



SUBMISSION ON THE PROPOSED INDUSTRY CODE FOR GROWING FREE RANGE EGGS IN SOUTH AUSTRALIA

15 July 2013

Voiceless Limited

ACN 108 494 631
2 Paddington Street
Paddington NSW 2021

P +61 2 9357 0703

F +61 2 9357 0711

Disclaimer: Voiceless Limited ACN 108 494 631 ('Voiceless') is a company limited by guarantee. Voiceless is not a legal practice and does not give legal advice to individuals or organisations. While Voiceless makes every effort to ensure the accuracy of information presented on its behalf, Voiceless does not guarantee the accuracy or completeness of that information. Information is provided by Voiceless as general information only and any use of or reliance on it should only be undertaken on a strictly voluntary basis after an independent review by a qualified legal practitioner (or other expert). Voiceless is not responsible for, and disclaims all liability for, any loss or damage arising out of the use of or reliance on information it provides. To learn more about Voiceless, please visit <http://www.voiceless.org.au>

ABOUT VOICELESS

As an innovator, capacity builder and ideas-generator, Voiceless plays a leading role in the development of a cutting edge social justice movement, animal protection.

With a highly professional and well-educated team, Voiceless brings together like-minded compassionate Australians from the legal, academic, non-profit and education sectors to form strong and effective networks.

Voiceless believes in the provision of quality information, analysis and resources to inspire debate and discussion and to empower individuals and organisations to generate positive social change.

Voiceless is a non-profit Australian organisation established in May 2004 by father and daughter team Brian and Ondine Sherman.

To build and fortify the animal protection movement, Voiceless:

- gives grants to key projects which create the groundswell for social change;
- cultivates the animal law community through the provision of leadership, educational opportunities and resources; and
- raises awareness of animal protection issues within the education system in order to strengthen democratic skills, promote critical thinking and encourage advocacy amongst students.

PATRONS

J.M. COETZEE, Nobel Prize for Literature Winner 2003, author of 'Lives of Animals' and 'Elizabeth Costello'

BRIAN SHERMAN AM, businessman and philanthropist

DR JANE GOODALL, world-renowned primatologist and animal advocate

THE HON MICHAEL KIRBY AC CMG, former judge of the High Court of Australia

AMBASSADORS

HUGO WEAVING, Actor: Oranges and Sunshine, Last Ride, Little Fish, Lord of the Rings Trilogy, Matrix Trilogy, The Adventures of Priscilla Queen of the Desert

EMILY BARCLAY, Actor: Prime Mover, Piece of my Heart, Suburban Mayhem, In My Father's Den

ABBIE CORNISH, Actor: w.e., Suckerpunch, Limitless, Bright Star, Stop Loss, Elizabeth: The Golden Age, A Good Year, Somersault, Candy

For further information visit <http://www.voiceless.org.au>

All correspondence in relation to this submission should be directed to:

Mr Emmanuel Giuffre
Voiceless
2 Paddington Street
Paddington NSW 2021 AUSTRALIA
T: + 612 9357 0713
F: + 612 9357 0711
Email: emmanuel@voiceless.org.au

© 6 May 2013

1. Introduction

- 1.1. This submission addresses the proposed Industry Code for Growing Free Range Eggs in South Australia (**Code**).
- 1.2. Voiceless commends the South Australian Government on its proposal and for inviting submissions from the public. While Voiceless acknowledges the Code is a step in the right direction, unfortunately Voiceless does not consider that the Code goes far enough to improve the welfare of the hundreds of thousands of layer hens suffering in factory farms in South Australia.¹

2. Key recommendations

Prohibition of battery cages and other factory farming animal husbandry practices: making the Code mandatory

- 2.1. Voiceless's focus is on alleviating the suffering of all animals exploited in factory farming practices. In relation to egg production, this includes the hundreds of thousands of layer hens suffering in caged egg-production systems or 'battery cages'. This also includes the layer hens who are subject to such cruel, inhumane and degrading animal husbandry practices as de-beaking and forced molting – processes that continue to be permitted, even under some free range accreditation schemes.
- 2.2. Every year, millions of layer hens – highly intelligent and emotionally complex sentient beings² – are confined to cages no greater than the size of an A4 sheet of paper for the duration of their short lives.³ Caged or 'battery' hens are unable to exhibit natural behaviours that are essential to their physical and emotional wellbeing, including the ability to nest, perch, roost, scratch, forage and dust-bathe.⁴ Due to a lack of meaningful exercise, battery hens develop a range of physiological deficiencies, such as bone weakness due to disuse osteoporosis.⁵ The lack of natural sunlight, absence of fresh air and over-

¹ Australian Bureau of Statistics, <http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/1301.0~2012~Main%20Features~Agricultural%20production~260>, as at 20 June 2013.

² See, eg, Dr Jacky Turner, 'Stop- Look- Listen, The Sentience of Farm Animals', (2009) Compassion in World Farming, http://ciwf.org.uk/includes/documents/cm_docs/2011/s/stop_look_listen_summary_2009.pdf, as at 20 June 2013; Lesley J. Rogers, 'The Development of Brain and Behaviour in the Chicken', (CABI Publishing, 1st ed, 1995).

³ Based on minimum floor space requirements of 550cm² per bird. An A4 page, with sides of 21.0 cm x 29.7 cm, has an area of 623.7 cm². See *Prevention of Cruelty to Animals (General) Regulation 2006* (NSW) reg 17H(4)(a); *Animal Care and Protection Regulation 2002* (QLD) reg 10(2)(a)(ii); *Prevention of Cruelty to Animals Regulations 2000* (SA) reg 13N(2)(b)(c); *Prevention of Cruelty to Animals (Domestic Fowl) Regulations 2006* (VIC) reg 8(c); *Animal Welfare Regulations 1993* (Tas) reg 6(1)(c); *Animal Welfare Regulation 2001* (ACT) reg 8(3).

⁴ Heather Pickett, *Industrial Animal Agriculture*, (2003), Compassion in World Farming, http://www.ciwf.org.uk/includes/documents/cm_docs/2008/i/industrial_animal_farming_booklet.pdf, as at 20 June 2013.

⁵ Sara Shields and Ian J.H. Duncan, 'An HSUS Report: A Comparison of the Welfare of Hens in Batter Cages and Alternative Systems', the Humane Society of the United States,

crowding in caged systems results in many hens suffering from infectious diseases, parasites and production-related metabolic and reproductive diseases.⁶ Though these issues also arise in other intensive egg-production systems in factory farming, the consequences are especially severe in cage-systems. For example, laying hens with more freedom of movement in the cage-free system are less affected by abdominal and cardiac fat mass and fatty livers.⁷

- 2.3. Due to the suppression of many of their natural instincts and social interactions, hens raised in these conditions often become frustrated, triggering a range of abnormal aggressive behaviours, such as pecking, bullying and cannibalism.⁸ In an attempt to prevent this behaviour from causing injuries, factory farmers routinely beak-trim or ‘de-beak’ their hens.⁹ This usually involves the removal or burning of the upper and lower beak through the application of an electrically heated blade.¹⁰ Despite the fact that de-beaking is known to cause acute and chronic pain (particularly in older birds) due to tissue damage and nerve injury,¹¹ no state or territory law in Australia requires pain relief to be used in conjunction with the procedure.
- 2.4. ‘Spent’ hens are packed into overcrowded crates for transport to slaughter, many of whom are injured in the process. In transport vehicles, many hens suffer and even die from heat, cold, wetting, overcrowding and suffocation. Fully conscious, these hens are then shackled to an overhead conveyor belt by their feet – a process which is likely to be incredibly painful, particularly if the hens have been injured during crating and transport – before being stunned in an electrical water bath¹² and having their throats cut.¹³
- 2.5. One of the most horrific aspects of egg production in factory farming is the mass slaughter of male chicks. As layer hens are selectively bred, male hens are not suitable for meat production, and accordingly, are immediately slaughtered following hatching. The method of slaughter varies, but is usually done by either carbon dioxide gassing or quick maceration,¹⁴ which involves crushing or slicing the chicks between rollers.

<http://www.humanesociety.org/assets/pdfs/farm/hsus-a-comparison-of-the-welfare-of-hens-in-battery-cages-and-alternative-systems.pdf>, as at 20 June 2013.

⁶ Ibid, note 5.

⁷ Rönchen S, Scholz B, Hamann H, and Distl O. ‘Fat status in Lohmann Silver and Lohmann Tradition laying hens kept in modified small group housing systems, furnished cages and an aviary system’ (2008) *Berliner and Münchener Tierärztliche Wochenschrift* 121 (1/2):11-8

⁸ Ibid, note 4.

⁹ Model Code of Practice for the Welfare of Animals- Poultry, (4th Edition) (2002), para 5.

¹⁰ Philip Glatz, Michael Bourke, John Barnett, Kim Critchley, *Beak Trimming Training Manual*, (July 2002), Rural Industries Research and Development Corporation, 1 <http://esvc000410.wic023u.server-web.com/Images/SAR-35A.pdf>.

¹¹ Ibid, note 4.

¹² RSPCA, ‘Hen Lifecycle’, <http://www.hensdeservebetter.org.au/the-details/lifecycle.html> as at 2 July 2013.

¹³ Compassion in World Farming, ‘Welfare Sheet: Laying Hens’, http://www.ciwf.org.uk/includes/documents/cm_docs/2012/w/welfare_sheet_laying_hens.pdf as at 24 June 2013.

¹⁴ Model Code of Practice for the Welfare of Animals- Poultry, (4th Edition) (2002), para 14.1

- 2.6. These harmful practices ignore the extensive body of research which recognises that, like humans, chickens experience physical sensations and emotional responses such as pain, fear, anxiety, pleasure and enjoyment.¹⁵ Studies have shown that chickens are highly social animals with complex cognitive abilities.¹⁶ In recognising the inherent cruelty involved in cage systems, many countries have banned this practise, including the United Kingdom, France, Italy, Ireland, Germany, Switzerland, Belgium, Sweden, Luxembourg and the Netherlands.¹⁷ In 1999, the European Union Council Directive 1999/74/EC banned the conventional battery cage in the EU from 2012, after a 12-year phase-out.¹⁸
- 2.7. For these reasons, Voiceless is firmly opposed to the intensive factory farming of layer hens, including egg production systems that confine hens to cages. Until Australian state and territory laws expressly prohibit intensive factory farm practices such as the use of battery cages in egg production and the de-beaking and forced molting of hens, millions of animals will continue to be subjected to cruel, inhumane and degrading practises and continue to experience immense pain and suffering.
- 2.8. Accordingly, Voiceless recommends that the South Australian Government must implement a Code that is sufficiently robust in protecting the welfare of birds used in egg production, with compliance of the Code being mandatory for *all* egg producers in South Australia.

Truth in labelling

- 2.9. The Discussion Paper noted that the opt-in voluntary nature of the code would not prevent other South Australian producers from labelling their eggs as free range. Voiceless understands the operation of the *Mutual Recognition Act 1992* (Cth) and the Government's concerns in not limiting the competitiveness of South Australian producers with supposed free range producers from other states and territories. However, in Voiceless's opinion, permitting growers to label their products free range when those growers are not Code-compliant sends a confused message to consumers and to industry and fundamentally weakens the objectives of the Code. Consumers will be unable to identify which products are Code-compliant and will likely select the option that is most economical. If consumers are not purchasing Code-compliant products, then producers will have no incentive to sign up to the scheme.
- 2.10. This is part of a larger truth-in-labelling problem. There are a number of terms currently used to differentiate the source of animal products, including caged/battery eggs, barn laid

¹⁵ See, eg, Dr Jacky Turner, Stop- Look- Listen, *The Sentience of Farm Animals*, (2009) Compassion in World Farming, http://ciwf.org.uk/includes/documents/cm_docs/2011/s/stop_look_listen_summary_2009.pdf, as at 20 June 2013.

¹⁶ See, eg, Lesley J. Rogers, *The Development of Brain and Behaviour in the Chicken*, (CABI Publishing, 1st ed, 1995).

¹⁷ Environmental Organizers Network, *There is another way*, <http://www.wesleyan.edu/wsa/warn/eon/batteryfarming/anotherway.html> as at 8 July 2013

¹⁸ Council Directive 1999/74/EC of 19 July 1999, 'Laying Down Minimum Standards For The Protection Of Laying Hens', <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:1999:203:0053:0057:EN:PDF>, as at 20 June 2013.

eggs, free range eggs, open-range or range eggs, grain fed, free range, bred free range, organic and biodynamic. These commonly accepted terms are not defined in nationally consistent legislation, which means there is broad scope for consumer uncertainty as to their true meaning. What is needed is a national approach to labelling legislation, which includes:

- 2.10.1. a mandatory labelling regime for all animal products in accordance with the animal production system;
 - 2.10.2. a uniform set of defined terms that are linked to uniform animal protection standards;
 - 2.10.3. a regulatory monitoring and enforcement system (through consumer protection legislation) that ensures compliance with labelling laws;
 - 2.10.4. an extensive public education campaign to assist consumers in understanding the various production standards and systems and the descriptions on the labels;
 - 2.10.5. a 'traffic light' labelling system that differentiates between low, medium and high levels of animal welfare, also linked to the animal protection standards; and
 - 2.10.6. the placement of photos or images of animals on the products that reflect the animal production system (i.e., if battery cages are used, then a hen in a battery cage should be shown on the product). This would help eradicate confusion brought about by misleading labelling or insufficiently clear terms.
- 2.11. Mandatory egg labelling legislation has already been implemented in the ACT with the *Eggs (Labelling and Sale) Act 2001*, which clearly differentiates between "cage", "barn", "aviary" and "free range" eggs and makes it unlawful for producers to sell eggs without labelling their products in accordance with these defined terms. The legislation also makes it an offence for producers to incorrectly label their products. These identifying terms must be "conspicuously displayed" on the packaging.¹⁹ Also, cage, barn and free range eggs that are sold in a retail context must all be separated out into different sections of shelf space, and have signage naming the production method and describing the method using a prescribed definition.²⁰
- 2.12. While a nationally consistent approach would be ideal, Voiceless believes that South Australia has the opportunity to be a leader in this area by implementing its own mandatory labelling legislation on which other states and territories may base their legislation. At the very least, Voiceless believes that South Australia should implement legislation similar to that in the Australian Capital Territory that both defines egg production systems and requires retailers to separate products out into different sections of shelf space in accordance with those production systems. Retailers would also be required to put up signage naming the production method and describing the method

¹⁹ Section 5(c), *Eggs (Labelling and Sale) Act 2001* (ACT).

²⁰ Section 7-7B, *Eggs (Labelling and Sale) Act 2001* (ACT).

using the prescribed definitions. So long as all egg products are treated equally, this system would help to inform consumers and empower them to make ethical choices, whilst complying with the *Mutual Recognition Act 1992* (Cth).

3. Features of the proposed industry code

- 3.1. While Voiceless's ultimate position is a total ban on the use of battery cages and other such factory farming practices, Voiceless acknowledges the Government's proposed Code is a step in the right direction to improving the welfare of layer hens.
- 3.2. Accordingly, Voiceless sets out its position on the minimum standards that should be imposed by the Code below. Voiceless believes that the scheme needs to be **distinguishable** from other available free range accreditation schemes. Otherwise, the Code will simply be a political exercise with little substantive animal welfare outcomes. The Code may be distinguished in the following ways:
 - 3.2.1. **Setting the highest standards possible for egg production** – The Code must set the highest possible standards for egg production in comparison to all other available free range accreditation schemes.
 - 3.2.2. **“Whole of life” approach** – The Code must have a “whole of life” approach to hen welfare, setting appropriate welfare standards for hens from the point of hatching to the point of slaughter.
 - 3.2.3. **Credibility through endorsement** – To ensure the credibility of the Code, the Government should seek support and endorsement from consumer groups, industry groups, animal welfare experts (such as veterinarians and scientific experts), and importantly, animal welfare advocacy groups.
 - 3.2.4. **Reliability through management and control** – The Code must be managed and controlled effectively, including through accredited inspection and enforcement, not only self-regulation. Only through effective management can consumers be assured of the reliability of the scheme.
 - 3.2.5. **Penalties for non-compliance** – Penalties for breach or non-compliance should apply to those producers who subscribe to the Code. For example, those egg producers who gain free range accreditation by the scheme should have their accreditation revoked if the Code is breached, along with possible fines and a public notice that the particular brand is no longer free range.
 - 3.2.6. **An official information source** – Consumers should have public access to a current and frequently updated list of egg producers who are accredited by the scheme, and information as to what constitutes free range, egg production methodology and other kinds of egg production.

Basis for Voiceless's position

- 3.3. Voiceless's position is based on the "five freedoms for farm animals" which was espoused by the UK Government in the Brambell Report of 1965.²¹ The "five freedoms" are:
- 3.3.1. 'freedom from hunger and thirst': by ready access to fresh water and a diet to maintain full health and vigour.
 - 3.3.2. 'freedom from discomfort': by providing an appropriate environment including shelter and a comfortable resting area.
 - 3.3.3. 'freedom from pain, injury or disease': by prevention through rapid diagnosis and treatment.
 - 3.3.4. 'freedom to express normal behaviour': by providing sufficient space, proper facilities and company of the animal's own kind.
 - 3.3.5. 'freedom from fear and distress': by ensuring conditions and treatment which avoid mental suffering.²²
- 3.4. Voiceless's position is also based on extensive scientific research into the impact of factory farming on layer hen welfare. In particular, the research indicates the following:
- 3.4.1. **Space** – Sufficient space is fundamental to hen welfare. A lack of space inhibits the ability of layer hens to perform basic movement and natural behaviours, such as dustbathing, perching, foraging, stretching, preening and wing-flapping. Performance of these behaviours is necessary to avoid hen frustration, and accordingly, abnormal aggressive behaviours such as bullying, pecking and cannibalism.²³
 - 3.4.2. **Exercise** – Hens require regular and sustained exercise to maintain good physical health. Hens lacking in exercise are more likely to suffer and potentially die from weak bones, paralysis and disuse osteoporosis. During transportation, weakened hens can suffer broken bones from rough handling and in overcrowded transportation conditions.²⁴
 - 3.4.3. **Environment** – Barren environments prevent hens from being able to perform important natural behaviours such as dustbathing, perching and foraging. Hens are highly motivated to use litter for pecking, foraging, scratching and dustbathing, and to use perches, particularly prior to nightfall. Providing

²¹ Report of the Technical Committee to Enquire into the Welfare of Animals kept under Intensive Livestock Husbandry Systems, the Brambell Report, December 1965 (HMSO London, ISBN 0 10 850286 4).

²² Farm Animal Welfare Committee, 'Five Freedoms', <http://www.defra.gov.uk/fawc/about/five-freedoms/> as at 24 June 2013.

²³ Animal Health and Welfare Panel, 'Welfare aspects of various systems of keeping laying hens' (2005) European Food Safety Authority. <http://www.efsa.europa.eu/en/efsajournal/doc/197.pdf> as at 24 June 2013.

²⁴ Farm Animal Welfare Council, 'Opinion on Osteoporosis and Bone Fractures in Laying Hens' (December 2010), <http://www.fawc.org.uk/pdf/bone-strength-opinion-101208.pdf> as at 24 June 2013; Dr. Jacky Turner, 'Brittle Bones: Osteoporosis and the Battery Cage' (1999), Compassion in World Farming, http://www.ciwf.org.uk/includes/documents/cm_docs/2008/b/brittle_bones_1999.pdf as at 24 June 2013.

vegetation for hens enables them to range further as they feel more sheltered from predators.²⁵ Research has also shown that nesting is an important layer hen ritual, and that hens will make a great deal of effort to gain access to dark secluded areas such as nest boxes in order to lay their eggs.²⁶

3.4.4. **Other harmful practices** – Mutilation practices such as de-beaking, toe-clipping, and wing-clipping, which is often performed without anaesthetic, causes both acute and chronic pain.²⁷ Further, the practice of “molting”, which involves starving hens of food for about two weeks to produce a greater egg yield, is said to cause significant weight loss and severe distress to hens.²⁸

3.5. Voiceless’s position is also based on free range standards developed both by domestic and international regulatory bodies and free range accreditation schemes.²⁹

Proposed standards

3.6. Voiceless proposes the following minimum standards for the proposed Code:

Code compliance

3.6.1. In addition to compliance with the conditions of the Code, as a minimum, producers must also comply with all South Australian legislative requirements, as well as any standards, guidelines and codes of practice, including, but not limited to:

- the *Animal Welfare Act 1985 (SA)* and *Animal Welfare Regulations 2012 (SA)*, as well as any other related regulations;
- the *Model Code of Practice for the Welfare of Animals - Domestic Poultry Code*;
- the *Australian Animal Welfare Standards and Guidelines, Land Transport of Livestock*;

²⁵ Ibid, n 13; Heather Pickett, *Industrial Animal Agriculture*, CIWF Trust, (2003), 2 http://www.ciwf.org.uk/includes/documents/cm_docs/2008/i/industrial_animal_farming_booklet.pdf as at 24 June 2013.

²⁶ Ibid, n 13.

²⁷ Farm Animal Welfare Council, *Opinion on Beak Trimming of Layer Hens* (November 2007), p 9 www.fawc.org.uk/pdf/beak-trimming.pdf at 24 June 2013.

²⁸ Ibid, n 13; Heather Pickett, *Industrial Animal Agriculture*, CIWF Trust, (2003), 2 http://www.ciwf.org.uk/includes/documents/cm_docs/2008/i/industrial_animal_farming_booklet.pdf as at 24 June 2013.

²⁹ In particular, Voiceless has adopted many of the standards put forward by: Free Range Farmers Association Inc, *Standards – Egg Production Rev 11 – 2013*, <http://www.freerangefarmers.com.au/standards--info.html>, as at 27 June 2013; Humane Choice, *Humane Choice True Free Range Standards – Poultry 2013 Version 2*, <http://www.humanechoice.com.au/Resources/Current%20Standards/Humane%20Choice%20Standard%20-%20Poultry%202013%20Version%202.pdf>, as at 27 June 2013; Free Range Egg & Poultry Australia, ‘FREPA Free Range Egg Standards’, <http://www.frepa.com.au/wp-content/uploads/2010/04/Revised-FREPA-Free-Range-EGG-Standard-GM-20-March-2012.pdf>, as at 27 June 2013.

- the *Environmental Guidelines for the Australian Egg Industry*; and
- the *Model Code of Practice for the Welfare of Animals, Livestock and Poultry at Slaughtering Establishments (Abattoirs, Slaughterhouses and Knackeries)*,

all as amended from time to time.

- 3.6.2. For the avoidance of doubt, where there is an inconsistency between the Code and any legislation, or any of the standards, guidelines or codes of practice outlined above, the higher standard will apply.
- 3.6.3. The Code should encourage and accept variations to the Code, alternative systems and/or innovative housing designs where hen welfare outcomes are of a standard that is equal to or greater than the welfare outcomes anticipated under the Code.

General requirements

- 3.6.4. Housing management and hen husbandry must be kept to the highest standard possible to promote the physiological, emotional and behavioural needs of hens and to avoid hen stress or poor hen welfare.
- 3.6.5. All hens must be allowed to practice their normal behaviours without interference. This includes, but is not limited to, dust-bathing, scratching, stretching, wing-flapping, grooming, grazing, foraging, nesting and perching.

Housing

- 3.6.6. Housing and paddock management must provide for a humane, safe and wholesome environment for the hens that maximises welfare.
- 3.6.7. Hens must have permanent access to weatherproofed housing. Housing must provide adequate protection from all weather conditions for all hens. Housing must provide ample sunlight, fresh air, ventilation and insulation from heat and cold.
- 3.6.8. Each hen house must have enough exit areas on each side of the house to give all hens ready access to the outdoors and so that all hens are able to enter and leave the house freely without obstruction. All exits must be open during the day.
- 3.6.9. Fences, yards, housing and other related infrastructure are to be constructed in ways which do not lead to injury or bruising of hens.
- 3.6.10. Housing must have either slatted, mesh or deep litter floors. Litter and bedding must be of good quality and be kept in a clean, dry and friable condition.

- 3.6.11. Housing must contain sufficient perches to enable all hens to comfortably perch at the same time. Perches must be positioned to prevent fouling on other hens.
- 3.6.12. Clean dry nesting boxes of varying types must be provided to allow for 25% of laying hens to nest at any one time. Nesting material must be provided.
- 3.6.13. To maximise acreage of the free range run around the shed, housing should be kept to a minimum size.
- 3.6.14. Housing, equipment and utensils must be clean and disinfected to prevent cross infection, the build-up of waste or disease carrying organisms, and to minimise unpleasant odours.
- 3.6.15. Hens must not be able to come into contact with toxins from paint, wood preservatives, disinfectants, poisons or other contaminants, whether used for pest control or otherwise.

Access to Outdoors

- 3.6.16. Hens that are appropriately feathered (and in any event, no later than 8 weeks old) must have unrestricted outdoor access during daylight hours, and for a minimum of 8 hours per day.
- 3.6.17. All hens must have access to pastured “green pick” areas. Pasture must be capable of long-term sustainability and continued production of vegetation. If natural vegetation disappears, alternative natural food sources and range must be provided until the vegetation has replenished. Annual soil testing must be conducted for nutrient build up in the soils.
- 3.6.18. Outdoor areas must have adequate shade, wind and predator protection.
- 3.6.19. All hens must be provided with adequate alternatives to waterlogged paddocks and accommodations.

Space allowances

- 3.6.20. The maximum stocking densities in sheds must be sustainable, provide ample opportunity for hens to exhibit natural behaviours (including nesting, perching, roosting, scratching, foraging and dustbathing³⁰), and in any case, must not exceed 5 hens (or approx. 10 kg) per square metre of the usable area. Flock sizes must not exceed 1,000 hens per house.
- 3.6.21. The maximum stocking densities in paddocks must be sustainable, provide ample opportunity for hens to exhibit natural behaviours (including nesting, perching,

³⁰ A study has shown that hens have a perception of the space required to wing-flap that is larger than the length of their outstretched wings: Bradshaw R.H. & Bubier N.E., 1991, Applied Animal Behaviour Science 31:298

roosting, scratching, foraging and dustbathing), and in any case, must not exceed 750 hens per hectare of the usable area.

- 3.6.22. Where stocking densities lean towards the maximum, hens should be divided into smaller groups to encourage use of the outdoor space.³¹

Animal husbandry practices

- 3.6.23. All hen mutilation practises are prohibited. These practices include, but are not limited to, beak trimming, wing clipping, toe trimming, devoicing or dubbing of hens.³²
- 3.6.24. The tethering of hens or the confinement of hens to cages (or any similar confinement apparatus) is prohibited for any given period of time.
- 3.6.25. Use of 'poly-peepers' is prohibited.
- 3.6.26. Forced molting, whereby hens are deprived of food or water to extend their egg productivity, is prohibited for any length of time.
- 3.6.27. The use of growth promoters, hormones and artificial colourings is prohibited at all times.
- 3.6.28. Under extreme temperature conditions, hens must have access to cool drinking water and other "keep cool" types of environmental relief.
- 3.6.29. The use of antibiotics is only permitted when hens are under veterinary care. Eggs laid by hens which have been treated with antibiotics are to be immediately withdrawn from sale.
- 3.6.30. All reasonable precautions must be taken to protect hens from predators at all times.
- 3.6.31. The use of genetically engineered species or breeds is prohibited.

Feed requirements

- 3.6.32. Only wholesome feed is permitted, balanced with the addition of vitamins, minerals, and amino acids according to hen dietary needs.
- 3.6.33. All hens must have access to forage. When pasture is unavailable, a suitable alternative source of forage must be made available.

³¹ A number of studies reported that the higher stocking density in free range systems, the less likely each bird is to utilise the outside available to them: Knierim, U., 'Animal Welfare Aspects of Outdoor Runs for Laying Hens: A Review' (2006) Department of Farm Animal Behaviour and Husbandry, University of Kassel, Germany, p138

³² At the suggested stocking density, the mutilation practices will not be required.

- 3.6.34. If meat by-products are included in feed, it must be heat treated.
- 3.6.35. Feed must be free from all contaminants. Feeds containing faeces, urine, urea, food industry by-products treated with solvents, same species materials or other prohibited substances are not permitted.
- 3.6.36. All hens must be fed in ways that avoid bullying and competition at feed troughs.
- 3.6.37. Records of feed details must be kept, and provided to inspectors on request.

Water requirements

- 3.6.38. All hens must have access to an adequate supply of clean, fresh drinking water at all times.
- 3.6.39. An emergency supply of suitable drinking water must be provided in case of failure of normal supply (e.g., drought or electrical failure).

Lighting

- 3.6.40. When artificial lighting is used, the combination of natural and artificial lighting must not exceed fifteen hours in any twenty-four hour period.

Inspection and handling

- 3.6.41. All hens must be inspected at least once a day.
- 3.6.42. Hens must be handled quietly with minimal stress, and must not be lifted by their tail feathers or wings. Use of electric prods is prohibited.

Bird health, welfare and mortalities

- 3.6.43. The growth rate of hens should not be greater than 45g per day on average.
- 3.6.44. Injured or sick hens must be isolated from the rest of the flock, must be treated without delay and veterinary treatment must not be withheld. Parasites, both internal and external, must be treated promptly. Every effort must be made to minimize parasite infestations.
- 3.6.45. Mortality rates must be recorded on a daily basis. Code compliance officers must be informed if the mortality rate exceeds 0.5% in a 7 day period. In these circumstances, immediate remedial action must be taken.

Competency of personnel

- 3.6.46. All stockpersons must be competent in the care, handling and management of hens and must be fully trained and conversant in the requirements of the Code before engaging in any egg production activities.

Transportation

- 3.6.47. This section relates to both hens and cockerels, as applicable.
- 3.6.48. Producers must comply with the *Australian Animal Welfare Standards and Guidelines, Land Transport of Livestock*.
- 3.6.49. Transport of birds between properties or to abattoirs must take bird welfare requirements into consideration and must ensure the minimisation of stress to birds at all times.
- 3.6.50. The period from catching the first bird to slaughter of the last bird in that consignment must not exceed 12 hours. Birds must not be deprived of feed or water for more than 12 hours before processing.
- 3.6.51. Transport vehicles must be of suitable size to prevent overcrowding, damage and/or bruising.
- 3.6.52. Birds must not be lifted by their tail feathers or wings.
- 3.6.53. Unfit birds must not be transported.

Slaughter

- 3.6.54. This section relates to both hens and cockerels, as applicable.
- 3.6.55. Slaughter must be carried out quickly and without undue stress.
- 3.6.56. Culled or surplus hatchlings awaiting disposal must be treated as humanely as those intended for retention or sale.
- 3.6.57. Slaughter must be performed by exposure to gas (“Controlled Atmosphere Killing”).

OR

The preferred method of slaughter is by exposure to gas (“Controlled Atmosphere Killing”).

- 3.6.58. If Controlled Atmosphere Killing is not employed, birds must be stunned before shackling. Birds must be monitored to ensure stunning is effective. Bleeding out must occur within 10 seconds of stunning. Birds must not be conscious during slaughter.

- 3.6.59. All birds must be checked to ensure that death has been affected before they reach the scald tank.
- 3.6.60. Producers must inspect each slaughterhouse used to process their hens at least quarterly to ensure compliance with the Code.

Self-auditing, reporting and record-keeping

- 3.6.61. Producers must keep accurate audit trails and records of the following:
- day-to-day farm management, including: monitoring of paddocks and watering systems, farm maintenance, cleaning, paddock rotations, incidents, etc.;
 - animal treatment and medicine log;
 - pasture/crop treatment record;
 - stored grain treatment record;
 - feed purchase and ingredients record;
 - bird (both hens and cockerels) transportation and slaughter;
 - bird (both hens and cockerels) deaths, births, sales and purchases; and
 - eggs stored on farm and sold.
- 3.6.62. Producers must make these records available to Code compliance officers on request.
- 3.6.63. Producers must report to the relevant Code compliance officer any breach or suspected breach of the Code.

4. Thoughts on the management of the accreditation and monitoring processes

- 4.1. As previously indicated, the Code must have effective accreditation, monitoring and control processes in place to ensure the credibility of the scheme. The Government should promote these processes as a means of distinguishing the Code from other accreditation schemes.

Establishment of an Independent Office

- 4.2. The Code should be managed by an independent office (**Office**), with the primary objective of furthering and protecting the welfare of birds (both hens and cockerels) used in egg production through the development, implementation, monitoring and control of the Code.
- 4.3. The Office must be independent from political influence and be fully independent from industry. Independence is necessary to ensure that the Office is not subject to regulatory capture, and to ensure that there is no conflict of interest between, on the one hand, the goals of industry in achieving higher profits, and on the other, the ultimate goal of the

Office in furthering and protecting animal welfare. In saying that, the Office should be publically funded and, if appropriate, derive funding through annual membership / accreditation fees.

- 4.4. The Office should have appropriate representation from consumer groups, industry, veterinary scientists, food safety experts and, importantly, animal welfare advocacy groups.

Functions of the Independent Office

- 4.5. The Office would be responsible for such tasks as promoting the Code to retailers and consumers, liaising with industry (including the provision of learning and development programs and activities), undertaking both planned / unplanned and announced / unannounced inspections of facilities, enforcing Code compliance and taking necessary action in the case of Code non-compliance, and updating the Code to improve welfare standards in line with scientific developments and/or community expectations.

Accreditation process

- 4.6. The accreditation process should involve an inspection of the facility, including a detailed audit of the processes and procedures employed at the facility, by a trained Code compliance officer. Full compliance with the Code must be a pre-requisite for accreditation.

Reporting and monitoring

- 4.7. Once accredited, producers should be under mandatory monthly reporting and self-auditing requirements to ensure continued Code compliance. Producers must also keep accurate records of the items listed in paragraph 3.6.561 and make these available for inspection by Code compliance officers. An inspector from the Office should conduct at least two planned audits, and at least one unplanned and unannounced audit, annually.

Code compliance

- 4.8. If a producer fails to comply with its reporting or self-auditing requirements, or a Code compliance officer finds a producer to be non-compliant, that producer should be given a short period of time to remedy such breach, failing which, the Code compliance officer must suspend or revoke the producer's accreditation and the producer would be prohibited from labelling its product as Code compliant.
- 4.9. Only organisations with 100% Code compliance following an inspection or audit should be permitted to label their eggs as "Code-compliant" or "free range".
- 4.10. The Office should have processes to allow for animal welfare organisations, veterinary groups and other members of the general public to lodge a complaint about a producer

accredited under the Code. An Inspector should immediately investigate the complaint and determine whether there has been Code non-compliance.

- 4.11. The Office must obviously be vigilant and have processes in place to ensure that unaccredited producers are not passing their products off as Code-compliant. This includes Code enforcement officers using the protections provided under the Australian Consumer Law to protect against any misuse of the scheme.

5. **Ways to ensure the specific branding is properly promoted and recognised**

Product

- 5.1. Distinguishing the Code from other accreditation schemes will be an important part of marketing the Code to producers, consumers, retailers and animal advocacy groups (see paragraph 3.1 and 3.2 for a discussion on this point). If the Code is not properly distinguished from other accreditation schemes, consumer groups and animal advocacy groups will not endorse the product, consumers will not be incentivised to purchase the product, and accordingly, industry will be less likely to seek accreditation through the Code.
- 5.2. The Code should have a recognisable logo, as well as labelling standards that require extensive information to be provided about the product on the carton – including producer and packager identification, content weights, egg production methods, hen to hectare ratios, best before dates, etc.

Promotion

- 5.3. The Code will obviously need to be promoted through an effective advertising campaign to develop brand awareness. As a minimum, this campaign would involve a website containing all relevant information about the scheme, the products that are Code-compliant, the locations where consumers can purchase these products and their recommended retail price.
- 5.4. Ideally, Government will involve retailers (such as Coles, Woolworths and IGA), industry groups and animal welfare organisations to support, promote and endorse the Code.
- 5.5. Any revenue generated from the scheme should also be reinvested into marketing the Code and educating the community and industry on ethical food consumption and production.

Respectfully submitted by Emmanuel Giuffre, Legal Counsel, Voiceless