found to have increased incidence of urinary infections, gastrointestinal problems and reduced cardiovascular health.¹⁰⁵

4. Farrowing Crates and Premature/Abrupt Weaning

a) Before they are due to give birth to their piglets, most sows are moved to an even smaller space called a farrowing crate. The crate is surrounded by metal bars for the piglets to

crawl under to avoid being squashed by the sow. The heavily pregnant pigs lay on concrete.

b) Around 95% of sows in Australia give birth in farrowing crates.¹⁰⁶

c) The Pig Code specifies minimum dimensions of 2.0m by 0.5m for farrowing crates.¹⁰⁷ In such small spaces sows are severely confined and unable to satisfactorily carry out their normal nesting activities. However, these pre-farrowing behaviours are so important that sows will attempt to perform them even in a restricted and bare environment.¹⁰⁸

d) Most piglets are born on hard surfaces such as concrete or wire/slatted floors which can cause discomfort or injury.¹⁰⁹ Slatted or solid floors in farrowing crates can increase the incidence of foot lesions in piglets. In one study, 24% of piglets raised without straw bedding had at least one lesion when weaned from farrowing crates. After 3 days on straw bedding the number decreased to 17% and after 4-5 weeks on straw bedding none of the pigs had foot lesions.¹¹⁰ Farrowing crates encourage behaviour patterns which are detrimental in adult life.¹¹¹ These disorders are not observed in natural conditions.¹¹²

e) Female pigs confined in farrowing crates have higher levels of stress hormones (ACTH and cortisol) compared to sows that have enough space for nest building activity.¹¹³ Most producers in Australia wean piglets between 21 and 28 days of age, although there is a trend to reduce weaning

101 M.B.M. Bracke, J.H.M. Mez, B.M. Spruijt and A.A. Dijkhuizen, 'Overall welfare assessment of pregnant sow housing systems based on interviews with experts,' *Netherlands Journal of Agricultural Sciences* 1999 Vol 47 p 93-104 as quoted in *The Welfare of Europe's Sows in Close-Confinement Stalls*, Dr Jacky Turner, above n.48.

102 *ibid.*

103 Dr Jacky Turner, above n.48.

104 Pigs: Welfare Audit for the Pork Industry, above n. 85.

105 Dr Jacky Turner, above n.48.

106 J. Blackshaw et al 'Comparison of behaviour patterns of sows and litters in a farrowing crate and a farrowing pen' *Applied Animal Behaviour Science* vol 39 p 281-295.

107 *Australian Model Code of Practice for the Welfare of Animals - Pigs (2nd edition, 1998)*, above n. 54.

108 Dr Suzanne Pope, above n. 33.

109 R. Cutler, M. Specer and T Fahy, 'Cutting pre-weaner mortality losses' *The Pig Farmer* 1986 May p32-33.

110 H. Kelly and J. Bruce et al 'Leg injuries of piglets reared in different types of weaner accommodation' *Animal Science* 1996 vol 62 p 676.

111 Dr Suzanne Pope, above n. 33.

112 R Newberry and D Wood-Gush 'Development of some behaviour patterns in piglets under semi-natural conditions' *Animal Production* 1988 vol 46 p 103-109.

113 S. Jarvis, S.K. Calvert, J. Stevenson, N. vanLeeuwen and A.B. Lawrence, 'Pituitary-adrenal activation in pre-parturient pigs is associated with behaviour restriction due to lack of space rather than nesting substrate' *Animal Welfare* 2002 Vol 11 p 371-384.

age to as low as 14 days.¹¹⁴ The stress of abrupt weaning results in a high incidence of clinical disease and diarrhoea among piglets.¹¹⁵

FARROWING CRATES & PREMATURE/ ABRUPT WEANING - KEY POINTS

- Farrowing crates allow almost zero movement for pregnant pigs.
- Sows give birth on concrete and are unable to fulfil their need to make a nest.
- Slatted or solid floors in farrowing crates increase the incidence of foot lesions in piglets.
- The stress of abrupt weaning results in piglets having a high incidence of clinical disease and diarrhoea.

5. Mutilations

a) Tail docking

i) Tail docking of pigs is a noted concern of welfare groups in Australia and overseas.¹¹⁶ Producers tail dock to shorten the tail, reducing its attraction as a target for biting by other pigs. No anaesthetic is used. Once amputated, the tail stump may become highly sensitive due to the formation of neuromas (tangled bundles of nerve fibres that can randomly fire). In human amputees, neuromas can be responsible for long term chronic pain.¹¹⁷ It has been observed that up to a week after the procedure, piglets

showed trembling, leg shaking, sliding on their hindquarters and tail-jerking. Some vomited and they lay down slowly, sparing their hindquarters.¹¹⁸ Eighty-two scientists who commented on these findings, agreed that:

*“it seems reasonable to assume that considerable pain is experienced for a few days”*¹¹⁹

ii) It is unclear just how effective tail docking is in reducing tail biting according to recent Australian research.¹²⁰ However, it is clear that provision of straw-based bedding in pens, providing adequate feeding space and managing stocking densities reduces the incidence of tail biting. Other suggestions relate to the lack of stimulation in the pig environment, overcrowding, poor air quality and temperature changes, all of which can cause tail biting.¹²¹

iii) In contrast to the lack of protection offered to pigs, Agriculture Ministers in all Australian states and territories agreed in 2003 that routine tail docking of dogs should no longer be permitted.¹²²

b) Teeth clipping

i) One of the primary reasons that producers clip needle teeth in newborn pigs is to protect sow teats, udders and faces from injuries. No anaesthetic is used and it is likely that the process induces severe pain in piglets, which may last for up to fifteen days.¹²³ Research has not concluded that teeth clipping has any benefit to sows. Rather, inaccurate clipping is a serious welfare concern.¹²⁴

114 NSW Agriculture 'Pig husbandry in the farrowing shed' AgNote DAI-60 Revised April 2002.

115 P. Baynes and M. Varley, 'Gut health: practical considerations', in M.A. Varley and J. Wiseman (eds) *The Weaner Pig: Nutrition and Management* CABI Publishing, 2001 chapter 12.

116 Pigs: Welfare Audit for the Pork Industry, above n. 85.

117 *ibid.*

118 F. Wemelsfelder and van Putten, 'Behaviour as a possible indicator for pain in piglets' IVO Report B-260. Zeist: institute voor Veeteelkundig Onderzoek, quoted in A.F. Fraser and D.M. Broom *Farm Animal Behaviour and Welfare* CABI Publishing 1997 Chapter 29.

119 A.F. Fraser and D.M. Broom *Farm Animal Behaviour and Welfare* CABI Publishing 1997 Chapter 29.

120 Pigs: Welfare Audit for the Pork Industry, above n. 85.

121 *ibid.*

122 Primary Industries Ministerial Council, Communique, *PIMC* 4, 2 October 2003.

123 Hay M, Rue J, Sansac C, Brunel G, Prunier A. 'Long-term detrimental effects of tooth clipping or grinding in piglets: a histological approach' *Animal Welfare Journal* vol 13, issue 1, February 2004.

124 Pigs: Welfare Audit for the Pork Industry, above n. 85.

MUTILATIONS - KEY POINTS

- Tail docking of piglets without pain relief causes considerable pain leading to trembling, leg shaking, sliding on their hindquarters, tail-jerking and vomiting.
- It is unclear just how effective tail docking is in reducing tail biting.
- Provision of straw-based bedding in pens, providing adequate feeding space and managing stocking densities is known to reduce the incidence of tail biting.
- Teeth clipping of piglets is a serious welfare concern and has no clear contribution to protecting sows from injury.

withdraw in order to terminate the aggressive interaction.¹²⁷ Crowded living conditions as experienced in intensive farming leads to chronic stress (higher cortisol response) as well as behavioural changes suggesting that the animals' welfare was compromised.

b) The allocation of space purely on economic considerations without regard to the behavioural needs of the pigs is clearly at odds with present consumer concern in Australia. Concern for animal welfare in intensive production industries is growing and allocation of space on purely economic principles should be actively discouraged.¹²⁸

c) Studies have shown that when given a choice, pigs prefer areas which are 2.5 to 3.9 times larger than those provided for in the Pig Code.¹²⁹ Crowding in space allowances accepted under the Code results in lower weight gain.¹³⁰

6. Space Allowance

a) More than 90% of growing pigs are raised in confinement.¹²⁵ Studies have shown that pig aggression generally increases as space allowance decreases.¹²⁶ When a pig is aggressive, the recipient of the aggression signals their submission by retreating. Pigs therefore need sufficient space to

SPACE ALLOWANCE - KEY POINTS

- Pig aggression generally increases as space allowance decreases.
- Crowded living conditions leads to chronic stress.

125 'Intensive Livestock Production': Report by the Senate Select Committee on Animal Welfare' 1990 Australian Government Publishing Service: Canberra. Part three -pigs.

126 J. Petherick and J. Blackshaw, 'A review of the factors influencing the aggressive and agonistic behaviour of the domestic pig' *Australian Journal of Experimental Agriculture* 1987 vol 27 p 605-611.

127 *ibid.*

128 G. Pearce and A. Paterson 'The effect of space restriction and provision of toys during rearing on the behaviour, productivity and physiology of male pigs' *Applied animal behaviour Science* 1993 vol 36 p 11-28.

129 *Australian Model Code of Practice for the Welfare of Animals - Pigs (2nd edition, 1998)*, above n.54.

130 G. Pearce and A. Paterson 'The effect of space restriction and provision of toys during rearing on the behaviour, productivity and physiology of male pigs' *Applied animal behaviour Science* 1993 vol 36 p 11-28; M. Meunier-Salaun, A. Vantrimonte M Raab and R. Dantzer 'Effect of floor area restriction upon performance, behaviour and physiology of growing-finishing pigs' *Journal of Animal Science* 1987 vol 64 p 1371-1377; H. Gonyou and W. Sticklin 'Effects of floor area and group size on the productivity of growing/finishing pigs' *Journal of Animal Science* 1998 vol 76 p 1326-1330; J. Randolph and G. Cromwell *et al* 'Effects of group size and space allowance on performance and behaviour of swine' *Journal of Animal Science* 1981 vol 53 p 922-928; S. Edwards, A. Armsby and H. Spechter 'Effects of floor area allowance on performance of growing pigs kept on fully slatted floors' *Animal Production* 1988 vol 46 p 453-459.

IV. ALTERNATIVES

I. Family Pens and Hooped Roof Structures

a) The family pen system for pigs

i) In the family pen system, pioneered at the University of Bern (Switzerland), piglets and fattening pigs grow up together with their mother in family groups that are similar to the natural social organisation of pigs. In this system each family group, made up of 4 or 5 sows, lives in a family pen containing separate nest areas for each sow and communal areas, including an outside yard. Straw bedding and materials for rooting are provided.¹³¹ About 2 weeks after farrowing, the group of sows with their litters are allowed to mix together. Piglets are suckled for 7 weeks at least and stay with the sow for 5 months. Tail-docking of the piglets is not allowed. This system is practical on a commercial farm. Sows brought up in the system produced 21.4 piglets a year, which is comparable to many intensive pig farms.¹³²

b) Hooped Roof Structures

i) A recent innovation for housing pregnant pigs has been the use of open-ended hooped roof structures, with litter floors, best known by the name 'ecoselters™'. They have been used in the past to house large groups (several hundred) of grower/finisher pigs and more recently there has been interest in using them for all stages of production. Hooped Roof Structures are considered low cost buildings, which rely on bedding to absorb faeces and urine as well as for use when sleeping. They generally have a concrete platform for feeders

and drinkers and a compacted surface for the deep bedding. They can house groups varying from less than 20 to several hundred sows. They are frequently open-ended buildings with gates.¹³³

2. Free-range Overview

a) Outdoor pig production has expanded greatly in recent years both in Australia and internationally for many reasons including¹³⁴:

- i) the capital cost is significantly lower;
- ii) by using improved breeds and management techniques, performance and production can be comparable with indoor systems;
- iii) farmers are looking for alternative forms of income through mixed enterprises;
- iv) there are fewer pollution restrictions to outdoor units; and
- v) premiums for niche [humane] market products.

b) Due to public concerns about the welfare of intensively housed pigs and growing demand for free-range and organic products, an Australian Government Rural Industries Research and Development Corporation Report (the 'RIRDC Free-Range Report') asserts that more pigs will be reared under free-range environments where they can express their natural behaviour.¹³⁵

c) Welfare

i) According to the RIRDC Free-Range Report the free-range system is better for animal welfare.¹³⁶ Furthermore, an international survey which included the opinions of 11 pig experts

¹³¹ B. Wechsler, 'Rearing pigs in species-specific family groups, *Animal Welfare* 1996 Vol 5 p 25-35.

¹³² *ibid.*

¹³³ J.J.L. Barnett and H. Hemsworth *et al.*, above n. 14.

¹³⁴ Pigs: Welfare Audit for the Pork Industry, above n. 85.

¹³⁵ Phil Glatz and Yingjun Ru, Developing Free-range Animal Production Systems, Rural Industries Research and Development Corporation, December 2004.

¹³⁶ *ibid.*



from 6 countries included free-range housing systems amongst their highest welfare ratings.¹³⁷

ii) Various studies have found that free-range pigs are healthier than indoor pigs¹³⁸ and have fewer respiratory problems.¹³⁹ Free-range pigs have also been found to be calmer and less susceptible to stress.¹⁴⁰

iii) A paper prepared by Australia's largest piggery, QAF Meat Industries, acknowledges the potential advantages of improved body condition, reduced leg and feet problems and better immunological status of sows in deep-litter systems rather than stalls. The paper concludes that this may lead to long term welfare improvements.¹⁴¹

d) Methodology

i) Outdoor production systems for sows are common in a number of European countries.¹⁴² Breeding sows are kept in free-range conditions in fenced paddocks for gestation, farrowing and lactation and piglets are usually removed to indoor units when they are weaned at around 21-28 days old.¹⁴³ Accommodation for pregnant sows can be in communal shelters and there are smaller individual huts for when they sows give birth. Pigs are behaviourally well adapted to cope with the problems of farrowing under free-range conditions.¹⁴⁴

ii) Modern outdoor rearing systems require simple, portable housing, watering systems and feeders. Pigs and huts are moved with a tractor loader, hydraulic cart or all-terrain vehicle. Low cost, portable electric fencing works well and structures are dispersed over several acres. Animals distribute manure naturally and straw and corn stalks can serve as bedding. There are different systems for pigs at different physiological stages.¹⁴⁵

iii) Suitable farrowing accommodation can be provided for paddock sows.¹⁴⁶ Tried and tested methods include:

- 1) Individual insulated arcs bedded with barley straw;
- 2) Glass fibre 'pigloos' with straw bedding;
- 3) Lightweight easily portable farrowing huts with a canvas roof and no floor.

iv) Soil type is important for successful outdoor pig farming.¹⁴⁷ Soil should be light and free draining to avoid becoming water-logged. A low rainfall is desirable. The land should not contain steep slopes which can erode. Pigs must have protection from extreme weather and heat stress so shelters and tree belts are important. On good land, 15-20 sows can be kept per hectare.¹⁴⁸

¹³⁷ Family pen systems were also amongst the highest welfare ratings. M.B.M. Bracke, J.H.M. Mez, B.M. Spruijt and A.A. Dijkhuizen, 'Overall welfare assessment of pregnant sow housing systems based on onterviews with experts,' *Netherlands Journal of Agricultural Sciences* 1999 Vol 47 p 93-104 as quoted in *The Welfare of Europe's Sows in Close-Confinement Stalls*, Dr Jacky Turner, above n. 48.

¹³⁸ Phil Glatz and Yingjun Ru, above, n. 135.

¹³⁹ Pigs: Welfare Audit for the Pork Industry, above n. 85.

¹⁴⁰ Phil Glatz and Yingjun Ru, above, n. 135.

¹⁴¹ R.S. Morrison and L.J. Johnston 'Deep-litter, group-housing systems for gestating sows' QAF Meat Industries, Unpublished report, Presented at the 2005 Conference of the Australian Association of Pig Veterinarians, Gold Coast, Australia. <http://wcroc.coafes.umn.edu/Swine_Production_Systems.html>

¹⁴² Phil Glatz and Yingjun Ru, above, n. 135.

¹⁴³ Pig Welfare Advisory Group, *Non-straw or low straw systems for housing dry sows*, MAFF 1997 (PB3084).

¹⁴⁴ Phil Glatz and Yingjun Ru, above, n. 135.

¹⁴⁵ Phil Glatz and Yingjun Ru, above, n. 135.

¹⁴⁶ Dr Suzanne Pope, above n. 33.

¹⁴⁷ J. Riley 'How real is the outdoor sow option in Australia' *Milne's Pork Journal* 1996 February p 32-34; FAWC Report on the welfare of pigs kept outdoors 1996 Surbiton Surrey.

¹⁴⁸ *ibid.*

v) Various issues relating to free-range farming can be mitigated, according to the RIRDC Free-Range Report.¹⁴⁹ For example:

PROBLEM	SOLUTION
Pigs sensitive to temperature	Water drippers, sprays and wallows regulate ambient temperature and improve the production of free-range pigs.
Sunburn	Wallowing in mud coats and protects the skin.
Degradation of vegetation and build up of nutrients	Incorporate pigs into crop pasture rotation system.

e) Viability

i) Free-range pigs ‘perform’ comparably to intensive pigs in regards to weight gain, back fat and dressing percentage, according to a research project carried out by the RIRDC. In that project, pigs housed in hooped roof structures were successfully integrated into a pasture crop rotation system. The researchers concluded that pigs could be used in the same way as sheep in the wheat belt with benefits to soil fertility and potential for weed control.¹⁵⁰

ii) In another Australian study of sow performance in different housing systems, the

researcher concluded that ‘where management and stockmanship are good, the productivity of alternate housing systems can compete with and exceed that of conventional confinement housing for sows without compromising sow welfare’.¹⁵¹

f) Cost

i) When compared with indoor housing systems, the free-range system has the advantage of being less capital intensive. This has positive cost implications for free-range farmers. For example:

1) In the United Kingdom, outdoor accommodation for pigs has been shown to cost about 30% of the cost of indoor housing;¹⁵² and

2) An analysis in the United States in 1996, suggested that direct costs of production between indoor and outdoor systems were roughly the same for both systems.

On this basis, if a free-range producer can develop a niche market that pays more, it will obviously be more profitable.¹⁵³

ii) German reports also emphasise the advantages of the low investment and running costs required for outdoor herds¹⁵⁴ as well as benefits for the sows welfare and good farrowing results.¹⁵⁵ A study of a 200 sow herd over 3 years concluded that reproductive performance was equal to that of indoor sows making outdoor management of breeding sows an ‘attractive option’.¹⁵⁶

iii) With successful management, free-range pigs can grow as fast as indoor pigs.¹⁵⁷

¹⁴⁹ Phil Glatz and Yingjun Ru, above, n. 135.

¹⁵⁰ Phil Glatz and Yingjun Ru, above, n. 135.

¹⁵¹ B. Frey, ‘Sow performance in difference housing systems’ Presented at the Ninth Biennial Conference of the Australasian Pig Science Association Fremantle, Australia.

¹⁵² C.P. Baldwin, *Pig cost competitiveness in selected European countries*, Meat and Livestock Commission, February 1999.

¹⁵³ Department of Primary Industries, *Free range pigs*, Agricultural Note, February 1999.

¹⁵⁴ K. Spitschak and W. Franke, ‘Outdoor keeping of sow and piglets - more than only an alternative’. *Archiv für Tierzucht* 1997 Vol 40 p 35-40.

¹⁵⁵ B. Oldigs, M. Link, U. Baulain, and E. Kallweit ‘Investigation of outdoor piglet production in relation to animal welfare’ *Zuchtungskunde* 1995 Vol 67 p 230-244.

¹⁵⁶ K. Spitschak and W. Franke, above n. 154.

¹⁵⁷ Phil Glatz and Yingjun Ru, above, n. 135.



For example, in Denmark, outdoor pig breeding has been recognised as producing satisfactory production results.¹⁵⁸

g) A Growing Industry

i) In Australia, about 10% of the breeding herd is free-range and in WA it has risen to almost 20%.¹⁵⁹ This has almost doubled in the last five years.¹⁶⁰

ii) The number of sows housed outdoors has increased dramatically in the EU in recent years with 20% of UK breeding herds housed outdoors.¹⁶¹ The number of outdoor breeding farms increased from 209 to 1608 between 1984 and 1994 in France. Outdoor systems enable farmers with small capital resources to enter pig production with little risk.¹⁶²

iii) Outdoor pig production is also expanding on the south island of New Zealand.¹⁶³

h) Case Study

Case studies of free-range piggeries clearly demonstrate that the industry can be viable and successful.

i) Near Albany in WA the *Great Southern Outdoor Pig Company* keeps 3000 sows on 1500 acres, the worlds' largest outdoor herd.¹⁶⁴

(1) Straw-bedded huts and shade cloth provide shelter;

(2) The property has electric fences to ensure that pigs don't escape;

(3) Sows produce an average of 20 piglets a year which is comparable to indoor herds;

(4) There are no problems with lameness and the sows are fitter which facilitates farrowing;

ii) After weaning, piglets are moved into straw-bedded hooped roof structures.

ALTERNATIVES - KEY POINTS

- The family pen system and hooped roof structures have been used successfully in indoor pig housing.
- Outdoor pig production has expanded greatly in recent years in Australia.
- The capital costs of this form of production are lower.
- Studies suggest that production is comparable and that the pigs are calmer, less stressed, healthier and have better body condition.
- Sensitivity to heat by pigs and environmental damage can be mitigated.

158 A.G. Kongsted, V.A. Larsen and I.S. Kristensen *Frilandssøhold: Resultater fra Gardstuder - 1998*, DJF rapport Nr1 15, Ministeriet for Fodevarer, Landbrug og Fiskeri, January 2000.

159 Dr Suzanne Pope, above n. 33.

160 J.L. Barnett and H. Hemsworth et al, above n. 14.

161 Phil Glatz and Yingjun Ru, above, n. 135.

162 J. Dagorn, B. Badouard and S. Boulot 'Free range pig farming in France' *Techni Porc* 1996 Vol. 19(2) p 7-13.

163 B. McErlane 'Outdoor production expanding rapidly' *Milne's Pork Journal* 1995 March p 37-40.

164 I. Henschke 'Pigs in paddocks' *Landline ABC-TV* March 1 1988.

V. INDUSTRY OVERVIEW

I. National Features

a) GDP

In 2003-04, agriculture contributed 3% to Australia's total GDP.¹⁶⁵ Of that amount, pigmeat was the smallest of the main meat industries (beef, lamb, mutton, pigmeat and poultry), accounting for 2% or \$911m of total agricultural production (0.09% of total GDP).¹⁶⁶ The pigmeat industry accounts for approximately 1% of total employment in agriculture.¹⁶⁷

b) Industry Structure

The structure of Australia's pigmeat industry has changed significantly in the last 30 years, with the total number of pig producers declining by 94% since the early 1970s.¹⁶⁸ Despite the reduction in the number of pig producers, total pigmeat production grew by 130% during that period due to increases in:

- i) the number of pigs being kept by each producer (a reflection of the expansion of the intensive farming system);¹⁶⁹
- ii) the sow production rate (i.e. sows are producing more pigs for slaughter),¹⁷⁰ and
- iii) the yield of meat from each carcass (i.e. pigs are getting 'fatter' due to the use of technologies such as immunocastration, Betaine, pig growth hormones etc).¹⁷¹

c) Export and Import Markets

i) In 2004, Australia was the 6th largest exporter of pigmeat in the world, relying heavily on its 'clean, green' image, its disease-free status and its closeness to Asian markets.¹⁷² The 'clean, green' image is somewhat of a misnomer given that a large proportion of Australian pigmeat comes from pigs produced in intensive farms which may pose both human health and environmental problems.¹⁷³

ii) Australia's international competitiveness is highly dependent on pig prices in competitor countries, feed costs and fluctuating exchange rates. As modern piggeries increase in size, it is becoming more difficult for pork producers to respond to short term fluctuations in input and output prices.¹⁷⁴ This was especially evident in the period between mid 2002 and late 2003 when Australia's international competitiveness declined due to lower pig prices in competitor countries, high feed costs due to drought and our appreciating dollar.¹⁷⁵

iii) Notwithstanding the size of our export market, Australia was the world's 11th largest importer of pigmeat in 2004. Its principal competitors are Canada and Denmark.¹⁷⁶ However changes to Australian quarantine regulations have now introduced the US as a

165 Productivity Commission 2005, *Australian Pigmeat Industry*, Report no. 35, Melbourne, p 6. <<http://www.pc.gov.au/inquiry/pigmeat/finalreport/pigmeat.pdf>>

166 *Australian Pigmeat Industry*, Report, above n. 165, p 5.

167 Australian Government Department of Agriculture Fisheries & Forestry, *Australian Agriculture and Food Sector Stocktake*, (Commonwealth of Australia), March 2005, p 52.

168 *Australian Pigmeat Industry*, Report, above n. 165, p 9.

169 *ibid.*

170 *ibid.*

171 *ibid*; Australian Pork Limited, *Producer's guide to heavy pig carcass production in Australia*, Queensland Government Department of Primary Industries and Fisheries [25 October 2005] <<http://www.dpi.qld.gov.au/pigs/8065.html>>

172 Income from exported pigmeat was valued at \$195m in 2003-04; *Australian Pigmeat Industry*, Report, above n. 165, p 24.

173 Peter Stevenson, 'The Economics of Factory farming: A Paper by Compassion in World Farming', July 2002. The Australian Pork Industry also appears to have assumed that reduced antibiotic use will increasingly be demanded by consumers. See: Australian Pork Limited, APL Submission 4, Productivity Commission Australian Pigmeat Public Industry Public Inquiry, 1 February 2005, p 44 [25 October 2005] <<http://www.pc.gov.au/inquiry/pigmeat/subs/subdr062.pdf>>

174 *Australian Pigmeat Industry*, Report, above n. 165, p xvii.

175 *Australian Pigmeat Industry*, Report, above n. 165, p xiv.

176 For the purpose of this analysis, the European Union was treated as one entity. See; *Australian Pigmeat Industry*, Report, above n. 165, p 24 & p 26.



major supplier. Recent court challenges to Australia's quarantine protocols had the potential to effect (and even halt) the import of pigmeat from some of the country's major suppliers. However a November 2005 High Court ruling has ended industry's current attempts to challenge rules concerning the import of pigmeat from countries that have recorded post-weaning multi-systemic wasting syndrome (PMWS).¹⁷⁷

2. The Pigmeat Inquiry

a) In August 2004, the Federal Government announced that a public inquiry was to be undertaken by the Australian Productivity Commission in response to the pork industry's concerns about economic difficulties being experienced by producers.¹⁷⁸ The Inquiry's Report, the *Australian Pigmeat Industry Productivity Commission Inquiry Report* ('Report'), was released by the Australian Government on 16 August 2005.¹⁷⁹ Of particular relevance is the message that the Australian Pork Industry lacks a competitive edge and is struggling to compete in world markets. For example, in its submission to the Australian Pigmeat Inquiry, Australian Pork Ltd suggested that Australia's industry:

*"is in serious trouble as a substantial part of it is not globally competitive."*¹⁸⁰

Similarly, the NSW Farmers Association suggested that:

*"subsidised pork imports coupled with periods of excessive grain prices for the 'one in a hundred year drought' has led many pork producers to exit the industry".*¹⁸¹

b) The Report identified a number of issues which are relevant to stakeholders in the Australian pigmeat industry (including those in NSW). These include:

i) Large-scale international production

Notwithstanding the expansion in size of modern piggeries, Australian pigmeat producers are finding it difficult to compete with large scale North American producers who have cost advantages over Australian industry, including lower feed and processing costs.¹⁸²

ii) High trade barriers and support to overseas producers.

Australian pigmeat producers are not operating on a level playing field. Many of our major trading partners, particularly in the EU, maintain high tariff barriers and quarantine barriers which are impeding export expansion.¹⁸³ Australian pigmeat producers also receive significantly less government assistance than their European and Canadian counterparts.¹⁸⁴

iii) Difficulties recruiting and retaining labour.

Submissions from pork producing bodies and government suggest that the industry is having difficulty recruiting and retaining labour. This may be a combination of the lack of long-term

177 *Australian Pork Ltd v Director of Animal and Plant Quarantine* [2005] FCA 671; See also Australian Pork Limited, 'High Court Challenge Launched', 6 October 2005 [25 October 2005] <<http://www.australianpork.com.au/index.cfm?menuid=B7FFD86F-9027-E533-1F776DB0438BF5AC>>; *Australian Pork Ltd v Director of Animal and Plant Quarantine & Others*, High Court of Australia, 18 November 2005.) Special leave to appeal was refused by the High Court of Australia on 18 November 2005. The transcript of the proceedings was unavailable at the time of publication of this Report.

178 The Hon Peter Costello MP & The Hon Warren Truss MP, 'Productivity Commission to Inquire into Pigmeat Industry', (Press Release, 31 August 2004), [30 June 2005] <<http://www.treasurer.gov.au/tsr/content/pressreleases/2004/075.asp>>

179 *Australian Pigmeat Industry*, Report, above n. 165.

180 Australian Pork Limited, APL Submission 1, *Productivity Commission Australian Pigmeat Public Industry Public Inquiry*, 19 October 2004, p 6.

181 NSW Farmers Association, *Productivity Commission Inquiry into the Australian Pigmeat Public Industry: Response to Issues and Questions Paper*, October 2004, p 2.

182 *Australian Pigmeat Industry*, Report, above n. 165, p 41.

183 Japan has a gate price system which requires importers to pay the difference between the imported value and the gate price and a tariff of 4.3% on chilled, fresh or frozen pigmeat. Taiwan also imposes a 55% tariff on fresh, chilled or frozen pork bellies and 13% on fresh, chilled or frozen pigmeat; Quarantine restrictions on importing cheap grain into Australia may also impede international competitiveness and consequently export expansion in the pigmeat industry. *Australian Pigmeat Industry*, Report, above n. 165, p xxviii and xxix.

184 OECD estimates suggest that the monetary (PSE) value of transfers from consumers and taxpayers to support pigmeat producers was equivalent to 3.59% of producers' gross incomes in 2003 (OECD 2004). This compares with almost 24% in the EU and 8.45% in Canada. (US farmers, similarly to Australian farmers, received approximately 3.56% of their income in assistance). *Australian Pigmeat Industry*, Report, above n. 165, pp xxiv; *Australian Agriculture and Food Sector Stocktake*, above n. 167, p 51.

career prospects in the industry, comparatively low rates of pay and the relatively poor working conditions.¹⁸⁵

3. Government and Industry Assistance

a) Although Australian pigmeat producers receive comparatively less government assistance than their European counterparts, substantial funds continue to be allocated to help pigmeat producers become more competitive. A considerable percentage of the funds from industry bodies, (chiefly Australian Pork Limited,) seek to provide assistance through marketing, research and development and quality assurance programs.¹⁸⁶ Two matters of note are:

i) A substantial proportion of both government and industry assistance is currently directed towards increasing the scale of production of piggeries and promoting 'horizontal and vertical integration' across the supply chain.¹⁸⁷ This places the focus on achieving economies of scale as opposed to pursuing product differentiation as a basis for establishing a competitive advantage;

ii) The improvement of animal welfare has not been hitherto well explored by industry as a basis for improving industry competitiveness.¹⁸⁸ To the contrary, changes in animal welfare, health and environmental regulations are often seen as imposing costs on industry which may impact on overall competitiveness. Despite this, the Report notes that the impact of higher animal welfare standards on Australia's international competitiveness is relatively minor when compared with other impediments facing the pigmeat industry.¹⁸⁹

b) While a considerable proportion of government funding directed towards the pigmeat industry arises from agreements to match industry funding¹⁹⁰, the government has also provided substantial ongoing support to the pigmeat industry both through general agricultural assistance and industry specific programs. For example:

i) The Government recently confirmed its seven-year \$26m commitment to the development of an Adelaide-based Pork Cooperative Research Centre ('CRC') focussed on boosting the international competitiveness of the pork industry. The CRC is part of an \$80m joint investment with industry and research participants.¹⁹¹

ii) The *National Pork Industry Development Program* was aimed at enhancing market development and increasing the industry's international competitiveness. This program ran from 1999-2000 to 2001-2002 and cost government and industry \$11.6m.¹⁹²

iii) The *Pork Producer Exit Program* was designed to allow severely affected pig producers to voluntarily exit production. This program ran from 1999-2000 to 2001-2002 and cost government and industry \$3.1m.¹⁹³

iv) The *Porkbiz Program* was designed to improve the competitiveness and market focus of pig producers and to promote the formation of vertical and horizontal networks. This program ran in two stages, from July 1999 to December 2000 and December 2000 to March 2002 and cost government and industry \$1.1m.¹⁹⁴

v) Income tax concessions such as the variation of livestock for taxation program

185 Submissions from the Western Australia Department of Agriculture and the West Australian Pork Producers' Association summarised at *Australian Pigmeat Industry*, Report, above n. 165, pp 136-137.

186 *Australian Pigmeat Industry*, Report, above n. 165, p 84.

187 *Australian Pigmeat Industry*, Report, above n. 165, p xxx.

188 *Australian Pigmeat Industry*, Report, above n. 165, pp 148 and 160.

189 *Australian Pigmeat Industry*, Report, above n. 165, pp 152 and 160.

190 For example, Australian Pork Limited's Research and Innovation Program. See: *Australian Pigmeat Industry*, Report, above n. 165, p 240.

191 The Hon Peter McGauran MP, '\$80 million invested for industry innovation', (Press Release, 18 October 2005), [25 October 2005] <<http://www.maff.gov.au/releases/05/05049pm.html>>

192 *Australian Pigmeat Industry*, Report, above n. 165, p 243.

193 *Australian Pigmeat Industry*, Report, above n. 165, p 246.

194 *Australian Pigmeat Industry*, Report, above n. 165, p 245.

cost the government an estimated \$145m in tax revenue foregone in 2003-04, for all livestock producers.¹⁹⁵

4. Pigmeat Production in NSW

e) In 2001-02, NSW raised the greatest number of sows in Australia (approximately 98,500 of 355,700 Australia-wide).¹⁹⁶ In that same year, there were 832 pig breeding establishments.¹⁹⁷ 1% of these held more than 1,000 pigs each and produced more than 48% of the state's sows collectively.¹⁹⁸

f) In 2001, there were approximately 805 people in NSW directly employed in pigmeat production and processing.¹⁹⁹ NSW pig producers tend to be located around grain growing regions and a number of them have formed cooperatives or alliances to maximise efficiency and arguably compete more effectively in domestic and international markets. Other, larger piggeries such as those on the NSW-Victorian Border, support local areas, but are primarily foreign owned.²⁰⁰

g) NSW is the biggest producer of pigmeat in Australia, supplying 30% of total production in 2003-04.²⁰¹ NSW slaughtered approximately 1.86m pigs in the twelve months leading up to June 2003.²⁰²

INDUSTRY OVERVIEW - KEY POINTS

- Pigmeat production is the smallest of the 'main meat' industries, accounting for approximately 0.09% of total GDP in 2003-04.
- Between 1970-71 and 2002-03, the number of pig producers Australia-wide declined by 94%; however production increased by 130% in that same period.
- Australian pork producers are facing considerable difficulties competing in international markets and have turned to establishing economies of scale as a means of improving their international competitiveness.
- Government and industry have spent millions of dollars seeking to assist pork producers in restructuring or exiting the market.
- Despite establishing economies of scale, Australia's international competitiveness continues to fluctuate and new methods of product differentiation must be sought.
- NSW is Australia's biggest producer of pigmeat and raises the most sows Australia wide.
- In 2001-02, 1% of NSW pork producers held more than 48% of the state's sows collectively.
- Some of the largest piggeries in NSW are foreign owned.
- Only 805 people were directly employed in pig farming in NSW in 2001.

¹⁹⁵ Separate figures for pig producers not available; *Australian Pigmeat Industry, Report*, above n. 165, p 248.

¹⁹⁶ *Australian Pig Annual 2003*, Australian Pork Limited (2004), p 9.

¹⁹⁷ *ibid.*

¹⁹⁸ *ibid.*

¹⁹⁹ This figure applies to pig farming only i.e. it excludes those involved in the ham and small good manufacturing sectors and the meat abattoir sector; *Australian Agriculture and Food Sector Stocktake*, above n. 167, p 52.

²⁰⁰ Anthony Hoy, 'High on the Hog', *The Bulletin*, 4 February 2004.

²⁰¹ *Australian Agriculture and Food Sector Stocktake*, above n. 167, p 50.

²⁰² *Australian Pig Annual 2003*, above n. 196, p 21.

VI. ARGUMENTS IN FAVOUR OF BANNING FACTORY FARMING

I. The Current Legislation has Institutionalised Cruelty

- a) Sow stalls cause stereotypes (purposeless repetitive behaviour believed to indicate suffering), clinical depression, illness and physical damage.
- b) Farrowing crates with slatted or solid floors can cause foot lesions in piglets and also prevent sows' primary nesting instinct.
- c) Mutilations (tail docking, teeth trimming and castration of piglets) without appropriate pain relief are painful and arguably unnecessary.
- d) Crowding in pens can lead to chronic stress and increased aggression.

2. Free-Range Pork is a Valuable Form of Product Differentiation

- a) The production of large amounts of free-range pork may prove to be a useful form of product differentiation which would boost Australia's international competitiveness. Niche markets in free-range pork are already developing, as is evidenced by the increased exports of Berkshire Pork to Japan.²⁰³ Organic pigmeat has also emerged as a competitive product based on its unique qualities.²⁰⁴
- b) The Government should consider developing an enforceable regulatory regime for labelling animal products to assist producers that choose to invest in humane production systems. In the same way

that 'country of origin labelling' is being considered as a basis for encouraging the purchase of Australian products, a system of 'humane labelling' should be introduced to benefit producers whose customers opt for free-range products.²⁰⁵

3. Government Won't Need to Fund a 'Struggling Industry'

The evidence above suggests that Australian pork producers are facing considerable difficulties competing in international markets. Government and industry has spent millions of dollars seeking to assist pork producers in restructuring, which has included assistance aimed at facilitating exits from the market. Despite establishing economies of scale, Australia's international competitiveness continues to fluctuate and new methods of product differentiation must be sought. Government funds would be better directed towards supporting the humane farming industries which consumers are increasingly demanding.

4. NSW as a Leader in the Area of Animal Welfare Reform

Since 1997, the Carr Government's record on animal welfare reforms has included the banning of fire face branding, steel-jawed traps, the tethering of pigs and tail docking of dogs for cosmetic purposes.²⁰⁶ Promoting well-managed free-range piggeries by banning intensive farming practices is the next logical step.

203 Associated Press, 'Hog Farmers Eye Breeds for Tastier Pork', Forbes.com, (16 May 2005) [22 July 2005] <<http://www.forbes.com/business/feeds/ap/2005/05/16/ap2028469.html>>

204 Australian Pigmeat Industry, Report, above n. 165, p 66; Peter Lewis, 'Old-fashioned pigmeat tantalises taste buds', Landline (3 April 2005), [22 July 2005] <<http://www.abc.net.au/landline/content/2005/s1336120.htm>>

205 Parliament of Australia, Research Note, 'Country of Origin Labelling: Are consumers willing to pay more for Australian Products?', no. 8, Department of Parliamentary Services, 5 September 2005. <<http://www.aph.gov.au/library/pubs/RN/2005-06/06rn08.pdf>>

206 The Hon. Richard Amery, NSW Legislative Assembly Hansard, 6 November 2001, pp 18121; *Prevention of Cruelty to Animals Amendment (Tail Docking) Act 2004* (NSW).



5. Australian Agriculture Should be Returned to the Hands of the Small Family Farmer

The number of pig farmers in Australia has dramatically declined over the last 30 years and the pigmeat industry has increasingly moved into the hands of a small numbers of large-scale producers who are seeking to compete with global economies of scale. The iconic Australian farmer cannot compete with large-scale industry and the family farm is fast becoming a figment of history. The NSW Government should act now to support the revival of well-managed family farms.

6. Australian Agriculture is Becoming Less Australian

In what appears to be part of a worldwide trend towards the globalisation of factory farming, Australia's largest piggeries are being bought out, or brought into the country, by foreign investors. For example, QAF Meats Pty Ltd which is largely based in NSW, produces 20% of national pork volumes and is wholly owned by QAF Limited, the 'QAF Group' of Singapore.²⁰⁷ PIC (Pig Improvement Company), which is the largest pig breeding and technology company in Australia and a supplier to commercial producers, is also based in NSW. It is part of a global network which operates in 30 countries, including Europe, the Americas and Asia.²⁰⁸

ARGUMENTS IN FAVOUR OF BANNING FACTORY FARMING - KEY POINTS

- The current legislation has institutionalised cruelty.
- Free-range pork is a valuable form of product differentiation.
- Government won't need to fund a 'struggling industry'.
- NSW as a leader in the area of animal welfare reform.
- Australian agriculture should be returned to the hands of the small family farmer.
- Australian agriculture is becoming less Australian.

²⁰⁷ QAF Meat Industries, 'Welcome' [11 July 2005] <<http://www.qafmeats.com.au/dir231/qafweb.nsf/meat/default.htm>>

²⁰⁸ PIC International Groups, 'About PIC' [11 July 2005] <<http://www.pic.com/>>; 'Welcome to PIC Australia' [11 July 2005] <<http://www.picaustralia.com.au>>

APPENDIX: DEFINITIONS ²¹⁰

Boar	An uncastrated male over nine months of age.
Dry sow	An adult female pig whose milk has dried up. These pigs are classified as 'dry' until their next farrowing.
Dry sow housing	A type of indoor group housing system comprised of pens in which sows are kept for part or all of the gestation period.
Family pens	A type of indoor group housing system comprised of pens in which sows spend their pregnancy, give birth and suckle their young to weaning.
Farrowing	To give birth (to a litter of pigs).
Farrowing stall / crate	An enclosure/crate which sows are moved into prior to giving birth and in which they remain until piglets are weaned at about 3 weeks of age.
Fattening pig	Any pig that is being reared for its meat as opposed to sows and boars kept primarily for breeding ie to produce piglets.
Finisher pens	An enclosure which growing pigs are moved into at the completion of their period in growing pens (17-24 weeks).
Group housing on deep litter	A type of indoor group housing system in which female pigs are kept on deep litter, such as straw or sawdust.
Grower pens	An enclosure which growing pigs are moved into at the completion of their period in weaner pens (10-16 weeks)
Sow	An adult female pig that has had at least one litter.
Sow stall/crate	An enclosure closely related to a sow's body size in which sows are housed individually. May also be referred to as a gestation crate.
Tail docking	The process of removing a pig's tail, or half tail, usually with a single-sided pair of disinfected shears to cut and crush the tail and stem the bleeding.
Teeth trimming	The process of clipping needle teeth in newborn pigs.
Weaner pens	An enclosure used to house prematurely weaned pigs after they are removed from the sow.

210 Adapted from National Animal Welfare Advisory Committee New Zealand, *Animal Welfare (Pigs) Code of Welfare: A code of welfare issued under the Animal Welfare Act 1999*, Code of Welfare No.3, 1 January 2005. <<http://www.biosecurity.govt.nz/animal-welfare/codes/pigs>>



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