

Proforma B (Animal Liberation) - 103 responses received

Dear Sir/Madam,

I appreciate the opportunity to lodge the following submission to the **NSW Legislative Council Select Committee on the Use of Battery Cages for Hens in the Egg Production Industry**.

I am strongly opposed to the use of battery cages and I hereby call upon the NSW government to **outlaw battery cages for hens in NSW** once and for all.

Hens enjoy the social companionship of their flock and the capacity to exhibit their unique and individual personalities. Like us, they deserve the right to exhibit their natural behaviours, such as being free to perch, nest, scratch around, forage, dust-bathe, and stretch their wings in an unrestricted, safe and sheltered environment. They must also be given the chance to enjoy fresh air and natural sunlight.

The following submission relates to and considers the Terms of Reference provided by the Legislative Council. I conclude that battery cages must be abolished in NSW for the following reasons:

My specific concerns, as per the Terms of Reference, are as follows:

(a) whether or not the use of battery cages to contain or accommodate hens in the egg production industry is:

I. associated with poor animal welfare outcomes or is accompanied by poor animal welfare practices,

Using a battery cage to contain hens in egg production facilities is inherently cruel as it causes unnecessary suffering.

My specific concerns as per the Terms of Reference, part (a) (i) (poor animal welfare outcomes and/or practices), are:

1. The use of an unnatural and artificial environment. Specifically,
 - a. the use of unnatural lighting regimes prevents normal behaviour and development, as well as unnaturally manipulating hen-egg production;
 - b. the inability to nest before and during egg laying (this causes extreme frustration).
 - c. hens are forced to live in sheds containing high levels of ammonia from their waste, and, as a result, their eyes and nostrils often burn.
2. Permanent cage confinement and lack of adequate space for each bird (less than the size of an iPad each). Specifically,
 - a. small cages only 40cm high with large stocking densities mean hens are unable to express normal or instinctual behaviours;
 - b. restricted movement and lack of exercise causes bone and muscle weakness;

- c. the denial of a normal 'pecking order' wherein caged hens experience great stress and frustration. Thus, they cannot escape the aggression of other hens, which often leads to pecking, bullying, and even cannibalism.
3. Constantly standing on sloping wire floors with no perches leads to serious bone and muscle weakness. Many hens thereby experience chronic pain from the development of lesions, as well as other foot and leg problems.
 4. Hens naturally live for approximately 10 years, but most layer hens in Australia are sent to slaughter at only 18 months old as they are considered "spent" and exceed their productive "use by date" (i.e., the production of profitable eggs).

II. justified by any other consideration, and

1. The sole justification for the use of this battery cage proffered by industry and government alike is greater profitability coupled with lower monetary costs. This, however, comes at the expense of hens significant suffering.

III. consistent with community standards and supported by the public,

1. There is currently a lack of industry transparency or preparedness to align with widespread consumer expectations about animal welfare and food labelling alike.
 - a. without private animal cruelty investigations and exposés, consumers would remain unaware of the significant issues associated with confining hens to cages, as well as the subsequent depopulation and slaughter process.
 - b. the egg industry has merely made vague attempts to address the interests of the animals it mass-produces and slaughters when consumer concerns threaten profitability.
 - c. animal welfare organisations have cited reports from European Union (EU) countries (e.g., the 1996 EU Scientific Veterinary Commission Report), New Zealand (e.g., the 2012 Animal Welfare Advisory Committee Report) and Canada (e.g., the 2013 National Farm Animal Care Council Report), that have led to these nations phasing out conventional cage systems.

(b) what legislative measures should be taken to:
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I. prevent poor animal welfare outcomes to hens in the egg production industry of New South Wales,

1. Animal welfare includes animals being entitled to rights, welfare, and protection under the internationally recognised '*Five Freedoms*'. This includes both physical and mental state, and good animal welfare implies both fitness and a sense of well-being.

2. there is substantial evidence to confirm that neither the egg industry or our current legislation, CoP's or Standards reflect the intent or practical application of the internationally recognised '5 Freedoms'.
3. Decision makers, when making ethical decisions about the treatment of animals, must consider the sentient capacities of *other-than-human animals*.
4. Currently the law defines the acceptable treatment of animals *according to their use rather than their capacity to suffer*. Many practices, which would qualify as 'cruelty' by law if performed on other species (such as a companion dog) are 'legal' if done to a chicken bred for their flesh, fibres or eggs.
5. Australian law classifies animals as property and fails to recognise their sentience. The Australian Capital Territory however 'will soon be the first to... introduce(s) a law that makes it mandatory to consider sentience in all welfare laws. NSW needs to similarly introduce sentience legislation.

II. set appropriate minimum standards of accommodation for the accommodation and treatment of hens in the egg production industry,

1. Hens must have adequate room to exhibit their natural behaviours, being: to stretch out, flap their wings, scratch, jump, forage, perch, nest, dust bathe, preen, and exercise.
2. Hens must also be provided with protection and shelter.

(c) the impact of egg producing commercial operations that use battery cages, on:

I. the environment, and

1. Intensive animal agriculture waste and pollution has environmental consequences and risks, such as:
 - a. odour, disease, biosecurity, vermin and contamination of soil and water, (surface water, ground water, natural water bodies), groundwater dependent ecosystems and ecological communities.
 - b. odour emissions: including ammonia (NH₃) and hydrogen sulfide (H₂S), along with some volatile organic compounds (VOCs), significantly affect the environment, workers, and nearby residents. These odours have been linked with health symptoms, including headache, irritation of eyes, nose and throat, and drowsiness.

II. health of workers,

1. Workers and local communities where these animal intensive industries operate, suffer physical, emotional and general wellbeing risks and impacts.

- a. the working conditions are closely linked to PTSD in workers.
 - b. staff who are continually surrounded by animals who are suffering, sick or in pain will be impacted.
 - c. Staff who are surrounded by animal blood and vermin including rats and are breathing in the gasses, will be impacted.
2. Emerging cultures of systemic and violent abuse towards animals in animal agribusinesses. This is largely due to businesses treating animals like innate objects.
 - a. recent exposés by Animal Liberation NSW shows how spent hens are mocked and receive horrific abuse from workers.
 3. Workers are exposed to ammonia. High concentrations can cause burning of the eyes, nose, throat and respiratory tract and can result in blindness, lung damage or death. Lower concentrations can cause coughing, and nose and throat irritation.

(d) trends in relative consumer demand for egg and egg-containing products derived from commercial operations that use battery cages and commercial operations that do not,

1. Consumers want and deserve transparency about where their food comes from and which practices they fund via purchases.
 - a. currently, this only occurs due to the actions of private animal cruelty investigators and industry whistleblowers. Without them, this type of information would remain hidden to the public, under misleading terms, such as “humane”.
 - b. trend to support “free-range” or “cage-free” products, with supermarkets, restaurants and cafes ditching caged brands.

(e) the protection of consumer interests, including the rights of consumers to be fully informed of the sources of eggs in egg-containing products,

1. Consumers are increasingly making product choices on the basis of personal ethics and health. The relevant watchdog authorities have through various cases confirmed they will not tolerate consumers being misled or deceived in terms of how food is grown and raised in respect to packaging, marketing and advertising.
 - a. egg industry food labels have remained confusing, false and misleading.
 - b. the farming and ‘slaughtering’ factors should be incorporated into food labelling. Irrespective of a consumer purchasing from a supermarket, a butcher or a market. This will help enable consumers to make informed choices.

(g) the advantages, disadvantages and issues of different egg farming production methods,

1. Although banning the cage would be a huge win for the ongoing wellbeing and welfare of these animals, I acknowledge the fact that all egg laying hens (be they “barn-laid”, “free-

range” or “caged”), suffer unnecessarily misery. Further, much of this treatment is legally endorsed and sanctioned by both the egg industry and government through currently weak and inadequate legislation, standards and practices.

2. All hens are slaughtered at just 18 months of age, and most are subjected to debeaking.

(i) what scientific literature says about the above matters,

1. According to credible scientific research, farmed animals are sentient, emotionally complex, and intelligent.
 - a. hens suffer from pain, feel emotions and build strong relationships.
 - b. intensive farming operations ignore these aspects, denying them their natural behaviours, and subjecting them to cramped, unnatural and often unsanitary conditions, they are subjected to the routine mutilation of sensitive areas without pain relief
 - c. the overwhelming consensus among animal welfare experts is that the welfare of caged layer hens is severely compromised, with scientific studies indicating that battery hens suffer intensely and continuously when they are confined in cages.

(j) any other related matter.

1. The Australian egg industry classifies on-site carbon dioxide gassing as the most “humane” slaughter practice. This, however, contradicts research, which states that death by CO₂-induced hypoxia is a highly distressing and uncomfortable manner of death.
 - a. Such suffering is exhibited in Animal Liberation NSW’s most recent exposé of “spent” layer hens. Hens can be seen thrashing around, gasping for air and shrieking, for over two minutes before drawing their final breaths. Found here: www.animal-lib.org.au/new/layer-hen-depopulation-break-up-with-eggs/
 - b. Each year in Australia, around 12 million male chicks are killed because they are unable to produce eggs and are therefore deemed wastage by the egg industry.
 - c. Over the last several decades, animal agriculture in Australia has increasingly become industrialised and secretive. Large-scale, intensive animal agriculture is becoming commonplace across our rural landscapes, replacing traditional family farms. This concentration means that individual, profit-driven corporations can be responsible for many thousands of animals at any one time, whilst also securing economic and market dominance.

Thank you for considering my views and public expectations.