

A co-regulatory approach to farm animal welfare in Australia

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Abstract

This paper presents a brief history of the development of welfare standards and regulation for farm animals in Australia and a report of current activities – reflecting the high priority of livestock welfare in the Australian agricultural environment. An outline is provided of current initiatives to ensure “best practice” regulation of animal welfare standards in the livestock industries, with government regulations integrated with industry quality assurance programs.

A historical background, describing the role of Australia's livestock industries in the national economy and the country's traditional dependence on livestock products and the export trade, provides the context for discussion of the importance of animal welfare in the country's culture and economy.

The paper describes the emerging profile of animal welfare as a determinant of livestock management systems in Australia and gives a recent history of development of welfare codes of practice for the livestock industries. It then tracks the real-time evolution of voluntary “codes of practice” into legally enforceable Australian Standards and Guidelines, to be verified and enforced in a co-regulatory environment based on industry quality assurance and government regulation.

An insight is given to the constitutional issues in Australia that complicate the transition process and pose on-going political and on-farm challenges to State and Territory welfare regulators, and the livestock industries, in their attempt to achieve national consistency in adoption and enforcement of welfare standards.

The history and evolving approach to regulation of welfare standards in the livestock sector may provide some useful strategies and guidelines for the development of consistent regulatory standards and monitoring and enforcement systems in the other animal sectors.

Introduction

This paper presents a “work in progress” – a brief history of the development of animal welfare standards and regulation in Australia and a report of current activities – reflecting the high priority of livestock welfare in the Australian agricultural environment.

Australia’s economy for its first 150 years was based primarily on agriculture. Although the importance and value of agriculture has declined in the last 50 years, Australia still depends heavily on agriculture (which accounts for 12% of the Gross Domestic Product), including livestock production, for food and export income.

The paper describes the emerging profile of animal welfare as a determinant of livestock management systems in Australia, gives a recent history of development of welfare codes of practice for the livestock industries and tracks their real-time evolution into Australian Standards and Guidelines. New regulatory Standards are prepared in a nationally endorsed consultative process and verified and enforced in a co-regulatory environment based on industry quality assurance and government regulation.

Australian livestock industries

Farming systems occupy 60% of the Australian land mass. Although nearly 20% of working Australians are employed in agriculture, 50% of these are in capital cities, all of which (with the exception of the national Capital, Canberra) are located on the country’s coast.

Both extensive (grazing) and intensive (housed or close-stocked) industries have become firmly established, with annual productivity increases of 3-4% for the last 20 years. Only Information Technology and telecommunications have shown higher gains in productivity over that period. Livestock products account for 50% of the GVP of all agricultural products – the major players are beef and veal, wool, sheep meats and dairy products. Pigs and poultry are smaller contributors.

More than 80% of Australia's agricultural production (including livestock and livestock products) is exported. The value of livestock product exports (mainly beef, wool and dairy but including sheep meat and pork as well) was nearly \$12 billion in 2004-5. In addition, in 2003 4.8 million sheep, 770 000 cattle and 71 000 goats were exported live to 40 countries – a trade worth another \$840 million in that year.

Australian products generally attract higher export prices because of the “clean, green” image of the livestock industries. The high level of attraction and marketability of Australian livestock products relates closely to the country's freedom from most of the world's most serious animal diseases and the very low use of chemicals and potential contaminants in livestock production. These factors alone have beneficial welfare effects and advanced husbandry, endemic animal disease and biosecurity controls add significantly to livestock welfare.

Australia's intensive industries (including feedlots, pigs and poultry production) are generally increasing in size and efficiency and utilising leading world technology in housing, breeding, nutrition and biosecurity. These industries are mainly serving domestic markets, where consumers are taking an increasing interest in the safety and welfare features of livestock production systems.

Drivers for change

During the last 10 years, animal welfare standards have also emerged as a potentially important component of the livestock marketing environment. The formal entry in 2002 of the International Organisation for Animal Health (OIE) to the development of international animal welfare policy and standards contained an important message to trading countries - that welfare standards will influence future market access and market controls based on welfare must be science-based and subject to international agreement.

Livestock industries in Australia face particular challenges maintaining (and demonstrating) high animal welfare standards, because of the large land areas and stock numbers involved, extremes in climate (affecting water and food supplies) and relatively low inputs in human resources and infrastructure. These factors contribute to welfare issues associated with nutrition, health, environmental stress, handling and transportation.

In addition, higher welfare risks are associated with long distances to markets and slaughter points, particularly in the extensive pastoral regions.

With the increasing complexity, technological demands and business pressure on farming, the livestock industries and producers have developed more awareness and better understanding of animal welfare and the relationship between welfare and health. The national government-industry animal health partnership company, Animal Health Australia (AHA), became engaged in the issue in 2004 when animal welfare was included as one of the company's Strategic Priorities.

Domestic consumers in Australia, 85% of whom are urban-based and most with no links to agriculture, are showing increasing interest in perceived welfare risks associated with the production systems in which their food is produced. There is strong evidence that buying patterns in affluent cultures are changing in favour of perceived "welfare friendly" food. Corporate marketing, sometimes under pressure by animal welfare and animal rights groups, is producing labels claiming superior animal welfare credentials on a variety of food and fibre products.

Political and commercial campaigns by animal welfare and animal rights groups have caused, or threatened to cause, substantial economic and personal losses to industry groups and individual farmers. The on-going campaign by the US-based People for the Ethical treatment of Animals (PETA) against the Australian wool industry provides an example of the impact at industry level; there are also numerous examples of invasive and disruptive activities on individual farms in Australia, targeting the pig and poultry industries in particular.

Animal welfare regulation in Australia

Under the Australian Constitution, individual jurisdictions (States and Territories) have the primary role in formulation and administration of welfare regulations within their borders.

Animal welfare legislation in the eight States and Territories in Australia varies in detail but not in core intent – to protect welfare and provide for legal action to be taken against acts of cruelty. New regulations are likely to be complementary, rather than identical, across

jurisdictions because of minor differences in legal convention and legislative review processes.

The Commonwealth (Australian) Government has no role in implementing or auditing welfare standards at farm or industry level, except for high-level administration of corporate livestock export requirements.

It can therefore be seen that nationally consistent reform of any regulatory program in Australia presents a considerable constitutional challenge. The national system of formulation and review of policies of national interest, the Ministerial Council system (to be described later) has a major influence on the level of commitment and pace of reform in the eight jurisdictions. The success of any reform initiatives in animal welfare standards and regulation systems is therefore heavily dependent on their passage through the national Ministerial Council and subsequently, the level of commitment passed on by State and Territory Ministers and finally the conversion of policy decisions by relevant agencies into programs on the ground.

Model Codes of Practice

Since the early 1980s, the welfare of farmed livestock in Australia has been supported by a series of Model Codes of Practice for the Welfare of Animals, covering the management (including handling, transport and slaughter) of all principal livestock species. These codes were essentially guideline statements and adopted variably in State and Territory legislation, leading to some inconsistencies in industry uptake, compliance and enforcement.

During the last 20 years consumer values and buying patterns have changed and some of Australia's international trading partners have introduced animal welfare "standards" into livestock and product import requirements. The variable status and enforcement of welfare standards in livestock have left Australia in a difficult position in presenting a plausible international image, determining long-term management systems and defending animal management practices against criticism and actions of welfare and animal rights groups.

In 2003 the increasing demand for clear and consistent standards caused government regulators to question the value and relevance of the 22 existing Model Codes. The need

was recognised for more consistency and scientific rigour in welfare standards, wider consultation in their production and review and better legislative underpinning, for monitoring and enforcement of compliance.

National policy reforms

Australia's agricultural policies are determined through a Ministerial Council system, in which the Primary Industries Ministers in all the States and Territories, chaired by the Australian Government Minister for Primary Industries, meet regularly to determine policy on matters of national interest. Supporting the ministerial council (PIMC) is a network of standing committees of senior government policymakers, led by the Primary Industries Standing Committee (PISC), comprising chief executives of all jurisdictional primary industries agencies.

In 2004 PISC endorsed a paper from the jurisdictional Chief Veterinary Officers (Animal Health Committee, AHC) outlining the major problems and issues related to production and review of Model Codes of Practice and recommending a new structure, process and funding approach for code production and review. The new approach would ensure consistency, scientific soundness, appropriate consultation and legal enforceability.

PISC commissioned a consultancy, managed and funded by the Australian Government Department of Agriculture, Fisheries and Forestry (DAFF), to make recommendations on a new process for review of Codes and production of Australian Standards for livestock welfare, as a basis for Australia's future animal welfare regulation. The subsequent report, *Review of the Australian Model Codes of Practice for the Welfare of Animals*, formed the basis of a new process, later formalised in the *Regulation and Management of Animal Welfare in Australia - Business Plan*¹, produced by Animal Health Australia and endorsed by the Ministerial Council in May 2006.

The process endorsed by PIMC and supported by industry organisations was based on the following principles:

- The need for minimum standards to be underpinned by legislation;
- Minimum standards must be outcome-based (wherever possible) and auditable, for credibility and defensibility of acceptable industry practices;

- Preference for a format that provides for both minimum standards and “best practice” guidelines to be clearly separated but contextually linked in the same document;
- The critical importance of ownership by industry of the process and of each Standard and Guidelines document;
- The need for consistency between jurisdictions in the form and application (enforcement) of legislation and
- “Cruelty” based legislation is outdated for this purpose – future legislation should be based on management of production animals and include demonstration of compliance through industry QA, underpinned by government audit.

These principles reflect the national commitment to objective (science-based) standards of animal welfare that are consistently mandated and enforced in all States and Territories. They also address the need for improved processes, broader consultation and linkages to industry quality assurance programs.

Existing Model Codes of Practice are now scheduled to be re-written in a new format, to incorporate both the (minimum) national welfare standards and industry ‘best practice’ guidelines for each species or enterprise, using a standard template and a structured process managed by Animal Health Australia. The first new “Standards and Guidelines”, for Land Transport of Livestock, is currently in production.

Getting the “minimum standards” right in Australia is the first stage in a longer and more complex process to incorporate the standards into State and Territory legislation and achieve consistent and effective compliance and enforcement systems throughout Australia.

Regulatory reform within the Australian animal welfare strategy

The Australian Animal Welfare Strategy (AAWS)² was endorsed by the ministerial council in May 2004. The National Implementation Plan for AAWS, with ‘Action Plans’ for six core animal sectors (including the production animal sector) was finalised in 2006. The National Implementation Plan states a key outcome of the Strategy is *to provide a much needed clear and consistent national framework that will help governments and stakeholders to set readily identifiable and clearly defined national standards.*

Under Goal 1 of AAWS, to “*Achieve an enhanced national approach and commitment to ensure high standards of animal welfare...*” two of the highest priorities are

1. Facilitate the timely development and revision of codes of practice, standards, guidelines and legislation for the welfare of animals where scientific, social and industry developments justify changes being made to existing practices and
2. Promote the adoption of a harmonised approach to the development and application of clear, contemporary, adequate and consistent animal welfare legislation and codes of practice across all state, territory and local government jurisdictions, for appropriate and agreed outcomes.

The first of these priorities had already been addressed in respect of the production animal industries by the reforms described above, which led to the *Regulation and Management of Animal Welfare in Australia - Business Plan* in early 2006.

Consistent implementation and enforcement

In order to address the second priority under Goal 1 of the AAWS the Australian Government commenced in April 2007, assisted by a second consultancy, to develop mechanisms to facilitate nationally consistent implementation and enforcement of animal welfare codes and standards in the production animal industries.

This project concluded in October 2007, with submission of the consultant’s report to the Australian Government Department of Agriculture, Fisheries and Forestry and the national AAWS Advisory Committee. The project

- reviewed existing arrangements for the implementation and enforcement of both existing codes of practice and future national standards in each jurisdiction, identifying significant gaps and inconsistencies between them that might prevent consistent implementation;
- evaluated each jurisdiction’s capability to achieve consistency with the others within its existing regulatory framework and.
- identified strategies that could be adopted in all jurisdictions and the minimum necessary changes to legislation, enforcement and administration systems required to achieve national consistency.

The project determined feasible and practical reforms in each State and Territory to achieve the required consistency of outcomes by April 2009. The analysis and recommendations were developed in consultation with a panel consisting of senior State and Territory welfare regulators, members of jurisdictional Animal Welfare Advisory Committees, State and Territory legal drafters, peak livestock industry bodies and officials involved in the investigation and enforcement of animal welfare legislation in the jurisdictions. The cornerstone recommendations were jurisdictional Action Plans for amendment of legislation, enforcement and administration arrangements for national consistency.

While the engagement and commitment of regulators at these levels (and of senior representatives of peak industry organisations) is a major advance, establishing timely legislative review processes and amendments (both within and between jurisdictions) will depend on high-level agency and political commitment.

The recommendations were endorsed by the AAWS Advisory Committee and the Australian Government late in 2007, and are currently before PISC for endorsement. Ministerial council sign-off will add significant weight to the change process in the States and Territories, to meet the April 2009 target.

The role of industry quality assurance

Several livestock industries have made significant progress in developing quality assurance (QA) programs that incorporate animal welfare requirements³. The new *Standards and Guidelines* will be consistent with the relevant requirements of industry QA programs. It is expected that peak industry bodies will work with jurisdictional governments in a “co-regulatory” environment to establish a primary role for industry QA audit processes to monitor and enforce compliance with standards, with governments maintaining overview (audit) of industry QA systems and intervening directly in animal enterprises only for agreed confirmatory audits (including on farms not on QA) and in response to specific incidents of serious non-compliance with standards.

In developing welfare modules for QA programs and participating in development of new Australian Standards, livestock industries must commit to the principle that (minimum) standards must be verifiable (by measurement or audit) and therefore legally enforceable in order to ensure the integrity and credibility of the compliance system. Other

requirements and recommendations on welfare, less precise or critical and not verifiable by measurement and/or audit, will be referred to as guidelines in Australian Standards and Guidelines documents. These are not legally enforceable but may represent industry best practice or recommended pathways to meeting legal standards. Published in nationally endorsed Standards and Guidelines documents they will be available for reference by courts considering charges of cruelty and for inclusion in QA programs at the discretion of industry.

Seamless compliance

In addition to harmonised legislation, achievement of a seamless regulatory system - that is, with all jurisdictions working consistently with industries – will require development of further co-operative arrangements. These include

- formalizing co-regulatory relationships between government regulatory agencies and industry organisations
- development of a national “compliance” plan to ensure equivalence between jurisdictions in monitoring and enforcement policy, including a consistent range of offences and sanctions related to non-compliance with standards
- a nationally agreed set of inspector competencies, including specialist competencies required for audit of compliance with standards and investigation of alleged or suspected non-compliance in livestock enterprises
- key features and requirements of inter-jurisdictional Memoranda of Understanding (MOU) to facilitate investigations and enforcement action across State and Territory borders and
- a national overview/program management structure.

It is expected that these arrangements will be considered later in 2008 following ministerial council endorsement of the recommendations – in particular the jurisdictional Action Plans.

The future

In the model of Nirvana, existing Model Codes of Practice will be converted in priority order to enforceable Australian Standards and best practice guidelines under the AHA Business Plan. By April 2009 arrangements will be in place in all jurisdictions for uniform national implementation and enforcement of welfare standards and industry quality assurance

(supported and endorsed by governments) will be firmly established as the front-line compliance monitoring and enforcement mechanism.

Governments will be left to do what governments always do – provide a safety net and international endorsement for the industry QA system and deal with the minority who do not or cannot conform, through government regulatory and extension programs.

The development and refinement of nationally consistent welfare standards for the production animals will provide guidelines and a template for development of similar regulatory and industry quality assurance arrangements in the other animal sectors. The use of animals for research and teaching is already covered by a national Code of Practice, which is legally enforceable in all jurisdictions. In addition several of the other sector groups under AAWS including aquatic animals, wildlife (feral animals) and animals in work, sport, recreation and display have commenced production of codes of practice or standards and guidelines, based on the model and business process developed for the livestock standards.

References

- 1 **“Animal Welfare Regulation and Management in Australia”** – available on the Animal Health Australia website at

[www.animalhealthaustralia.com.au/aahc/programs/ahsp/livestock-welfare\\$/background-and-scope.cfm](http://www.animalhealthaustralia.com.au/aahc/programs/ahsp/livestock-welfare$/background-and-scope.cfm)

- 2 **Australian Animal Welfare Strategy** – details available on the DAFF website at

www.daff.gov.au

- 3 **Edge, MK; Hemsworth PH and Barrett JL (2008)** Aust J Exp Agric 48: 1022