

Submission  
No 422

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

**Organisation:** Animals Australia Inc.

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25 July 2019

**Ms Emma Hurst, MLC**

Chairperson

Legislative Council Select Committee on the Use of Battery Cages for Hens in the Egg Production Industry

Parliament House

**Sydney 2000**

Submission via: <https://www.parliament.nsw.gov.au/committees/inquiries/Pages/lodge-a-submission.aspx?pk=2526>

Dear Ms Hurst and Committee members,

***Animals Australia's submission to the  
Inquiry into the use of battery cages for hens in the egg production industry  
by a Select Committee of the NSW Legislative Council***

Animals Australia is a peak animal protection organisation in Australia. On behalf of our member societies and individual members and supporters we are pleased to be able to provide the following submission. Further information or references can be provided upon request if it will assist the Committee. After the following introduction, we will order our submission as the Committee's Terms of Reference (TOR) are arranged.

**Introduction**

The egg industry's caging of layer hens throughout their 'productive' lives is an issue that Animals Australia has been engaged with – and greatly concerned by – since its founding in 1980. Notably, we have provided written and oral submissions and oral testimony to: the Federal Government reviews in 1984 - 1990 (Senate Select Committee on Animal Welfare); the 2000 ARMCANZ<sup>1</sup> review; the reviews of the Code of Practice for the Welfare of Animals - Poultry in 1991/1992 (2<sup>nd</sup> Edition), 1993-1995 (3<sup>rd</sup> Edition), 1999-2001 (4<sup>th</sup> Edition); and now, since 2015, as a member of the Stakeholder Advisory Group, considering the review and drafting of the Australian Standards and Guidelines (S&G) for Poultry.

In addition, we have contributed to numerous State and Territory Government review processes in relation to the regulation of current poultry housing systems and egg labelling debates, including: the 1998 Productivity Commission Report regarding a proposed ban on cages in the ACT<sup>2</sup>; a voluntary housing descriptor labelling of egg cartons in 2001; and a National Information Standard regarding free range hen/egg definitions<sup>3</sup> completed in 2018.

<sup>1</sup> ARMCANZ: the Agriculture and Resource Minister's Council of Australian and New Zealand (now called AGMIN).

<sup>2</sup> Battery eggs sales and production in the ACT, 1998. See: <https://www.pc.gov.au/inquiries/completed/act-eggs>.

<sup>3</sup> See details here: <https://www.accc.gov.au/publications/a-guide-for-egg-producers>.

The brief summary above demonstrates how numerous and extended the reviews of conventional caging of layer hens has been in Australia. Indeed, the caging of hens in these barren wire cages (usually referred to as battery cages) remains a first-order animal welfare issue, and undermines Australia's reputation as a country with high animal welfare standards. It is salient to this current inquiry that as early as 1990 the Senate Select Committee on Animal Welfare<sup>4</sup> recommended that:

*'... the banning of layer cages be considered when viable alternative systems can be developed suitable to Australian conditions and that these alternative systems have positive welfare advantages.'*

In the intervening almost 30 years, various reviews and many Agriculture Ministers<sup>5</sup> have echoed this concern about cages and the need to adopt alternatives that provide for both the physical and behavioural needs of hens.

Regrettably, despite this ongoing debate and review process, the daily life of hens in battery cages in Australia (some 10 million each year) has barely changed: the space per hen has been increased marginally to 550sqcm (i.e. still less than an A4 piece of paper); and since 2008 cages must have full opening fronts to reduce bone breakages during depopulation at around just 18 months of age.

These hens lead permanently deprived lives: they stand on wire floors; lay their eggs onto wire; are denied nests, perches, substrates to peck or dustbathe in; have no opportunity to move away from aggressive cage mates; and no opportunity to walk or to stretch their wings.

The physical injuries, illnesses and mental suffering caused by these dire restrictions on layer hen movement and behaviour are discussed in our responses to the Select Committee's TOR below. These unacceptable health and welfare impacts for the hens have been researched and documented by animal welfare scientists over more than five decades and are recognised by the vast majority of our community. Unfortunately the obvious and urgent need for change has been repeatedly side-stepped by Australian decision makers, and particularly by egg industry peak bodies.

Australia, therefore, now languishes behind other developed nations where the cruel battery cage has either been banned (in the EU since 2012) or are currently being phased out (including in Canada and New Zealand).

Animals Australia strongly urges the Committee (and then the NSW Parliament) to phase out battery cages for layer hens in NSW on animal welfare grounds and thereby set an important precedent for this to occur in all jurisdictions. Viable and more humane husbandry and housing for hens now exist and are in use. Indeed, these systems currently provide almost half of all eggs laid in Australia<sup>6</sup>.

It is time the archaic battery cage, which deprives hens of the opportunity of 'lives worth living'<sup>7</sup>, is consigned to history. It is highly relevant to consider Professor David Mellor's words here:

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<sup>4</sup> Senate Select Committee on Animal Welfare – Intensive Farming, 1990, Page 114. See: [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Significant\\_Reports/animalwelfare/intensivelivestockproduction/index](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Significant_Reports/animalwelfare/intensivelivestockproduction/index).

<sup>5</sup> E.g. ARMCANZ in March 2000 agreed upon the 'desirability' of abolishing battery cages and published a Discussion Paper to seek views.

<sup>6</sup> See the AECL [Annual Report](#) (page 5) for Retail grocery volume (cage vs alternative systems), noting that somewhat less alternative housing is used in egg 'product' supply.

<sup>7</sup> [Updating Animal Welfare Thinking: Moving beyond the "Five Freedoms" towards "A Life Worth Living"](#).

Mellor DJ .Animals (Basel) 2016;6(3). pii: E21. doi: 10.3390/ani6030021.

*‘For animals to have “lives worth living” it is necessary, overall, to minimise their negative experiences and at the same time to provide the animals with opportunities to have positive experiences. These observations have implications for reviewing and potentially updating minimum standards in codes of welfare<sup>8</sup>’.*

Conventional cages not only subject layer hens to a range of painful injuries and illnesses (negative experiences), but also deprive them of the opportunities to have positive ones by subjecting them to barren and cramped conditions that prevent even the most basic of hen behaviours. New South Wales now has an opportunity to change this by phasing out the battery cage.

Further, please note that Animals Australia does not consider that ‘furnished’ cages are an acceptable option as while they may reduce the negative experiences, they provide only limited ability for the hens to experience positive behaviours that define a ‘life worth living’ for a sentient animal.

### **Animals Australia’s responses to the Select Committee’s TOR**

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

***TOR (a) (i) associated with poor animal welfare outcomes or is accompanied by poor animal welfare practices***

There is incontrovertible scientific evidence that confining hens in battery cages has poor animal welfare outcomes **and** is accompanied by poor animal welfare practices. Indeed, as early as 1999 there was sufficient evidence of the harm and deprivations caused by battery or conventional cages that the European Parliament commenced phasing them out<sup>9</sup>. This was completed in 2012<sup>10</sup>.

It is because the scientific evidence is so extensive that we have chosen here to provide primarily the outcomes of peer reviewed and published literature reviews and reports of national and international importance. To do otherwise would be voluminous and likely unhelpful to the Committee.

***European Commission reports on layer hen welfare: The Report on the Welfare of Laying Hens<sup>11</sup>***, prepared in 1996 by the Scientific Veterinary Committee (Animal Welfare Section) of the European Commission (EC) led to a subsequent decision to phase out battery cages across Europe over a 13-year period. The Committee looked extensively at battery and alternative systems and concluded:

*‘9. Current battery cage systems provide a barren environment for the birds’.*

The Committee further observed that in battery cages:

- nesting behaviour, perching, scratching, dust-bathing and most movements are prevented or modified;
- stereotyped behaviour occurs;
- there is increased fear; and
- bone weakness caused by lack of movement.

<sup>8</sup> Ibid.

<sup>9</sup> [http://europa.eu/rapid/press-release\\_IP-98-235\\_en.htm](http://europa.eu/rapid/press-release_IP-98-235_en.htm).

<sup>10</sup> <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:1999:203:0053:0057:EN:PDF>.

<sup>11</sup> See this link:

[https://books.google.com.au/books/about/Report\\_of\\_the\\_Scientific\\_Veterinary\\_Comm.html?id=BqLJt\\_gAACAAJ&redir\\_esc=y](https://books.google.com.au/books/about/Report_of_the_Scientific_Veterinary_Comm.html?id=BqLJt_gAACAAJ&redir_esc=y).

The Committee condemned the small size and barren nature of battery cages and acknowledged their inherent and severe disadvantages to layer hen welfare. The Committee noted that housing systems such as aviaries, percheries, deep litter or free range provide varying degrees of enrichment, improved possibility for the birds to express a wider range of behaviour patterns, and maintain stronger bones due to increased activity.

It also concluded that hens have ‘a strong preference for laying their eggs in a nest and are highly motivated to perform nesting behaviour’, as well as ‘a strong preference for a littered floor for pecking, scratching and dust-bathing’.

In a **2005 scientific report**<sup>12</sup> also requested by the EC, its Scientific Panel on Animal Health and Welfare stated:

*‘Housing systems for hens differ in the possibilities for hens to show species specific behaviours such as foraging, dust-bathing, perching and building or selecting a suitable nest. If hens can not perform such high priority behaviours, this may result in significant frustration, or deprivation or injury, which is detrimental to their welfare’.*

This report examined the various housing systems for layer hens and advised on the need to provide appropriately for these ‘high priority behaviours’ (including through the provision of nest boxes, perches, foraging opportunities, and sufficient space for mobility and social activities with conspecifics). These behaviours cannot be accommodated in battery cages.

The **2007 LayWel project**<sup>13</sup> (funded via the EC’s Sixth Framework Programme) was another key review that evaluated the welfare of laying hens. It found:

*‘The evidence from this report has in the main substantiated previous scientific knowledge that the welfare of laying hens is **severely compromised in conventional cages** (for example, see review by Baxter, 1994).*

*The degree of confinement in battery cages and their barren, invariant nature have elicited significant public concern over the past 30 years. Indeed, housing hens in such battery cages has been associated with increased fear, stereotyped behaviour and bone weakness and with reduced behavioural repertoire (Mills and Wood-Gush, 1985; Knowles and Broom, 1990; Appleby and Hughes, 1991; Jones, 1996)...*

...

***Conventional cages do not allow hens to fulfil behaviour priorities, preferences and needs for nesting, perching, foraging and dustbathing in particular. The severe spatial restriction may also lead to disuse osteoporosis. We believe these disadvantages outweigh the advantages of reduced parasitism, good hygiene and simpler management. The advantages can be matched by other systems that also enable a much fuller expression of normal behaviour. A reason for this decision is the fact that every individual hen is affected for the duration of the laying period by behavioural restriction. Most other advantages and disadvantages are much less certain and seldom affect all individuals to a similar degree.***

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<sup>12</sup> Opinion of the Scientific Panel on Animal Health and Welfare on a request from the Commission related to the welfare aspects of various systems of keeping laying hens; *The EFSA Journal* (2005) 197, 1-23, The welfare aspects of various systems of keeping laying hens.

<sup>13</sup> The LayWel project: welfare implications of changes in production systems for laying hens H.J. BLOKHUIS, T. FIKS VAN NIEKERK, W. BESSE, et al. *World’s Poultry Science Journal*, Vol. 63, March 2007; Note these are each renowned scientists from Bristol University: <http://www.laywel.eu/web/pdf/deliverable%2071%20welfare%20assessment.pdf>.

*... that, with the exception of conventional cages, all systems have the potential to provide satisfactory welfare for laying hens. However this potential is not always realised in practice. Among the numerous explanations are management, climate, design, different responses by different genotypes and interacting effects...*

[emphasis added]

### **The Victorian Farmed Bird Welfare Science Review<sup>14</sup>**

The Select Committee will be aware that the current national *Model Code of Practice for the Welfare of Animals – Poultry* has been under review since 2015, with 'Draft Australian *Animal Welfare Standards and Guidelines for Poultry*' (Poultry S&G) released for public consultation in 2017<sup>15</sup>. Regrettably, this drawn-out process continues to be undermined by its failure to first commission an independent scientific literature review. This is despite the introduction to the Draft Poultry S&G stating:

*'Standards are underpinned by science based on references identified through a review of relevant scientific literature, a process that helps to ensure that the standards are scientifically valid'.*

Both Animals Australia and RSPCA Australia raised this as a critical concern to Animal Health Australia (the facilitators of the S&G process), and the Animal Welfare Task Group (the jurisdictional government's committee), but these concerns were largely dismissed. Fortunately, this serious deficiency had also been recognized by the Victorian Department of Economic Development, Jobs, Transport and Resources (DEDJTR), which commissioned an independent review of the peer-reviewed published scientific literature to inform the S&G process.

Unfortunately, this was undertaken at a very late stage in the review process (i.e. after the first S&G drafting). Nonetheless, the Farmed Bird Welfare Science Review specifically ensured that all relevant Australian literature on poultry housing, husbandry, and welfare was at least acknowledged alongside international scientific literature.

It is highly relevant to the current NSW review that the Victorian review, undertaken by pre-eminent scientists, found that:

*'The conventional cage (CC) 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 dust-bathe, due to an inherent lack of resources. Lack of exercise weakens bones which are likely to fracture during depopulation, and leads to metabolic conditions such as haemorrhagic fatty liver syndrome. Claw breakage, plumage abrasion and poor foot health are also features of CC systems'.*

We note that the Victorian review also discusses other housing systems, including so-called 'furnished cages':

*'Behaviour in conventional cages is severely constrained with evidence of negative effects on welfare. Behaviour in furnished cages is also constrained but to a lesser degree. There can be problems with resource use and competition within the furnished cage environment'.*

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<sup>14</sup> Farmed Bird Welfare Science Review (October 2017) by Nicol, C.J., Bouwsema, J., Caplen, G., Davies, A.C., Hockenhull, J., Lambton, S.L., Lines, J.A., Mullan, S., Weeks, C.A.

<sup>15</sup> <http://www.animalwelfarestandards.net.au/poultry/poultry-public-consultation/>.

On this basis, we also do not support the use of furnished cages, which allow layer hens access to only limited behavioural repertoires. This is due to their barren 'nests', lack of foraging or dustbathing substrates, and where space per bird is barely larger than current cage space, and thus insufficient to allow birds to flap their wings or exercise. Furnished cages are an euphemism as they still restrict birds enormously and fail to provide 'lives worth living'<sup>16</sup>.

### International animal welfare guidance

It is useful at this point to consider whether the conventional/battery cage meets the minimum welfare standards of the OIE (World Organisation for Animals Health). Given Australia prides itself on being a world leader in animal welfare, it is concerning that as a developed nation we are unable to meet the standards agreed to by the other 181 OIE members<sup>17</sup>, many of which are developing or poor nations.

The OIE [Global Animal Welfare Strategy](#) was adopted in 2017 by all Member Countries, and was developed with the objective of achieving:

*'A world where the welfare of animals is respected, promoted and advanced, in ways that complement the pursuit of animal health, human well-being, socio-economic development and environmental sustainability'.<sup>18</sup>*

The OIE defines animal welfare as '*the physical and mental state of an [animal](#) in relation to the conditions in which it lives and dies*'<sup>19</sup>. Importantly, it continues on to say:

*'An [animal](#) experiences good welfare if the [animal](#) is healthy, comfortable, well nourished, safe, is not suffering from unpleasant states such as pain, fear and distress, and is able to express behaviours that are important for its physical and mental state.'<sup>20</sup>*

It is clear from the overwhelming scientific evidence that confining layer hens to cages results in negative experiences (namely injury and illnesses) and also deprives them of the possibility of positive ones by preventing innate and rewarding behaviours. As such, it is not possible to comply with the OIE definition of good welfare and continue to allow battery cage use.

More specifically, it is evident that the use of conventional cages fails to meet the minimum standards of the following OIE Guiding Principles for Animal Welfare:<sup>21</sup>

- ‘...’
- *That there is a critical relationship between animal health and [animal welfare](#).*
  - *That the internationally recognised 'five freedoms' (freedom from hunger, thirst and malnutrition; freedom from fear and distress; freedom from physical and thermal discomfort; freedom from pain, injury and disease; and freedom to express normal patterns of behaviour) provide valuable guidance in animal welfare.*
  - *That the use of [animals](#) carries with it an ethical responsibility to ensure the welfare of such [animals](#) to the greatest extent practicable’.*

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<sup>16</sup> [Updating Animal Welfare Thinking: Moving beyond the "Five Freedoms" towards "A Life Worth Living"](#).

Mellor DJ. *Animals* (Basel). 2016 Mar 14;6(3). pii: E21. doi: 10.3390/ani6030021.

<sup>17</sup> <http://www.oie.int/en/about-us/our-members/member-countries/>.

<sup>18</sup> <http://www.oie.int/en/animal-welfare/animal-welfare-at-a-glance/>.

<sup>19</sup> [http://www.oie.int/index.php?id=169&L=0&htmfile=chapitre\\_aw\\_introduction.htm](http://www.oie.int/index.php?id=169&L=0&htmfile=chapitre_aw_introduction.htm).

<sup>20</sup> *Ibid.*

<sup>21</sup> *Ibid.*

## New Zealand decision to phase out battery cages on scientific grounds

Relevantly, New Zealand reviewed their *Animal Welfare (Layer Hens) Code of Welfare* in 2012, with its National Animal Welfare Advisory Council (NAWAC) considering scientific evidence, community views, and industry practicalities in its report<sup>22</sup> to Government. It recommended cages be phased out, and in part concluded:

*'NAWAC believes that the disadvantages that are intrinsic to the use of cages outweigh the positive aspects of these cages. Moreover, the disadvantages that are imposed on the hens in cages are imposed on every single hen for the entire duration of the laying period. There are advantages and disadvantages in terms of welfare in each different commercial laying hen system but the disadvantages of other systems are much less certain and are unlikely to affect every individual to a similar degree than the constraint placed on the birds in the cage system.'*

*As more research has been performed since the issue of the 2005 code, additional information is now available on how to maintain the welfare of birds in other housing systems to provide good levels of hygiene, similar levels of management and egg output.*

*As this is the case, NAWAC believes that the use of cages should now be phased out and has proposed a stepwise transition period to encourage producers to move away from the use of cages by 1 January 2022'.<sup>23</sup>*

## Australian 'principles' for good husbandry of poultry

At the commencement of each of the Australian Animal Welfare S&G documents, and in existing and previous national 'Model' Codes of Practice, there is a section that sets out the basic 'needs' of the relevant species. These principles were similarly included in the Consultation Draft S&G for Poultry released for comment in late 2017, and are not unlike the principles included in the New Zealand *Animal Welfare Act 1999*.

However, unlike the New Zealand approach, practices to be allowed in the Draft Australian S&G for Poultry fail to adhere to these basic animal welfare principles. That is, they fail to provide for the animal welfare needs of poultry that they have identified and highlighted at the beginning of the document. In particular, the Draft S&G for Poultry state:<sup>24</sup>

*'Adherence to good animal husbandry principles is essential to meet the welfare requirements of animals. Good husbandry principles that also meet the basic physiological and behavioural needs of poultry include...*

- *social contact with other poultry ...*
- *space to stand, lie and stretch their wings and limbs and perform normal patterns of behaviour ...*
- *Innovative husbandry and housing systems which enhance bird welfare should be encouraged, and applied to controlled environment housing egg farming as practical'.*

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<sup>22</sup> See the 2012 NAWAC Report [here](#). And note that any adopted Code in New Zealand must be measured against the animal welfare principles set out in the *Animal Welfare Act (1999)*. NAWAC considered: 'As a result of the lack of space and facilities, cages effectively deny most of the behavioural needs of hens. NAWAC therefore considers that cages do not meet the requirements of the Act'.

<sup>23</sup> Ibid, pages 12 and 13.

<sup>24</sup> Available here: <http://www.animalwelfarestandards.net.au/poultry/poultry-public-consultation/> Page 12.



It is clear that caging layer hens in cramped and barren battery cages fails to meet these agreed '*basic physiological and behavioural needs*' of poultry: normal social contact is impossible, and space to move freely and experience normal patterns of behaviour are precluded. Further, while consumer and community demands have led to growth in the number of hens now housed in non-cage systems, the fact that cages are still permitted to be used at all contravenes the 'need' to adopt '*housing systems which enhance bird welfare*'.

The crucial principles included in the current Draft Poultry S&G have been included (largely unchanged) since the first Code in 1983. It is unacceptable that cage confinement systems that breach these principles are still in use today.

### **TOR (a) (ii) justified by any other consideration...**

It is acknowledged that one of the original incentives to cage layer hens was to separate them from faeces and other contaminants to minimise parasites and other disease. This move to intensive high density farming occurred after the second world war to increase food production. However, due to the development and now routine use of vaccination regimes and advances in knowledge of husbandry requirements in alternative (non-cage) systems, this is no longer a justification for the extreme confinement of battery cages.

The New Zealand NAWAC 2012 Report (which we referred to earlier) states:

*'As more research has been performed since the issue of the 2005 code, additional information is now available on how to maintain the welfare of birds in other housing systems to provide good levels of hygiene, similar levels of management and egg output.'*

It is often stated that mortality rates are higher in non-cage systems. We submit that this element requires further diligence on the part of producers to better manage the inherent risks in any system where large numbers of animals are housed. This can (and must) be achieved if the egg industry is to comply with community expectations.

We also contend that further research is required in this area, as a recent peer reviewed and published large study from Queensland (Shini et al 2018<sup>25</sup>) found: '*... no significant differences in mortality rates between the housing systems (6.1%, 6.4% and 5.8%, for cages, barns and free-range, respectively).*'. Further, of great relevance to the current debate about the continued use of cages for layer hens was that the causes of mortality differed markedly between systems:

*'In cages, 74% of necropsied hens died due to FLHS (fatty liver haemorrhagic syndrome). In the other systems, only 0–5% of dead hens were diagnosed with the condition. These results are in agreement with previous Australian and overseas findings which have shown that FLHS is one of the main causes of hen death in caged flocks. Factors associated with husbandry practices in different production systems, such as restricted movement, increased production and temperature variations, influence hepatic lipid metabolism and predispose hens to FLHS.'*

In the same paper, surveys were conducted with cage and alternative layer production systems to assess the prevalence of FLHS in commercial caged layer hens of different ages from three farms in Queensland. Again, FLHS was found to be a major problem in caged hens:

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<sup>25</sup> A. Shini, S. Shini & W. L. Bryden (2019) Fatty liver haemorrhagic syndrome occurrence in laying hens: impact of production system, *Avian Pathology*, 48:1, 25-34, DOI: 10.1080/03079457.2018.1538550: <https://doi.org/10.1080/03079457.2018.1538550>.

*'The mortality rate of flocks ranged from 0.8% (the youngest flock) to 11.6% (the oldest flock). Six hundred and fifty-one birds were necropsied, and approximately 40% of hens died due to FLHS'.*

The fact that this study was funded by the Australian Egg Corporation Limited (AECL) and the Poultry CRC – but was not raised by industry at the Poultry S&G meetings, demonstrates the degree to which industry attempts to hide the known cruel impacts of cages on layer hens.

Indeed, it appears that until we raised this paper at the June 2019 Poultry S&G meeting, these concerning results had not been considered as part of the evidence base in the discussion on caged layer hens.

### **TOR (a) (iii) consistent with community standards and supported by the public**

The confinement of hens in battery cages is clearly inconsistent with Australian community standards and it is evident in other comparable countries that this is also the case (e.g. the bans and phase-outs in other countries that we noted earlier in this submission).

The welfare of layer hens in battery cages is believed to have attracted more debate than any other intensive husbandry system (Freire and Cowling 2013)<sup>26</sup>. A survey commissioned by RSPCA Australia showed that 84% of the Australian public is concerned about the welfare impacts on hens in cages, and that 8 in 10 people want battery cages phased out (McCrimble 2017).<sup>27</sup>

Similar polls have confirmed over many years that the caging of layer hens is a key and important issue to the community. An extensive recent study (the 2018 Futureye Report - Australia's Shifting Mindset on Farm Animal Welfare)<sup>28</sup> was commissioned by the then Department of Agriculture and Water Resources (DAWR) in the wake of a major exposé<sup>29</sup> of sheep suffering on board ships during live export to the Middle East.

The Futureye Report included why DAWR had commissioned this research :

*'Research and development corporations, governments, universities and non-government organisations in Australia are all contributing to a growing body of research understanding, assessing and improving farm animal welfare. The National Animal Welfare Research Development and Extension Strategy encourages collaboration on this research.*

*Research also seeks to understand community views and understanding of animal welfare. In 2018, the department commissioned Futureye Pty Ltd to independently research community views on the welfare of farm animals and the role of regulation. **This report can be used by governments, industry and others with an interest in animal welfare to better understand community priorities and expectations on animal welfare issues'.***

[emphasis added]

Some key findings of the Futureye Report include:

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<sup>26</sup> Freire R, Cowling A (2013) *The welfare of laying hens in conventional cages and alternative systems: first steps towards a quantitative comparison*. Anim Welf 22:57–65.

<sup>27</sup> <https://www.rspca.org.au/media-centre/news/2017/breakthrough-research-finds-84-australians-want-end-battery-cage>.

<sup>28</sup> DAWR Futureye Report 'Australia's Shifting Mindset on Farm Animal Welfare' 2018 . See: <https://www.outbreak.gov.au/sites/default/files/documents/farm-animal-welfare.pdf>.

<sup>29</sup> See Animals Australia's live export investigations [here](#).

*'Futureye's findings clearly show that the Australian public's view on how farm animals should be treated has advanced to the point where they expect to see more effective regulation.*

*...In Australia today, 95% of people view farm animal welfare to be a concern and 91% want at least some reform to address this.*

*...The major driver of this shift is an increased focus on animals' level of sentience and related capabilities.*

*...The public has a clear expectation for effective regulation to uphold these freedoms and expect highly transparent practices, regulation and enforcement.*

*...Concerns around issues of animal welfare are spread relatively evenly across states and territories, and between capital cities, regional towns and rural areas. The level of concern is mainly determined by awareness and knowledge of specific animals and agricultural practices. Issues that receive more media coverage, such as live export and battery cage chickens, attract higher levels of concern.*

*...Both the quantitative and qualitative research show that potential outrage is highest for practices that are seen as unnecessary; are perceived not to have any benefit to the animal, farmer or consumer; or are depicted graphically in the media.<sup>30</sup>*

*...Battery cages and the welfare of chickens were issues raised frequently across focus groups and can be explained by the media coverage on the topic which has increased the public's awareness.<sup>31</sup>*

*...Quantitative and qualitative research indicates that the more knowledgeable a member of the public is on farm animal welfare issues, the more likely they are to display concerns around these issues (Appendix C, p.63, D, p. 87). With an expanding informed segment of the population concerned about farm animal welfare, demand for a solution will also increase. The research reveals that this segment of the population is likely to demand better animal welfare outcomes through regulation'.<sup>32</sup>*

A NSW independent consultation in 2018 by Dr Ian Roth<sup>33</sup> considered industry and community response (via open meetings of stakeholders and a survey) to the then current draft of the Australian S&G - Poultry, and observed:

*'Of the 1200 responses to the NSW DPI survey and the 165,000 submissions to Animal Health Australia, 99% of respondents are reportedly opposed to conventional cages. The community social licence for conventional caged egg production appears to be continuing to erode.'*

## **Cage-free egg sales**

Not surprisingly, the percentage of eggs produced from caged hens in Australia has decreased sharply over the past decade in response to public concern regarding the welfare of layer hens, while the percentage of barn and particularly free-range eggs has grown strongly, despite the somewhat higher cost. In particular, each of the major supermarkets (Coles,

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<sup>30</sup> DAWR Futureye Report 'Australia's Shifting Mindset on Farm Animal Welfare' 2018 . See: <https://www.outbreak.gov.au/sites/default/files/documents/farm-animal-welfare.pdf>, from page 4.

<sup>31</sup> Ibid, from page 11.

<sup>32</sup> Ibid, from page 14.

<sup>33</sup> Independent consultation process for the NSW Government following the release of the Australian S&G – Poultry and related RIS, Dr Ian Roth, March 2018.

Woolworths, and Aldi) have advised Animals Australia that cage-free eggs sales are now more than 50% of all egg sales. The percentage of free range shell eggs sold in supermarkets in 2010 was approximately 25% (AECL Annual reports<sup>34</sup>).

The Australian retail, food service, and hotel sector is also committing to phasing out the use/sale of battery cage eggs.

Importantly, the major Australian supermarkets (joining overseas companies) are committing to the end of cage egg sales: Coles will complete its transition in 2023, and Woolworths and Aldi will no longer stock cage eggs by 2025.

McDonald's fast food restaurants transitioned to cage free eggs in late 2017 and Subway, Hungry Jacks and Grill'd are following.

Over the last several years, major food companies trading in Australia have announced cage free commitments, including Nestle (by 2025), Unilever and Mars (by 2020). Food caterers Sodexo, and hotel chains including the Hilton, Marriott, Best Western, and Hyatt, have already stopped using cage eggs in their hotels.

This trend by corporations and other businesses to only source cage-free eggs is expected to continue, thus providing 'demand' for the industry to increase production of these eggs. For example, this trend is confirmed in the May 2019 IBISWorld report<sup>35</sup> on the egg industry, which stated:

*'The Egg Farming industry is forecast to continue recording revenue growth over the next five years, as consumer demand shifts towards higher value products, such as free-range and organic eggs. Concerns regarding animal welfare issues are anticipated to continue increasing over the period, with downstream markets likely to continue promoting and demanding eggs from chickens that are not kept in cages.'*

A current list of major companies trading in Australia that are now cage free, or have committed to do so has been provided publicly on the Animals Australia website (and will be updated regularly)<sup>36</sup>.

#### **TOR (b) 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**

We urge NSW to act on this issue as it is clear that the past and existing system of Model Code review – and the more recent development process of the Australian Animal Welfare S&G – have failed repeatedly to adequately prevent poor animal welfare outcomes for hens (please refer to the list of reviews at the beginning of this submission).

That the review system is ineffective is supported by conclusions and recommendations of the Productivity Commission's report on Regulation of Agriculture (2017)<sup>37</sup>, which stated:

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<sup>34</sup> <https://www.australianeggs.org.au/who-we-are/annual-reports/>.

<sup>35</sup> IBIS A0172 Egg Farming in Australia Industry Report - May 2019.

<sup>36</sup> <https://www.animalsaustralia.org/features/battery-cage-commitments.php>.

<sup>37</sup> Productivity Commission – Regulation of Agriculture, March 2017 final report. Available [here](#).

*'There is significant scope for greater rigour in the process of developing national farm animal welfare standards and guidelines. And importantly, for science and (soundly elicited) community values to play a more prominent role. Without reform, there is a risk that the agricultural sector and the Australian community will continue to face a patchwork of different regulatory arrangements across jurisdictions that do not rigorously take into account economic and social considerations'.*

The NSW Government has an opportunity to not only take steps to phase out a cruel confinement system, and thus 'prevent poor animal welfare outcomes', but to actually provide millions of hens with the opportunity to perform natural behaviours, and thus provide them with 'lives worth living'. This can be achieved by recommending legislation in NSW to ban the battery caging of hens.

### **Appropriate minimum standards**

The current Draft Australian Animal Welfare S&G – Poultry is not yet publicly available, and as members of the Stakeholders Advisory Group, we are bound by confidentiality. As such, we are unable to disclose any details in this Draft regarding Standards for layer hens (including reference to cages). However, based on the public 'Consultation Draft'<sup>38</sup> (see earlier reference to that document), there is an option for the State and Territory Ministers (AGMIN<sup>39</sup>) to approve continued use of battery cages for layer hens when they meet later this year .

The S&G Drafts (consultation and current) do, however, provide Standards relevant to alternative (non-cage) housing systems, including in relation to stocking density in barns and aviary systems, nest boxes, perching areas, and litter provision. For the Animals Australia specific recommendations on the efficacy of those (Draft) Standards, please see our submission of March 2019<sup>40</sup>. We would be pleased to provide you with comprehensive guidance to assist the development of science-based Standards for non-cage systems in due course.

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

- (i) the environment, and**
- (ii) health of workers,**

Animals Australia does not have specific knowledge of environmental hazards of battery egg farms, nor on the impacts on worker health.

However, we take this opportunity to **debunk statements and claims** that are often made (usually by battery cage industry producers) that free range facilities can cause greater food safety or biosecurity risks than enclosed indoor cage facilities.

Using biosecurity as an example, throughout the Poultry S&G Draft Regulatory Impact Statement (RIS)<sup>41</sup>, a phase-out of cages was characterised as carrying a higher 'biosecurity risk'. That is, that there will be '*less efficient management of ... biosecurity for the prevention of disease*'. Animals Australia has pointed out that other Draft Standards seek to address any such concerns, including the possibility of diseases such as Newcastle disease, or avian influenza being passed from wild nomadic or migratory birds to domestic birds:

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<sup>38</sup> <http://www.animalwelfarestandards.net.au/poultry/poultry-public-consultation/>.

<sup>39</sup> AGMIN consists of each of the State and Territory and NZ Ministers for Agriculture/Primary Industries, and is chaired by the federal Minister of Agriculture.

<sup>40</sup> Submission M65. See: <http://www.animalwelfarestandards.net.au/poultry/poultry-submissions/>.

<sup>41</sup> Accessible here: <http://www.animalwelfarestandards.net.au/poultry/poultry-public-consultation/>.

*'SA5.4 - A person in charge must take reasonable actions to minimise access to feed and drinking water by wild birds'.*

This precaution is already present in the existing Model Code of Practice (12.12), and a matter that free range egg and other poultry farmers are well aware of and take steps to mitigate risk of (personal communication Free Range Egg and Poultry Australia [FREPA]).

In practice, this is achieved by separating (by barriers and distance) commercial birds from open water bodies. Further, the Egg Corp Assured (ECA) Program (administered for AECL and covering a large proportion of the egg industry's producers) also addresses these biosecurity issues in its audit and accreditation regime.

It should also be noted that there is no evidence that free range poultry facilities have been disproportionately implicated in past disease events in Australia. Indeed, the evidence indicates the opposite, despite the number of free range facilities increasing.

Dr George Arzey (former Senior Veterinary Officer – Avian Health –NSW DPI) has written that:

*'...all but one Newcastle disease outbreak in Australia between 1998 and 2002 were in indoor flocks, and all of the avian influenza outbreaks until 2012 were flocks housed indoors. The single Newcastle Disease outbreak in a free range farm (Rhylstone) originated from an intensive farm in Sydney that delivered live infected birds to the farm' (October 2016, The Veterinarian magazine<sup>42</sup>).*

Further, international expert studies for the OIE, FAO and EFSA<sup>43</sup>, and other bodies, consistently warn that industrialised, high density farming methods increase the issues caused by viral diseases.

For example, the Council for Agricultural Science and Technology (CAST),<sup>44</sup> assembled a taskforce of public health experts from WHO, OIE and the USDA in 2005 and concluded that intensive industrialised animal agriculture delivers '*significant efficiency in terms of economy of scale*', but warned that the '*cost of increased efficiency*' was an accompanying increase in disease risk.

The flip side of this issue is that the environment and health of free range birds can mitigate against disease transmission. Lower stocking densities, sunlight, and more robust birds through exercise, and genetic strain of birds, can reduce both transmission rates and the risk of viruses mutating and becoming more virulent amongst birds in high density high stress indoor environments.

### **Food safety – egg related salmonella**

The infection of eggs and egg products with salmonella bacteria is a major public health issue causing salmonellosis (an often dangerous gastrointestinal illness that can cause human mortality). For that reason, the AECL Egg Corp Assured program includes food safety in its audit program and health authorities around Australia have instigated programs to reduce its incidence through improved husbandry arrangements and egg handling.

However, it is often assumed or implied that free range egg products may carry a higher risk due to the more likely contact with litter or faeces than caged birds. International studies have not supported this view. For example, the large EFSA European survey and report in 2007 concluded:

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<sup>42</sup> <http://theveterinarian.com.au/>.

<sup>43</sup> European Food Safety Authority. 2007. 'Report of the Task Force on Zoonoses Data Collection on the Analysis of the baseline study on the prevalence of *Salmonella* in holdings of laying hen flocks of *Gallus gallus*'. The EFSA Journal 97. See: <http://www.efsa.europa.eu/en/efsajournal/pub/rn-97>

<sup>44</sup> <http://www.cast-science.org/>.

*‘Cage production was found to be associated with a higher risk of positivity [for salmonella] than for the other investigated laying hens production types. However, compared to the other production types, cage production was characterised by larger flock sizes. Organic flocks were on average of the smallest size, whereas the barn and the free-range standard flocks were of low to medium size. Consequently cage production as well as a larger flock size were associated with a higher risk of positivity’.*

More relevantly, surveys in Australia recently have found the same: that salmonella contamination is not more highly associated with alternative hen housing. For example, the NSW Food Authority and Safe Food Queensland have surveyed flocks extensively to gauge the incidence of salmonella infected eggs.

A NSW study in 2013<sup>45</sup> found the highest proportion of salmonella positive farms to be those with multi tier cages (80%), followed by barn laid farms (75%). Free range paddock systems had an incidence of 34%. This study (like the European study) found that farm or flock size was a key indicator: flocks/farms producing 30,000+ eggs a day were very likely (91%) to have salmonella contaminated eggs, compared with farms producing less than 1,000 eggs a day (25% incidence).

Further, Safe Food Queensland has conducted two studies (2014 and 2015). The 2015<sup>46</sup> study found little difference between the cage facility farms (60%) and free range farms (55%) in the incidence of salmonella contamination of eggs. However, flock size did make a difference: medium and large farms in the 2015 survey (i.e. over 15,000 hens) were all found to have salmonella contamination (similar to the 2014 survey). The ‘small’ and ‘lifestyle’ farm flock sizes had a 60% and 47% incidence of salmonella , respectively.

Clearly, there is no indication that the alternative housing methods, particularly free range farming, carries a greater risk of salmonella. The evidence rather is that smaller facilities are likely to carry a lower food safety risk (many of which would be free range). However, the larger the farm (flock size) **of any type**, the greater the precautions that must be taken to reduce the risk of salmonella contamination.

### **TOR (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**

As indicated above, the trend for an increase in cage free eggs, particularly free range eggs, continues. In 2000 (just prior to the last review of the Model Code of Practice) an Australian Government-initiated report estimated that only 5.5% of eggs sold (retail) were from free range farms<sup>47</sup>. By 2010, the proportion of free range shell eggs sold (retail) had risen to over 28%, with more cage free eggs sold from barn and organic farms (together over 40%). In the most recent AECL figures, the free range component of retail eggs is now over 45%, and the total cage-free portion combined is now 56%<sup>48</sup>. In 2018 alone, free range egg sales increased by almost 14% over the previous year.

As indicated above, a growing list of corporations have either already switched to cage free eggs or egg product (liquid, powdered etc for baking, catering of manufactured products), and others have committed to do so by various deadlines (up until 2025).

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<sup>45</sup> NSW Food Authority. 2013 Baseline evaluation of the NSW Egg Food Safety Scheme – Microbiological survey of egg farms in NSW. NSW/FA/CP067/1212.

<sup>46</sup> SafeFood Queensland. 2015. Salmonella survey of the Queensland egg production environment.

<sup>47</sup> SCARM ‘Synopsis Report on the Review of layer Hen Housing and Labelling of Eggs in Australia’ – June 2000 (available from Animals Australia’s files).

<sup>48</sup> AECL Annual Report 2018.

Of interest, from an industry profitability perspective, this change is driven by consumer demand (based on animal welfare concerns). This has been described in detail by industry analysts in the IBIS A0172 Egg Farming in Australia Industry Report - May 2019<sup>49</sup>:

*'The Egg Farming industry has gone through a period of change over the past five years, with free-range egg production becoming increasingly important for industry operators. Rising concerns regarding animal welfare have prompted many consumers and downstream markets to switch to cage-free or free range eggs over the period. The industry has benefited from this switch, as non-caged chicken eggs command higher prices and have greater margins'.*

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

Accurate labelling and traceability systems are required to ensure that consumer interests are protected, and most importantly to ensure that those who have chosen to avoid eggs from battery cages are not defrauded and misled.

Accurate labelling is part of the solution to this risk. At present, only Queensland and the ACT have State legislated requirements for the labelling of egg cartons<sup>50</sup>. However, a National Information Standard<sup>51</sup> was introduced in April 2018, which included an accurate definition and descriptor of 'free range' eggs. Specifically, the National Information Standard *'provides for labelling and display requirements for hen eggs that are represented as free range'*.

In describing the reason for the development of this Standard, the consultation RIS<sup>52</sup> stated:

*'The problem is that, in some cases, producers represent eggs as free range that are not farmed under conditions that consumers typically expect when they buy them. In particular, some eggs labelled free range have been found to come from hens that either cannot or do not go outside on most ordinary days ... It is relatively easy to mislead consumers and there is a financial incentive for producers to do so.*

*Consumers lose out when producers sell eggs labelled free range at a higher price when they are not genuinely free range according to consumer expectations. The producers of genuine free range eggs also lose'.*

The definition of free range eggs in the National Information Standard sets out that **'Free range eggs are eggs laid by hens that:**

- a) *'had meaningful and regular access to an outdoor range during daylight hours during the laying cycle;*
- b) *were able to roam and forage on the outdoor range; and*
- c) *were subject to a stocking density of 10,000 hens or less'.*

While Animals Australia welcomes a law that regulates this important consumer issue, we oppose the very high range stocking density permitted (i.e. 10,000 hens per hectare outdoors).

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<sup>49</sup> <https://www.ibisworld.com.au/industry-trends/market-research-reports/agriculture-forestry-fishing/agriculture/egg-farming.html>.

<sup>50</sup> See *Animal Care and Protection Amendment Regulation (No.2) 2013* (QLD) and *Eggs (Labelling and Sales) Act 2001* (ACT).

<sup>51</sup> The National Information Standard (available [here](#)) was made under the Australian Consumer Law and an interpretation guide was published by the ACCC. Available [here](#).

<sup>52</sup> Available at <https://treasury.gov.au/consultation/free-range-egg-labelling>.



Choice (the Australian consumer advocacy organisation) has undertaken surveys<sup>53</sup> of consumer preferences and understanding of the meaning of 'free range' and remain critical of the high outside density permitted under this Standard.

The above discussion relates primarily to retail shell eggs, and further work is required to accurately describe powdered or liquid egg ingredients in processed or bakery products.

#### **TOR (f) the economic and social effects on New South Wales of:**

**(i) banning, or not banning, the use of battery cages to contain or accommodate hens in the egg production industry, and**  
**(ii) legislating, or not legislating, to prevent poor animal welfare outcomes to hens in the egg production industry of New South Wales and/or to set appropriate minimum standards of accommodation for the accommodation and treatment of hens in the egg production industry,**

##### **(i) Economic considerations related to phasing out battery cages:**

Any discussion of the economic cost of the transition to cage free systems requires an understanding of the economic longevity of existing facilities, i.e. **the age/depreciation status** of the current cage stock or other infrastructure.

In New Zealand, the NAWAC<sup>54</sup> used an 18 year cage life/economic depreciation figure. The NZ transition plan requires (progressively) cages more than 17/18 years of age to be decommissioned – enacting a 10 year phase out (by 2022). If that depreciation approach was taken here, this would effectively mean that most existing cage stock would be economically depreciated by 2025 because few (if any) conventional cages have been installed since 2008 (as a requirement of State jurisdiction arrangements with the adoption of the current Model Code of Practice in 2002).

It is our strong view that consumer demand and community concerns on this issue require a much faster transition. That is, **5 years only**.

The phase-out would clearly require that no **new** cages could be installed or used to house layer hens, and as a matter of principle the oldest cages should be the first to be decommissioned.

Animals Australia reiterates that it rejects any suggestion that conventional cages could or should be replaced by 'furnished' cages. To do so would lead to the continued unacceptable confinement of hens in cages and fail to provide the market sustainability and 'certainty' that the egg industry seeks. Indeed, the report to the NSW Government by Dr Ian Roth<sup>55</sup> stated relevantly:

*'The current policy deliberations and community sentiment are creating industry and investment uncertainty for the egg industry. Some sectors of the egg industry recognise that **the only certainty for industry is to phase out conventional cages** however even these people consider that conventional cages are an acceptable and possibly preferable method of production.'*

The estimate of the inevitable infrastructure costs required to phase out battery caging must take into account that there is already a significant level of **voluntary** commercial decisions

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<sup>53</sup> See here: <https://action.choice.com.au/page/29621/petition/1>.

<sup>54</sup> New Zealand National Animal Welfare Advisory Committee 'Animal Welfare (Layer Hens) Code of Welfare Report' – 2012.

<sup>55</sup> Independent consultation process for the NSW Government following the release of the Australian S&G – Poultry and related RIS, Dr Ian Roth, March 2018.

made now and which will be made over the next several years. Indeed the Productivity Commission report stated that '[p]roducers also have an incentive to improve animal welfare to meet changing consumer demands for higher welfare products'<sup>56</sup>. A transition to alternative housing systems for layer hens is already underway due to consumer demand, a trend that will continue (as discussed above: see Futureye report and IBIS forecast references).

Further, costs of upgrading systems will be partially met through consumers paying more for the alternatively produced eggs, referred to as consumers' 'willingness to pay'. As indicated earlier, industry profitability is already evident due to the higher farm gate prices paid for cage free eggs.

## (ii) Social considerations of phasing out battery cages.

The vast majority of Australians, including an overwhelming number of the 165,000 people who responded to the call for submissions on the Draft S&G – Poultry in 2018, advocated a ban on conventional cages. While the Public Consultation Report<sup>57</sup> did not specify the actual figures, the consultant, Dr Bray, noted the 'considerable public interest' in the cage issue and stated:

*'Welfare and legal groups, and the majority of the community members, opposed the use of conventional cages, citing poorer wellbeing due to denial of natural behaviours, and there was limited support for enriched/furnished cages.'*

Further evidence of strong community views can be found in the results of a broad study by Futureye, 'Australia's Shifting Mindset on Farm Animal Welfare' in 2018<sup>58</sup> discussed earlier in this submission. That report also states:

*'Quantitative research indicates that the public has the highest disagreement with the statement that chickens for egg production have good animal welfare standards, ...'*

Similar results were found when seeking the comparative degree of concern for various farming practices, that is 'How concerned are you about...'. In regard to 'Overcrowding and space restriction of farm animals', some 85% of respondents said they were either moderately concerned, very concerned, or extremely concerned. The same question about 'Factory (intensive) farming' and about 'Indoor confinement' found that a combined 81% of respondents (for each question) were moderately to extremely concerned<sup>59</sup>.

It is also salient that social research (including the Futureye report) has consistently recognised that the community does not see a wire cage **with furnishing** as significantly different to a conventional cage. In the eyes of many, a cage is still a cage and is not an appropriate environment for a hen. Concern that the conventional cage will merely be replaced by furnished/enriched/colony cages and entrench unacceptable indoor cage confinement has sparked community<sup>60</sup> concerns and a corporate<sup>61</sup> reaction against the sale of eggs from those systems.

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<sup>56</sup> Productivity Commission 2016, Regulation of Australian Agriculture, Report no. 79, Canberra.

<sup>57</sup> Public Consultation Report, by Dr Heather Bray, University of Adelaide, July 2018. See: <http://www.animalwelfarestandards.net.au/files/2015/07/Public-consultation-report-final-09072018.pdf>.

<sup>58</sup> Futureye Pty Ltd. 'Australian's Shifting Mindset on Farm Animal Welfare' (commissioned by Department of Agriculture and Water Resources 2018). See: <http://www.agriculture.gov.au/SiteCollectionDocuments/animal/farm-animal-welfare.pdf>.

<sup>59</sup> Ibid, page 72.

<sup>60</sup> See, for example: <https://www.ciwf.org.uk/news/2010/08/enriched-cages-condemned> (full statement at Appendix A).

<sup>61</sup> See, for example: <https://www.countdown.co.nz/news-and-media-releases/2017/march/countdown-commits-to-cage-free-with-support-from-egg-farmers>.

As indicated above, similar community view were found in NSW when the NSW Government commissioned Dr Ian Roth (former CVO) to conduct a consultation on the then Draft S&G – Poultry in late 2017. Dr Roth’s report <sup>62</sup> stated in part:

*‘Of the 1200 responses to the NSW DPI survey and the 165,000 submissions to Animal Health Australia, 99% of respondents are reportedly opposed to conventional cages. The community social licence for conventional caged egg production appears to be continuing to erode.’*

In regard to the **length of any phase out period**, we do not believe the community would want a long phase-out period. The confinement of hens is a constant source of concern; hens are seen to suffer daily from the behavioural restriction in cages, as the extract from the LayWel report states.

Given there are more than 3 million hens housed in battery cages in NSW at this time<sup>63</sup>, and hens are usually culled after some 15 months in the cages, up to 30 million hens would experience this deprivation and suffering if this system was permitted for a further decade.

This will simply not be acceptable to the community.

We also recommend that NSW consider transition requirements to ease the suffering of hens whilst ever they remain in cages. For example, increasing the space per hen in existing cages during the phase-out, for example by adopting the EU requirement (in furnished cages) of 750sqcm per hen (up from the current regulated 550sqcm/hen).

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

As indicated earlier in this submission, our key concern relates to the physical and mental suffering caused to hens by the close confinement and deprivations of battery cages. We acknowledge the challenges posed by any system that gathers large number of animals together for commercial purposes. However we repeat here the conclusion of the 2007 Laywel report<sup>64</sup>:

*‘Conventional cages do not allow hens to fulfil behaviour priorities, preferences and needs for nesting, perching, foraging and dustbathing in particular. The severe spatial restriction may also lead to disuse osteoporosis. We believe these disadvantages outweigh the advantages of reduced parasitism, good hygiene and simpler management. **The advantages can be matched by other systems that also enable a much fuller expression of normal behaviour.** A reason for this decision is the fact that every individual hen is affected for the duration of the laying period by behavioural restriction. Most other advantages and disadvantages are much less certain and seldom affect all individuals to a similar degree.’*

[emphasis added]

The level of husbandry knowledge and scientific research has increased substantially over recent decades and best practice must be incorporated into any layer hen operation to reduce any risks to hen welfare. The Farmed Bird Welfare Science Review<sup>65</sup> commissioned by the Victorian Government provides a full outline of the pros and cons of all housing systems, and significant guidance on the requirement of birds in all systems, and will guide the industry in

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<sup>62</sup> Independent consultation process for the NSW Government following the release of the Australian S&G – Poultry and related RIS, Dr Ian Roth, March 2018.

<sup>63</sup> AECL Annual Report 2018, i.e. calculated as there are some 6.6 million hens housed in NSW, and approximately half are caged.

<sup>64</sup> <http://www.laywel.eu/web/pdf/deliverable%2071%20welfare%20assessment.pdf>.

<sup>65</sup> Nicol, C.J. et al, ‘Farmed Bird Welfare Science Review’ (October 2017).

addressing potential issues. It is noted that already almost half of the commercial hen flock in Australia is housed in these alternative systems.

### **TOR (h) what measures should be taken to assist businesses that may be adversely affected by any proposed changes to the law,**

As indicated above, it is understandable that company restructuring will be required by some egg producers to service demand, and thus a phase-out period is required. In our view, and to adhere **to community expectations**, this phase out must not be more than 5 years.

### **TOR (i) what scientific literature says about the above matters**

We refer you to earlier sections of this submission which provide an overview of key scientific findings in regard to layer hen housing and husbandry. We do however recommend that Committee members read the Victorian Government-commissioned Farmed Bird Welfare Science Review<sup>66</sup> for a full review of the multiple 'other' issues addressed, and the informed conclusions provided.

### **TOR (j) any other related matter.**

Whilst commercial/corporate decisions will inevitably be made to move incrementally to alternative systems due to growing consumer demand and clear community concern, some egg producers will persist with battery cages unless legislation is enacted. Already in Tasmania, where there is a ban on any new installation of cages, old farms have been purchased and recommissioned, despite rusting infrastructure and biosecurity hazards, thus demonstrating the need for comprehensive legislation.

It is highly likely that community sentiment against battery cages will continue to grow, and any future public or media debate may then undermine confidence in the Government's commitment to even basic animal welfare standards.

We implore the Committee to recommend, and the NSW Government to proactively move, to regulate a phase out of this archaic and cruel system of commercial confinement of hens. Some 3 million layer hens each year in NSW are at the heart of this matter, and as the LayWel report observed, it is a daily prospect for them:

*'The advantages [of cages] can be matched by other systems that also enable a much fuller expression of normal behaviour. A reason for this decision is the fact that **every individual hen is affected for the duration of the laying period by behavioural restriction**. Most other advantages and disadvantages are much less certain and seldom affect all individuals to a similar degree.'*

We commend this submission to the Committee. We would also be pleased to provide any further information or clarification to assist the committee further if required.

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<sup>66</sup> Ibid.

Yours sincerely,

**Glenys Oogjes**  
Chief Executive Officer  
Animals Australia Federation