



The Hon. Adam Marshall MP
Minister for Agriculture
Minister for Western New South Wales

OM20/2503

Mr David Blunt
Clerk of the Legislative Council
Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear Mr Blunt

Please find enclosed the NSW Government response to the report of the Legislative Council Select Committee inquiry on the use of battery cages for hens in the egg production industry, for tabling in the Legislative Council.

Yours sincerely

Adam Marshall
MINISTER

Encl.

Received at 145 pm
Wednesday 29 April 2020

NSW Government Response - Parliamentary Inquiry into the Use of Battery Cages for Hens in the Egg Production Industry

Recommendation	NSW Government Response
<p>Recommendation 1</p> <p>That the NSW Government establish an independent office of animal welfare, as a distinct authority, separate and independent from the NSW Department of Primary Industries, to be responsible for animal protection issues.</p>	<p>Noted</p> <p>As part of a suite of actions under the Animal Welfare Action Plan, the NSW Government is currently reviewing the animal welfare policy and legislative framework to ensure that the framework is fit for purpose.</p> <p>The recent release of the NSW Animal Welfare Reform - Issues Paper marked an important step in the review process, and provided the opportunity for the community to set the direction for reform. The paper sought community feedback on issues within the current animal welfare legislative framework.</p> <p>The NSW Government is committed to work with the community and all stakeholders to develop important animal welfare policy and legislative changes over the coming months and years.</p>
<p>Recommendation 2</p> <p>That the Minister for Agriculture and Western New South Wales establish a Working Party on the Transition of the Egg Production Industry to advise on the future of the egg production industry and engagement in the national Agriculture Minister's Forum (AGMIN) process, with the Working Party:</p> <ul style="list-style-type: none"> • to advise the Minister for Agriculture and Western New South Wales on the appropriate timeframes for the transition away from conventional cages and the industry assistance necessary to support that transition • to include representatives of the Australian egg production industry, animal welfare groups, veterinarians and consumer advocates. 	<p>Supported in principle</p> <p>The drafting of new Australian Animal Welfare Standards and Guidelines for Poultry is being developed through the Agriculture Ministers' Forum (AGMIN). The drafting process has included extensive public consultation, with input received from a broad range of stakeholders.</p> <p>NSW will consider the need for further stakeholder consultation and how the new Standards and Guidelines should be implemented in NSW once a decision is reached at AGMIN.</p>

<p>Recommendation 3</p> <p>That the Working Party on the Transition of the Egg Production Industry establish a definition of a furnished cage, to be pursued through the national Agriculture Minister's Forum (AGMIN) process. The definition should include spatial allowance, stocking density, nest areas, perches and scratch pads</p>	<p>Supported in principle</p> <p>The NSW Government recognises the importance of definitions in the Standards and Guidelines as it underpins the interpretation and adoption of terms across jurisdictions.</p> <p>The draft Australian Animal Welfare Standards and Guidelines for Poultry that were released for public consultation in November 2017 covered definitions, including for furnished cages.</p> <p>AGMIN has agreed that going forward an independent panel will supervise the drafting of new Australian Animal Welfare Standards and Guidelines for Poultry.</p>
<p>Recommendation 4</p> <p>That the Minister for Innovation and Better Regulation New South Wales advocate to the Consumer Affairs Forum and express the NSW Government's support for the development of a national information standard (in consultation with the Australian Competition and Consumer Commission and Food Standards Australia New Zealand) regarding the labelling of products containing eggs, to ensure that the egg-production system (e.g. cage, barn or free range) is clearly identifiable to consumers.</p>	<p>Supported in principle</p> <p>The NSW Government recognises the importance to consumers of knowing the origin of the food they eat.</p> <p>Australian egg producers are already required to ensure any claims they make when advertising or selling their eggs are accurate and truthful, including all words and pictures on their packaging. The Australian Consumer Law (Free Range Egg Labelling) Information Standard 2017 (egg labelling standard) applies to packaging labels for eggs for wholesale or retail sale (e.g. carton eggs). It also includes eggs that are displayed for retail sale without packaging. The standard requires that egg producers may only use the words 'free range' where the eggs were laid by hens with meaningful and regular access to an outdoor range during the daylight hours of the laying cycle enabling them to roam and forage, and with a stocking density of 10,000 hens or less per hectare. If the words 'free range' are used the packaging or display signage must prominently state the stocking density.</p> <p>Under the Australian Consumer Law (contained in the <i>Competition and Consumer Act 2010</i>), manufacturers cannot make claims about their food products that are false or misleading. There is nothing currently</p>

	<p>preventing a food manufacturer using the premium claim of free range eggs on the labelling of their products containing eggs, provided the claim is accurate.</p> <p>The Department of Customer Service will monitor the market for consumer confusion or harm that may arise from the labelling of egg-production systems for eggs used in food products.</p>
<p>Recommendation 5</p> <p>That the NSW Government undertake further consultation and evaluation to determine whether support, financial or other assistance (such as resources for training, research and development) is required to support producers during any future industry transition in the egg production industry.</p>	<p>Supported in principle</p> <p>The NSW Government will continue to support and contribute to the development of the Australian Animal Welfare Standards and Guidelines for Poultry. The cost to egg producers will continue to be considered as part of this process during development of the Decision Regulatory Impact Statement.</p> <p>The NSW Department of Primary Industries develops resources, provides technical advice, assists industry with current industry issues, and develops policies that encourage egg producers to innovate, improve and adapt their businesses to meet current and future challenges and market requirements.</p>