

LEGISLATIVE COUNCIL SELECT COMMITTEE ON THE USE OF BATTERY CAGES FOR HENS IN THE EGG PRODUCTION INDUSTRY

Answers to questions on notice taken during the hearing: Mr Scott Hansen, Mr Alex Russell and Ms Joanna Blunden, Department of Primary Industries

1. *It is a defence [to adhere to a code of practice] but it is not an immunity, is it?*

The Prevention of Cruelty to Animals Regulation 2012 (POCTA Regulation) adopts the Model Code of Practice for the Welfare of Animals: Domestic Poultry as a guideline per clause 33(1)(a).

Where a person is prosecuted for an offence under the *Prevention of Cruelty to Animals Act 1979* (POCTA Act), showing compliance with a guideline prescribed or adopted by the POCTA Regulation will be admissible in evidence as part of the person's defence in accordance with section 34A(3). It does not provide immunity from prosecution.

2. *Can you say that there are none of those [single bird in a single cage systems] in New South Wales?*

As per Mr Hansen's response during the hearing "We actually have no way of knowing who keeps a bird in a cage in their own backyard, which makes it an almost impossible answer to provide."

3. *What the welfare improvements have been [for the birds when we went from 450cm² to 550cm² floor space per hen]?*

The Caged Layer Hens Economic Impacts of ARMCANZ 2000 Welfare Policy – ABARE Report 2004 informed the Model Code of Practice for the Welfare of Animals: Domestic Poultry. The report considered the Victorian Government's Regulatory Impact Statement which concluded that increasing cage floor space/stocking density could promote a greater expression of normal behaviour, as well as increasing feed intake, thus improving layer hen welfare.

4. *Some of our submissions criticised the way that cost [of the banning or phasing out of conventional cages found in the outcomes and the findings from the current regulatory impact statement that was prepared on the initial draft standards and guidelines] was put together. Can you give a bit of detail as to how that figure was calculated and whether it takes into account the existing consumer shift away from caged eggs, and more significantly, the commitments of major supermarkets to phase out caged eggs by 2025?*

The consultation Standards & Guidelines RIS was prepared to evaluate options for minimising risks to the welfare of poultry due to deficiencies in existing codes of practice and other standards in this area. All of the options were compared to a base case which assumed "existing standards plus market forces and the relevant federal, state and territory legislation" continued to apply to the industry.

The consultation Standards & Guidelines RIS also made adjustments for the impact of net market forces. This included assumptions about the likely impact from changing demand preferences for conventional cage eggs from both consumers and retailers/food service.

5. *What would be the difference between the cost for industry to transition due to consumer demand changing versus the cost if there was to be a stage-managed transition by Government?*

As per Mr Hansen’s response during the hearing “I know that is one likely to be looked at in a future regulatory impact statement because it is quite a detailed piece of economic modelling and costing around that. At the moment we are trying to do a standalone piece of economic modelling in New South Wales to work out what the impact might be in New South Wales. We know this will be a key question as we make a decision about future models. We are not comfortable just relying on a national total and trying to extrapolate from that how it might impact New South Wales. We want to get the best figure we can for New South Wales so we are aware of the impacts. That work is out in the field at the moment in terms of some survey work, trying to get that information and some data back in. Hopefully we will be able to share that with the Committee before you arrive at your final report.”

The economic modelling is ongoing.

6. *How many inspectors you have [specifically inspecting egg facilities in New South Wales), how many inspections have been done of egg facilities in the last 12 months or two years, how many referrals to enforcement agencies and how many prosecutions they have initiated?*

The Food Authority has approximately 37 Full Time Equivalent authorised officers who undertake audits and inspections on egg facilities.

The audits and inspections of egg facilities that have been undertaken over the last five years are as follows:

Financial Year	Audits	Inspections
2018-19	119	194
2017-18	169	80
2016-17	169	56
2015-16	131	92
2014-15	96	136

POCTA enforcement agencies are alerted if an authorised officer from the Food Authority notices a potential animal welfare concern during a food safety audit or inspection of an egg production business. In the last two years there have been no referrals made to animal welfare authorities.

RSPCA NSW and Animal Welfare League NSW have reported a total of one prosecution against a commercial egg facility in NSW in the last two years. The prosecution related to a layer barn facility, with penalty infringement notices issued for two associated cage facilities.

7. *How many DAs have you been approached for in terms of transitioning to a new style, how many for new small free-range operations and have there been any for new prospective caged farms?*

DPI does not have oversight of Development Application’s (DAs) submitted to consent authorities, including local government authorities. Note also that not all farm modifications

require DAs. DPI responds to enquiries about DAs from the public, if contacted.

Six new free range facilities and one cage free facility have been referred to DPI during the development application process since January 2017. DPI has not been referred any new cage facilities during a development application process since January 2017.

8. *Could you provide the Committee with an analysis of any biosecurity outbreak or disease in the three different systems of egg production, cage, barn and free range, over the last five years? I am also looking for the impact on animals, either sickness or mortality or euthanasia.*

In 2018-19, there was a Salmonella Enteritidis outbreak where twelve poultry properties were infected. A breakdown of the different production systems affected is below:

- six properties comprised free range birds
- four properties comprised caged birds
- one property comprised both caged and free-range birds
- one property comprised both caged and barn birds.

All poultry on the affected properties were euthanased and disposed of in a biosecure manner to contain the outbreak and to protect food safety for consumers. Salmonella Enteritidis causes little or no sickness and mortality in poultry, however, it can cause sickness and occasionally death in people from eating contaminated eggs.

In 2013, there was a Highly Pathogenic Avian Influenza (HPAI) ('bird flu') outbreak where two poultry properties were infected.

- The first property comprised both free range and caged poultry. The infection started in the free range poultry and spread to the caged birds. Epidemiological analysis indicates that the free range birds were infected by wild birds which are reservoir hosts for avian influenza in Australia, with infection occurring either from direct contact between wild birds and domestic poultry or from contaminated water and/or feed.
- The second property comprised caged birds. The infection spread to this property via the movement of contaminated egg flats from the first infected property.

All poultry on the affected properties were euthanased and disposed of in a biosecure manner to contain the outbreak and to protect human health. HPAI causes high levels of sickness and death in poultry, and in overseas countries HPAI has caused sickness and mortalities in humans.