

**Submission
No 366**

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

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**Submission to Legislative Council NSW:
SELECT COMMITTEE ON THE USE OF BATTERY CAGES FOR HENS IN THE
EGG PRODUCTION INDUSTRY**

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Background

I write to draw the Select Committee’s attention to findings of Australian Research Council funded research by myself, Professor Christine Parker (Melbourne Law School, The University of Melbourne), and my colleagues Dr Gyorgy Scrinis (Faculty of Veterinary and Agricultural Science, The University of Melbourne) and Dr Rachel Carey (Faculty of Veterinary and Agricultural Science, The University of Melbourne).

Our three year project investigated the regulation of food labels with a focus on free range and higher welfare labelling, including egg labelling. A summary of our research and plain language summaries of many of our scholarly publications can be found at the following website:

<http://fvas.unimelb.edu.au/research/projects/regulating-food-labels-the-case-of-free-range-food-products-in-australia/publications#publications>

Our research involved interviews with more than 50 stakeholders involved in egg, chicken and pig production in Australia and animal welfare and food systems regulation and policy making. We also conducted a thorough survey of different conventional and higher welfare and free range products available, the systems used to produce those products and evaluated how animal welfare in those systems was regulated and assured (whether via government regulation or industry assurance schemes and independent accreditation processes).

Some of the findings of this research is relevant to the select Committee’s terms of reference.

The two scholarly papers attached support our findings above and cite evidence from our own research and also from animal welfare science and community attitude studies in relation to how well animal welfare of egg production is regulated in Australia:

- Christine Parker, Gyorgy Scrinis, Rachel Carey and Laura Boehm, “A public appetite for poultry welfare regulation reform: why higher welfare labelling is not enough” *Alternative Law Journal*, 2018, 43(4), 238-243.
- Christine Parker and Josephine De Costa, “Misleading the ethical consumer: the regulation of free range egg labeling”. *Melbourne University Law Review*, 2016, 39(3), 895-949.

Community Standards and Support by Public for Phase Out of Cage Egg Production

Terms of reference 1(a)(c) asks for evidence as to:

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

...

(iii) consistent with community standards and supported by the public

A very high proportion of consumers (about half) buy free range and barn eggs when given the opportunity in supermarkets. This clearly indicates that a majority of Australians are very concerned about the cruelty of barren battery cages and are prepared to pay more to ensure that they are not buying eggs that come from such systems.

This should be interpreted as a clear message to government that (i) animal welfare standards should address the cruelty of bare battery cages and that (ii) Australian consumers understand that this may increase costs.

This suggests that battery cages should be phased out, with appropriate time and assistance to farmers who currently farm cage eggs to transition to new technologies or to move out of the egg industry altogether. It is expected that if battery cages were banned then this would encourage innovation and investment to find new higher welfare ways of producing eggs and non-cruel alternatives to eggs -which would result in the cost of alternatives decreasing and becoming more affordable and available. Currently because cruel cage practices are still allowed, there is not a level playing field for those seeking to do better to meet consumer concerns and little incentive for innovation.

Legislative Measures to Prevent Poor Welfare Outcomes and Set Appropriate Minimum Standards

Terms of reference 1(b) asks:

what legislative measures should be taken to:

(i) prevent poor animal welfare outcomes to hens in the egg production industry of New South Wales, and

(ii) set appropriate minimum standards of accommodation for the accommodation and treatment of hens in the egg production industry

Our research shows that state agencies currently rely largely on industry quality assurance and labelling schemes to ensure appropriate standards of animal welfare. However this is not sufficient to satisfy public concerns with the conditions for battery hens as there is no public interest oriented independent monitoring of conditions on farm. Nor do standards reflect public concern with the need for hens to have ample opportunities to engage in natural behaviours in rich environments (such as enriched ranges). Legislated standards for welfare and accommodation are necessary and a continuous improvement approach should be adopted.

Consumer Protection – Right to be Informed

Terms of reference 1(e) asks:

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

The current definition of free range eggs is very broad and continues to cause consumer confusion and distrust because it includes everything from large scale barn-based production

to small scale mixed farming systems using agro ecological methods. There is typically little to differentiate these different scales of production in the labelling and marketing material, nor to understand other dimensions of animal welfare, including the actual health and welfare of the birds. Our research shows that the current division of free range, cage and barn is simplistic and reductionist and not capable of ensuring consumers are fully informed as to the sources of eggs and the animal welfare involved.