

**Submission  
No 221**

**INQUIRY INTO USE OF BATTERY CAGES FOR HENS IN  
THE EGG PRODUCTION INDUSTRY**

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

Thank you for the opportunity of making a submission.

I grew up on a dairy/beef farm in Victoria, and I have practical experience of farming issues, including the way farming industries must adapt to change for their businesses to survive.

I have watched the growing trend towards free range eggs, and even some people in the community ditching eggs altogether and adopting vegan diets.

Some of my family continue to farm. So the cruelty inherent in cage eggs is not a welfare issue alone; it is also about trust in Australian agriculture and livestock production more broadly. Cage eggs and the misery they bring to sentient hens reflects badly on all Australian farmers.

We know from the many media reports on atrocities in the egg industry and reports like that of FutureEye, *Australia's Shifting Mindset on Farm Animal Welfare*. They show that the community is losing trust in our farmers. Battery cages endanger the reputations of all Australian farmers and farming sectors. They have no place in the future of sustainable agriculture in the 21<sup>st</sup> century, when more and more people are turning away from animal products altogether.

A copy of the FutureEye report can be obtained via the attached link:

<https://futureeye.com/resources/>

My views on the matters raised in the Terms of Reference are listed below. The rest of my submission backs up my reasons for supporting a ban on battery cages.

- (a) I believe battery cages cause poor animal welfare outcomes and poor welfare practices. There is no justification for their use. This is supported by the public and businesses by their actions in preferring to use cage-free eggs..*
- (b) Legislation must be passed to phase out battery cages as soon as possible*
- (c) Impact on environment and health of workers is unhealthy, both mentally and physically. The mass numbers of hens in battery cages desensitizes workers and inures them to the needs of these sentient creatures; battery cage farming sheds are an ugly blot on the landscape and cause depression to passersby because they know the misery inside*
- (d) The strong trend is that consumers and businesses are turning against cage eggs and buying free range.*
- (e) Transparency and accuracy of labelling on source and stocking densities is paramount.*
- (f) Economically and socially NSW will not suffer from a ban on cage eggs. In light of the burgeoning trend to free range and plant-based diets, it makes sense to ban battery cages as soon as possible. Legislation to prevent poor welfare has failed – witness the continuing media footage of shocking cruelty.*
- (g) Nil advantage in battery cages*
- (h) Egg producers have had decades to re-adjust their businesses in light of the growing trend to free range and the popularity of plant-based and vegan diets. They are businesses like any other, and they should not expect the taxpayer to support their cruel*

- industry, or to compensate them for their failure to see the writing on the wall and plan to change their farming methods for the future accordingly.*
- (i) Abundant scientific literature exists to prove the cruelty of battery cages.*

## WHY BATTERY CAGES ARE CRUEL

I summarise below hen welfare needs that cages cannot provide:

- Hens should have unrestricted access to outdoor areas during daylight hours;
- The average wingspan of a hen is 75 cm; the space afforded by cage egg farmers is 26 cm. There is no way a hen can spread her wings or exhibit any natural behaviour or experience sunlight.
- Hens should be able to forage and have dust baths
- Outdoor areas should provide adequate shelter i.e. windbreaks and shade;
- Hens must be protected from predators;
- Debeaking, induced moulting and other mutilation should be prohibited;
- Hens should be in good body condition at the end of the laying period with good feather cover; There should be a low incidence of bone breaks during the laying period;
- Individual catching and carrying of hens should be done by using two hands around the body (not by legs);
- There should be no culling/maceration of male chicks when new breeding methods are available.

Maceration of day-old chicks is unacceptable to the community. For example, the ABC website of 12 March 2016 'Marking male embryos could hold solution to chick culling 'ethical dilemma' in global egg industry' states:

Scientists at the CSIRO's Animal Health Laboratory say they can use biotechnology to ensure the males are never born, let alone culled.

See also page 19 of the Voiceless report *Unscrambled – the hidden truth of hen welfare in the Australian egg industry*, which describes how The Netherlands and Germany are using 'in ovo sexing' to avoid having to macerate chicks. See links:

<https://www.voiceless.org.au/node/7683> and <https://www.voiceless.org.au/hot-topics/battery-hens>

## THE SCIENCE THAT PROVES BATTERY CAGES ARE CRUEL

Professor Clive Phillips, from the Centre for Animal Welfare and Ethics at the University of Queensland, wrote an article in 'The Conversation' of 1 December 2017 He describes how caged birds are unable to exhibit their natural behaviours and that:

Scientists ... proved that birds have a strong motivation to perform many of the behaviours that were rendered impossible in the cages, such as laying eggs in a nest. They also found that birds in small cages are more fearful than those in more spacious accommodation. Research has also shown that hens don't adapt to the cages, because the longer they are confined the more they compensate by flapping and stretching when released.

On 'furnished' or enriched cages, the Professor states:

*The Australian standards argue that these are only required for the birds' mental state, not their biological functioning. This view implies that a hen's mental suffering is unconnected to its welfare, a claim that has been steadily eroding in the face of research into animal consciousness.*

*For example, my research group recently discovered that hens' vocalisations are more informative to other hens than thought possible, demonstrating their capacity for rich communication.*

*To deny the significance of an animal's mental state is to deny the premise of animal welfare at all. Without this consideration, animals would basically have the same rights as plants.*

*Despite this, the proposed standards' accompanying paper relies on narrowly restricted studies, such as a report from industry body Australian Egg that claims there are no difference in the stress levels of birds in battery cages, barns and free-range farms.*

*Only 12 flocks in total were studied. The stress hormone cortisol was used as the basis of comparison between farm types even though little enters the egg, and confounding variables are likely to affect cortisol levels.*

*These limitations are why much animal science today looks at welfare in terms of behaviour, disease and lifetime measures as well as biological markers.*

D. M. Broom's 'Stress and Animal Welfare' research into animal consciousness has found that hens' mental states affect their welfare. At page 45, the RIS quotes from research by D.M. Broom that:

Apart from physiological functioning, physical condition and performance, brain state, behaviour, and even an animal's emotions, are now all recognised as key factors in assessing an animal's welfare.

The Victorian government commissioned its own peer-reviewed and independent *Farmed Bird Welfare Science Review*, 2017. It describes scientific findings that show that housing and husbandry practices permitted by current laws for poultry cause great suffering. The report found:

The conventional cage system prevents birds from performing basic movements essential for good health (walking, wing stretching) and denies birds the possibility of expressing their behavioural needs to roost, nest and forage, or their motivation to dustbathe, due to an inherent lack of resources..."

Furthermore the restricted space per hen in battery cages is 'associated with increased mortality, an increase in physiological stress and compromised immune function'.

The RSPCA review, *The Welfare of Layer Hens in Cage and Cage Free housing Systems* August 2016, concludes that the problems affecting hens in cage systems are

caused by the cages themselves. See link: [https://www.rspca.org.au/sites/default/files/2016-08%20The%20welfare%20of%20layer%20hens%20in%20cage%20and%20cage-free%20housing%20systems-FINAL\\_o.pdf](https://www.rspca.org.au/sites/default/files/2016-08%20The%20welfare%20of%20layer%20hens%20in%20cage%20and%20cage-free%20housing%20systems-FINAL_o.pdf)

As the RSPCA website states:

“These objective findings [see above] are consistent with the RSPCA’s own peer-reviewed and published comprehensive scientific review

Independent research commissioned by the RSPCA in November 2017 found 84% of Australians want battery cages phased out, while for 65% of Australians, concern over battery cages impacts upon their decision whether to buy or eat eggs or chicken.

Scientific reviews all come up with the same result. I believe no cage can ever meet the behavioral needs of chickens. Hens are smart, inquisitive and social beings. They have good memories and the ability to make complex decisions. For their welfare they need freedom to move and choose when and where to nest, stretch, flap their wings, perch and dust bathe – all of which cannot be done in a battery cage.

Wire mesh floors in cages giving hens an area the size of an A4 page are barbaric, because hens must stand, sleep, eat, defecate, and still lay eggs every day of their short lives in this cruel environment. Studies have shown caged hens suffer weak bones and metabolic fatty liver disease and live in chronic pain with untreated broken bones.

In 2016 The Productivity Commission (PC) undertook a review of regulations in Australian agriculture in 2016. The Commission’s report '*Regulation of Australian Agriculture No. 79*' highlighted the need for ‘independent science-based standard setting and meeting community expectations.

The 2016 Productivity Commission report's Overview states (my red highlighting):

Animal welfare regulations seek to achieve welfare outcomes that (among other things) meet **community expectations**. However, the current process for setting standards for farm animal welfare **does not adequately value the benefits of animal welfare to the community**. The process for setting standards would be improved through the **creation of a statutory agency responsible for developing national farm animal welfare standards using rigorous science and evidence of community values for farm animal welfare**.

To the detriment of animal welfare standards, the PC recommendations have been shelved by the federal Coalition government.

## **MANY OTHER COUNTRIES HAVE BANNED BATTERY CAGES**

Cage egg production should not exist in the 21<sup>st</sup> century. Although battery cages are still legal in Australia, they are illegal in other countries that have long recognized the animal cruelty and suffering inherent to this method of egg production

The overwhelming amounts of scientific literature have led the European Union Scientific Veterinary Commission, the National Animal Welfare Advisory Committee of

New Zealand, and the National Farm Animal Care Council of Canada to conclude that battery cages cannot meet the welfare needs of hens and must be phased out.

As a result of pressure not only from the public, but also from producers, retailers, consumers and the media, battery cages have now been phased out of all 28 nations of the European Union, several US states including the largest egg-producing state of California, and they are in the process of being phased out in New Zealand, Canada and India <https://timesofindia.indiatimes.com/india/draft-rules-prohibit-keeping-hens-in-cramped-battery-cages/articleshow/69137066.cms>.

Major European chains such as Sainsbury's, Marks & Spencer and Aldi have stopped stocking cage eggs, and in the US, where battery cages are still legal in some states, some of the biggest names, from hotel chains to Sara Lee, Kraft, Nestlé (Globally) are committed to phasing out cage eggs.

See pages 19 and 22 of the Voiceless report *Unscrambled – the hidden truth of hen welfare in the Australian egg industry, May 2017* for more on the progressive countries that have banned battery cages and the cage-free pledges by companies. But more companies have joined the cage-free list since this publication in 2017.

Switzerland banned cages 20 years earlier. In 1989, Swedish egg farmers were given 10 years to phase out battery cages. In the USA, the states of California, Michigan and Ohio have phased them out, and several major retailers have banned the use of cage eggs in their products. In Australia, only the ACT has legislated against the use of battery cages.

In 2010 Unilever was the first food giant to announce a big switch to cage-free eggs, saying all 350 million eggs it uses annually in the US to make mayonnaise would come from free-ranging hens.

International food businesses including major Australian and international brands and restaurant chains have all ceased using cage eggs or are moving to phase out their use. They include Arnott's, Hungry Jacks, Starbucks, Taco Bell, Dunkin' Donuts, Panera, Subway, Grill'd, Denny's, Wendy's, Nando's, Burger King, Oporto, Coles, Woolworths, Aldi, IGA, Harris Farm Markets, Ikea, Kellogg's, Compass Group ( the largest food service company in the world, with food outlets in 45 countries, including Australia), Mars, Nestle, Kraft-Heinz and PepsiCo.

McDonald's is making huge progress around the world to become cage free. <https://www.restaurantdive.com/news/mcdonalds-cage-free-egg-progress-signals-an-industry-sea-change/552588/>

All these major world brands are committed to ending the use of eggs from battery cages either in their products and/or on their shelves. Every day more companies take the pledge to use cage free eggs. I have probably missed listing some cage free

companies because the list grows each day. This strong trend shows that it is perfectly feasible to produce safe, affordable, nutritious eggs without the cruelty of battery cages.

Australian egg farm housing trails the rest of the world.

## **LEGISLATIVE MEASURES**

Legislative measures have failed – witness the continual revelations of cruelty in the egg industry. Banning battery cages is the only way to stop cruelty.

Because government agencies have responsibility for both producer liaison and animal welfare it is not sufficiently independent to carry out inspections etc. Removing this conflict of interest will go some way to increase consumer confidence.

Self-monitoring by the industry is unacceptable and does not guarantee to consumers that the hens were being housed and cared for appropriately. Witness continual footage of cruelty in the media and on TV.

Legislation introducing CCTV would alleviate some community concern, but independently monitored CCTV cameras must be mandatory in all housing sheds and abattoirs.

The penalty for any breaches should be the revoking of licences.

In the past there has been a lack of transparency and collusion by egg producers when setting industry standards. Examples of collusion and conflict of interest between the poultry industry and government departments responsible for poultry agriculture can be seen in the links below. There must be an Independent Office of Animal Welfare (IOAW):

<http://www.abc.net.au/news/2017-12-21/egg-farmers-accused-of-colluding-with-nsw-government/9229242>

<http://www.abc.net.au/news/2018-01-08/concerns-poultry-welfare-standards-stage-managed-by-industry/9299256>

Examples below show cruelty that continue to be exposed over many years, proving that legislative measures are ineffective. A quick Google search provides a litany of cruelty associated with mass populations of hens in battery cages.

[https://www.animalsaustralia.org/media/press\\_releases.php?release=208](https://www.animalsaustralia.org/media/press_releases.php?release=208)

<http://www.abc.net.au/news/2017-11-16/chickens-boiled-alive-inside-melbourne-abattoir/9157186>

And more recently:

<https://www.abc.net.au/news/2019-06-18/chicken-video-footage-victorian-poultry-farm-under-investigation/11221398>

On Wednesday 29 November 2017, Senator Derryn Hinch moved the following motion in the Australian Senate:

I, and also on behalf of Senators Singh and Rhiannon, move:

That the Senate—

(a) notes that:

(i) 7.30 recently aired footage of hens having their feet torn off and being boiled alive at the Star Poultry Supply slaughterhouse in the suburb of Keysborough, Victoria, in early 2017,

(ii) this footage was secretly recorded by animal rights campaigners, and showed practices which regulator PrimeSafe had failed to identify in regular audits, and

(iii) a number of cases of cruelty to animals in Australian abattoirs have been identified in Australia through covert recording;

(b) acknowledges that:

(i) this year, both the United Kingdom and France have adopted policies to implement CCTV in all abattoirs to deter animal cruelty in abattoirs and support regulators to audit effectively,

(ii) New South Wales (NSW) has mandated the appointment of animal welfare officers in all abattoirs to lift the standard of care for animals, and

(iii) all Australian consumers have an interest in animal welfare, and are entitled to feel confident that meat and poultry on Australian supermarket shelves has not arrived there by way of torture and abuse; and

(c) calls on the Government to:

(i) urgently advocate for CCTV use in all abattoirs at the next Agricultural Ministers' meeting and at the Council of Australian Governments,

(ii) urgently advocate for the national adoption of NSW's policy of appointing animal welfare officers in all Australian abattoirs,

(iii) strengthen the proposed draft Australian Animal Welfare Standards and Guidelines for Poultry to safeguard poultry welfare at abattoirs and on-farm, and

(iv) strongly encourage state governments to respond to evidence of animal cruelty with strong sanctions and prosecution

**BIOSECURITY**





Animals Australia (Friday, February 23, 2018, 11.47am)

One day we'll look back in disbelief that battery cages were ever legal. 🙄🙄

The government and industry claim that free range is too dangerous because of biosecurity issues. What could be more disease causing than the picture below that was captured in a battery farm?



They called it 'state of the art' — but these are the lives led by 'forgotten' hens trapped inside this factory farm in NSW.



Here, dozens of abandoned hens were found 'living' among enormous towers of rotting faeces — surviving on scraps, beetles and eggs.

When animals who live trapped among towers of rotting excrement have a better quality of life than those still 'in the system' — the question must be asked: how is this system still legal?

(Website of Animals Australia , August 21, 2014)

It has been argued by government and industry that the raising of free-range chickens poses a biosecurity risk. The above photos and more taken by activists on a factory farm in NSW can be found easily with a Google search. Not only does this show a lack of care for chickens, I cannot imagine a greater biosecurity risk. Unfortunately, I do not think this is an isolated case.

A Humane Society of the United States public health report entitled 'Human Health Implications of Intensive Poultry Production and Avian Influenza' concludes:

Genetic selection for productivity and the stressful, overcrowded, and unhygienic confinement of animals in industrial poultry production systems facilitate immune suppression in birds already bred with weakened immunity, offering viruses like avian influenza ample opportunities for spread, amplification, and mutation. Placing genetically un-diverse birds into these kinds of unsanitary environments with inadequate ventilation and sunlight exposure is believed to provide a ripe "breeding ground" for the emergence and spread of such diseases as virulent avian influenza—diseases with human public health implications.

## WHY 'FURNISHED' CAGES ARE NOT THE ANSWER?

Furnished cages are no better than battery cages according to New Zealand, which abolished them. It would be a mistake for Australia to follow this path.

The NZ experience shows that it is a waste of money for the egg industry to invest in furnished cages when overwhelmingly public opinion is against **any sort of cage**. This is self-explanatory from an article in the *Weekly Times* of 7 February, 2018 under the headline 'NZ farmers lose out on furnished cages', which states:

New Zealand egg farmers have warned their Australian colleagues not to repeat their mistake of spending millions of dollars on now redundant furnished cages, with perches, scratch pads and nests.

*Egg* Producers of NZ executive producer Michael Brooks said the Government introduced a welfare code in 2012 that gave farmers 10 years to phase out conventional cages, telling them to move hens into furnished cages, or colony cages as they are referred to in NZ and Europe, barns or free-range systems.

*But* after spending millions of dollars on furnished cages, Mr Brooks said the NZ supermarkets stepped in last year to announce that from 2025 they would no longer stock eggs from any caged system — conventional or colony.

"*Many* of our largest farmers, about 14 per cent, had spent millions investing in colony cages," Mr Brooks said. "It's been difficult for farmers who went early, relying on the code, and have now been penalised by retailers."...

*The* SAFE for Animals welfare group led a campaign calling on consumers to boycott colony cages, labelling their introduction a "cruel" con.

*In* Australia, egg producers are under similar pressure from the RSPCA and other animal welfare groups to abandon cages as part of a national debate on introducing new poultry welfare standards.

Draft guidelines released late last year for public consultation, by the joint state and federal governments' Animal Welfare Task Group, recommended the ongoing use of conventional layer cages.

*However* Australian egg producers are increasingly concerned Victorian and West Australian Labor governments are pushing for conventional cages to be phased out and replaced with furnished cages.

Animal Health Australia estimates the cost of replacing conventional with furnished cages is \$935 million.

In conclusion, I believe battery cages should be banned. However, I do not believe taxpayers' money should be used to assist egg producers to transition away from battery cages. The world trend away from battery cages has been coming for many years. It is not a sudden change. Many businesses have to change their operations for a variety of reasons. Egg producers are no different from any other business. They have had plenty of time to adapt. It is a fact of life that industries of all kinds, like my father in the dairy industry, have had to adjust to new methods because of market pressure.

It should not be assumed that phasing out battery cages will negatively impact jobs. Free range facilities and husbandry methods usually require a higher staffing ratio. So when battery cages are phased out, it is more likely that there will be more jobs, not fewer, thus contributing to regional economies.

I agree with Animals Australia, the RSPCA and animal activists. The photo below is one example of so many on the internet and in the media. How can the egg industry argue that cages are better for hens?



(Elise Burgess)

Battery cages, including, furnished and colony cages, must be banned as soon as possible. Most Australians are opposed to battery cages. The animal welfare science is unequivocal. Caging layer hens in battery systems causes **great suffering** to them **every single day**. It is a life sentence in a cage with floor space equivalent to an A4 sheet of paper. The current Australian standards with battery cages and high stocking densities go against worldwide trends and public opinion. Food producing companies and fast food chains around the world have listened to the public outcry and acted.

Why have governments not paid the same attention to public opinion and battery cages?

I want to see the NSW Government act on the scientific evidence and the community's expectations on animal welfare and ban battery cages forthwith, thus showing the other states that it is 'the compassionate state' that listens to and acts on what the public overwhelmingly wants.

Jan Kendall

July 2019