

## **FREE RANGE EGGS LABELLING BILL 2012**

### *Introduction and First Reading*

Bill introduced, on motion by **Hon Lynn MacLaren**, and read a first time.

### *Second Reading*

**HON LYNN MacLAREN (South Metropolitan)** [10.23 am]: I move —

That the bill be now read a second time.

The term “free range” is losing its meaning. As the free-range egg market expands and becomes more lucrative, every producer wants a piece of the valuable intellectual property embodied in the words “free range”. And as the term itself becomes degraded, consumers become more confused, and in that confusion consumers are duped and animal welfare standards are lost.

The demand for free-range eggs has exploded in recent years. In the year 2010–11, free-range eggs made up 28.4 per cent of the national market in volume and 40.7 per cent of the value. Free range is big business—last year it made nearly \$200 million in retail sales.

We now have an environment in which “free range” is used to describe virtually any system which is not a cage system and which provides some access to an outdoor area. In particular, stocking densities for so-called free-range laying hens may vary from 750 birds a hectare for some “purist” free-range producers to 1 500, as required by the Code of Practice for Poultry in Western Australia (2003)—the code; 10 000, which is the Coles’ standard; 12 000, which is the Woolworths’ standard; or 20 000, which is the Australian Egg Corporation Ltd preferred standard; and some are even more extreme than that. In these circumstances there is no truth in labelling and consumers have no way of knowing what the term “free range” actually means as they try to choose from a range of options on the supermarket shelf.

This bill addresses that problem and provides the truth in labelling that is needed in a very simple way. It defines a free-range egg as being an egg laid by a free-range hen. It then defines a free-range hen as a hen that is kept in certain conditions, and those conditions are set out in the schedule. The bill then prohibits the use of the term “free range” on the packaging of eggs that do not conform to the definitions. This means, for example, that Coles and Woolworths and AECL may continue to produce and sell eggs with stocking densities that exceed 1 500 hens a hectare, but they may not call them free range. The bill also sets out the requirements for the display of free-range eggs for retail sale, which makes it clear that those eggs are produced by hens in free-range systems that comply with the minimum standards of the code.

Not surprisingly, I have used the code as the guide for the conditions in which free-range hens must be kept. The code is adopted under section 25 of the Animal Welfare Act 2002, whereby compliance with the code can be raised as a defence to a relevant animal cruelty charge, and is based on the “Australian Model Code of Practice for the Welfare of Animals: Domestic Poultry: 4<sup>th</sup> Edition”. That code was adopted by Australian primary industries ministers in 2002. This means that at the time the code was drafted, it was uniformly accepted in Australia as the benchmark for the welfare of poultry in Australia.

This bill might have been subtitled “Don’t let the Australian Egg Corporation degrade the term ‘free range’ to the detriment of animal welfare”. There has been a strong push by AECL to change the definition of “free range” to include stocking densities of 20 000 birds a hectare for laying hens. This is an issue that affects several other states. In fact, in New South Wales, an industry group reported earlier this year that 29 per cent of free-range eggs produced there come from farms that stock their hens at densities even greater than 20 000 birds a hectare. The WA Greens do not believe that a maximum free-range density of 20 000 chickens a hectare accurately reflects consumer expectations for free-range products. This is why. In free-range systems, science points to a correlation between lower mortality rates and lower stocking density, coupled with small flock size. An intense density such as the one proposed by AECL would naturally bring into question the animal welfare standards of free-range products. There is scientific consensus that animal husbandry systems affect social behaviour if movement is limited and animals are not able to display natural behaviours such as, in the case of chickens, pecking, preening, and dust bathing. AECL’s proposal to increase stocking density to 20 000 chickens a hectare would bring into question the animal rights standards that free-range production systems should represent.

A survey conducted by the Choice consumer group magazine revealed that less than one per cent of free-range egg buyers would be satisfied with a stocking density of 20 000 chickens a hectare. Of those surveyed, 85 per cent stated that the primary reason for their purchase of free-range products was the higher animal welfare standards offered in free-range egg products. The survey also found that 43 per cent of consumers rely only on seeing the words “free range” on packaging when making their purchase decisions. I see it as the responsibility of government to ensure that those words truthfully reflect consumer expectations for free-range products. AECL cannot be allowed to hijack the definition of free-range systems and manipulate consumer expectations for free-

range products. We need to preserve the integrity of the free-range egg market, which has been built up for many years by genuine free range egg farmers. Those farmers would either have to sacrifice their principles and commitment to the animal welfare standards established by the code, or be forced out of the market by the big producers who do not conform to those standards. By clearly requiring that the term “free-range” may be used only where specific conditions are complied with, the bill will ensure that the rights of farmers, consumers and free-range laying hens are protected.

I inform the house that this is not a uniform legislation bill for the purposes of Legislative Council standing order 126(1). I commend the bill to the house, and I also table the explanatory memorandum.

[See paper 5219.]

Debate adjourned, pursuant to standing orders.