

**ANIMAL WELFARE (PIG INDUSTRY) REGULATIONS 2010, REGULATION 13(4) —
DISALLOWANCE**

Motion

Pursuant to standing order 152(b), the following motion by **Hon Lynn MacLaren** was moved pro forma on 16 February —

That the words —

for more than 6 weeks of any gestation period unless the pig is —

- (a) under veterinary care; or
- (b) receiving additional care,

in regulation 13(4) of the Animal Welfare (Pig Industry) Regulations 2010 published in the *Government Gazette* on 5 November 2010 and tabled in the Legislative Council on 9 November 2010, under the Animal Welfare Act 2002, be and are hereby disallowed.

HON LYNN MacLAREN (South Metropolitan) [3.13 pm]: The effect of this motion is to bring state regulations into line with the pig industry's voluntary commitment to phase out the use of gestation stalls by 2017. The motion, if supported, will delete only a few lines in the Animal Welfare (Pig Industry) Regulations 2010 that were gazetted on 5 November 2010. In the same month that the regulations were tabled in this house, the producer representative body, Australian Pork Limited, voted to “commit to pursuing voluntary phasing out of the use of gestation stalls by 2017”. Therefore, that part of the regulation that permits the use of sow stalls after 2017 is redundant. Had the minister the foresight to predict that the industry itself would voluntarily move to discontinue the use of these stalls, I would hope he would have overseen the revision of these regulations before gazettal to reflect the industry commitment. After all, the Australian pig industry is evolving along the same trajectory as industries around the world, improving the welfare of the millions of animals used in food production.

These improvements are driven by consumer sentiment as much as scientific evidence that better welfare produces a better product. Sow stalls were initially introduced by the intensive pig industry to minimise the amount of housing space for pregnant pigs and to make it easy for relatively unskilled operatives to manage the pigs. Regardless of the rationale for their use, there is no justification, other than an economic justification, for them being only a fraction larger than a pregnant sow's body. For those who weigh up the production benefits, there are compelling arguments to support the industry transition from the use of sow stalls. For me, the welfare of these pregnant pigs is enough reason to support the discontinuation of the tight confinement during the gestation period. However members may arrive at the decision to support the discontinuation of the use of sow stalls, I ask that they support this motion.

To summarise the supporting arguments, I want to take a few minutes to provide a short background on sow stalls and their use, briefly update members on the worldwide trends in animal welfare and then give a short description of the conclusions of the scientific evidence that we have on pig housing.

Sow stalls are cages that are made of metal bars used to confine pigs during pregnancy. The cage is permitted to be just slightly larger than the pig. Dimensions of a sow stall are about two metres by 0.6 of a metre. If anyone has recently seen the footage on the RSPCA documentaries on television, they would have seen that these animals do not have room to turn around and they find it very difficult to stand up and lie down. In 2009 there were 28 000 breeding sows in Western Australia. I know that at least a quarter of them are on free-range or bred on free-range farms. Another high number of them spend a great deal of their lives outside these stalls. However, a number of them still live their lives in these stalls. Pregnant pigs may be confined to a stall for the entire duration of their pregnancy, which is 16 weeks. The RSPCA says that breeding pigs can be confined all their adult life if a piggery keeps the sow pregnant—that is, continuously pregnant.

Welfare improvements in piggeries have gained momentum worldwide. The United Kingdom and Sweden banned sow stalls from 1999 and 2002 respectively. Despite the absence of sow stalls in those countries, the productivity of sows in the UK surpasses that of Sweden and equates to the productivity of sows in Australia, which clearly indicates that keeping sows in group housing can achieve equivalent or better productivity compared with stall-based sow systems. Rivalea Australia, with 17 per cent of the breeding sow herd and the biggest pork producer in Australia, recently stated —

Rivalea is committed to the removal of all pregnant sow stalls, the original goal was to complete this major project in 2017 ... Currently more than two-thirds of our sows spend all or most of their pregnancy in group housing.

Smithfield Foods of the United States, the largest pork producer in the world, has also committed to phasing out sow stalls. Cargill, another large US pig producer, has announced similar moves away from the use of these sow

stalls, although not amounting to a complete phase-out. There are no fewer than six American states where sow stalls are banned. In December 2010, the New Zealand government announced that sow stalls would be banned after 2015. This ban was based on a detailed analysis of the relevant science by the New Zealand Animal Welfare Advisory Committee. Coles has announced that from 2014 it will not sell pork in its butchery or processed ham and bacon products produced either in Australia or overseas, sourced from animals that have been housed in sow stalls. Australian Pork Limited, the producer representative body, announced at its November 2010 meeting—members will remember this was when the regulations were already in the pipeline and had been tabled in this house—that it had voted to commit to pursuing the voluntary phasing out of the use of gestation stalls by 2017. I draw to members' attention that at the same meeting Australian pork producers also recognised the welfare benefits of gestation stalls, the cost of a change and the need for research, investment and offsets to support the voluntary commitment to this change. Based on an assessment by the Animal Welfare Advisory Committee, which included detailed consideration of welfare and productivity implications, the relevant Tasmanian minister said that sow stalls would be banned in that state from 2017. In January 2011—just a few months ago—the South African Pork Producers' Organisation announced that its members would phase out sow stalls in that country, again probably from 2017.

These changes are supported by scientific evidence that keeping pigs in sow stalls is detrimental to their welfare and that it provides no improvement in productivity over well-managed group housing. It is also inhumane, as evidenced by the fact that if a domestic animal were to be confined in the same way for such long periods, I put it to members, there would be an outcry.

A brief review of the current science that relates to the housing of pregnant sows in stalls compared with housing them in groups shows that pregnant pigs in stalls are virtually unable to express many important natural behaviours, that sows in stalls suffer severe behavioural impairment, as indicated by the high incidence of stereotypic and other abnormal behaviour indicative of poor welfare, and that sows in stalls suffer significant leg problems resulting in lameness. Sows in groups may suffer from aggressive interaction with other sows, but this can be controlled by good management techniques, particularly the use of partial sow stalls to afford protection to individual sows while feeding. The reproductive performance of sows housed in either stalls or groups is equivalent, where properly managed group housing is employed. Consequently, the current animal welfare science supports a ban on the use of sow stalls in Australia.

The points I have just made summarise the scientific evidence relating to the housing of pregnant sows in stalls. Rather than going to the details of this, I seek leave to table a seven-page report by Dr Malcolm Caulfield titled "The current status of animal welfare science relating to housing of pregnant sows".

Leave granted. [See paper 3202.]

Hon LYNN MacLAREN: Several reviews of industry practice herald changes in pig housing. A statement by the Senate Select Committee on Animal Welfare said in June 1990—this goes directly to the industry's response that it has not had enough time to deal with this—that, noting the advantages of stalls, it believed it to be an undesirable means of restraint and that future trends in housing the dry sow should be away from individually confined stall systems, and this can be reflected in the codes of practice. The second edition of the Pig Code said that practicable alternatives to current conventional stalls, which is what we mean by group housing, should be considered as they are developed.

The major multi-expert review that led to the reduction of sow stall use in the European Union said way back in 1997 that since overall welfare appears to be better when sows are not confined throughout gestation, sows should preferably be kept in groups. In a major review of the scientific literature, the American Veterinary Medical Association supports this. Although the industry representative body, the APL, which I have already mentioned, has asserted that the science says the continued use of sow stalls is essential for welfare, it is clear that it is aware that this assertion is, in fact, untrue. It has an internal document that says exactly the opposite. It states that well-managed group housing systems have been shown to be capable of delivering similar animal welfare and productivity outcomes to those obtained in stalls. It is well established that sows kept in stalls suffer major behavioural problems, and reduced cardiovascular fitness, muscle weight and bone strength, and undergo high levels of culling due to lameness. This is supported by an EU council report, which concludes that housing stalls and crates will expose them to the same welfare hazards, including frustration, stress and impaired getting-up and lying-down movements. Crating affects the health of the limbs and the muscular strength. A practicable alternative to sow stall housing is to modify the existing sow stalls, allowing their use as individual feeding stations in combination with group housing, which reduces this inter-sow aggression during feeding.

In wrapping up, I would like to refute the reasons that were given to me for opposing the motion by the Minister for Agriculture and Food, Hon Terry Redman, and a pork industry spokesman. The industry said that it needs more time. The industry has already agreed to voluntarily phase out sow stalls by 2017. It has known this has been on the cards for a while, as evidenced by the 1990 Senate select committee findings that I quoted

Hon Col Holt: Did the industry representative body agree to that?

Hon LYNN MacLAREN: Yes; the APL is the industry representative body.

Hon Col Holt: Not all pig producers belong to that.

Hon LYNN MacLAREN: Hon Col Holt is exactly right, and not all pig producers are opposed to this motion. I am very grateful that the honourable member pointed that out.

Why would they not want regulation, unless this is just an empty promise? This is what we have an opportunity to address here today.

The industry also says that most sows in WA are not kept like this. That is great news! I pointed out the statistics that were released by some of the industry spokesmen only this week. The industry has nothing to lose from this regulation being adopted, and it allows them six years to prepare for this to be in place. The clause that I am talking about does not come into effect until 2017.

My final point is that it is due mostly to the diligence of an animal welfare lawyer who was aware of the industry announcement at its annual general meeting and, at about the same time, of the tabling of our regulations that I am able to provide the Legislative Council with an opportunity to intervene at this late stage in the approval of these regulations. It is my contention that we should vote today to bring the regulations up to date. This is the intended role of the Legislative Council as a house of review and we would be justified in believing it was a job well done.

HON PHILIP GARDINER (Agricultural) [3.29 pm]: I rise to speak against the motion. The ethics of agricultural production have been a major feature of the agricultural industry since about the mid-1970s. Since that time, industries have chosen to adapt to try to meet the requirements of what are often much more appropriate means of production for not only pigs, but also the whole range of agricultural production. Very few producers would be unaware of the necessary ethics associated with agricultural production.

While I do not think that any members like the idea of holding animals in small cages for long periods of time just for the sake of it, the ethical benefit of holding a pig in a sow cage for up to six weeks is the protection of her piglets. I have not personally seen it, but I know of pig producers who have had whole litters squashed by the mother because she was able to range over a larger enclosure. Principally, sow cages reduce piglet deaths. Sows may also be placed in sow cages to protect them from bullying by other sows if they are in a larger pen, which can also be damaging. Let us not be confused by the proposition that producers keep sows in sow pens only for the purpose of trying to make more income; it is done for the purpose, also, of preserving the animals. That is my first point.

My second point is that pig producers were exposed to a number of impacts upon their living during the 1980s and 1990s—in the past 10 years even—one of which was the importation of Canadian pork. Governments change the rules, often with little regard for the impact they have upon producers. I saw it happen with the Australian Wheat Board—although I know there are people in this place who would disagree with my view—when a government change of legislation affected how a product could be differentiated with a single-desk seller. In the same way, a change of tariffs impacts on a pork producer because they are now exposed to competition from pork from another country, the ethics of which we have no control over whatsoever. That is one of the key features of the importation of food into this country. We might set the best, most ethical rules of all, but they are relevant only for the consumption of the product in this country or its exportation. But when food that competes with that of our own producers is imported from countries that have cheaper but much less ethical production methods, we do not have any regard for those differences. Pig producers need time to rationalise their production methods. Keeping a sow in a sow pen for 17 weeks is, of course, far too long; I am sure none of us wants that to happen. The motion requests that we bring forward the banning of sow stalls from 2017 to next year or the year after.

Hon Lynn MacLaren: No, the motion does not say that.

Hon PHILIP GARDINER: The motion states, “for more than 6 weeks of any gestation period”—fair enough.

The motion requests that the situation be changed as soon as possible. When going into any business, including farming, people have to make a material capital investment, which they try to recoup. If a government changes the rules quickly, people have no option but to obey the new rules.

Hon Lynn MacLaren: Are you saying six years is too long for change?

Hon PHILIP GARDINER: It depends upon the size of the capital investment.

Hon Lynn MacLaren: Six years?

Hon PHILIP GARDINER: Yes; farming is a big investment. How long a period does Hon Lynn MacLaren think it takes to get a return in business?

Hon Lynn MacLaren: All they have to do is open the door!

Hon PHILIP GARDINER: It takes much longer than six years to get a return in business. It is important that the industry is given time to adapt.

However, let us not forget the other adaptation that will have to be made, which is by the consumer or the retailer.

Hon Wendy Duncan interjected.

Hon PHILIP GARDINER: That is right; and there are plenty there, too.

As I understand it, retailers are now, for their own purposes—which is fine—saying that they will refuse much earlier than 2017 to purchase the pork of piglets whose mothers were kept in sow pens.

Hon Lynn MacLaren: Three years.

Hon PHILIP GARDINER: Yes, three years.

This commercial practice will come into play for the producer, so the producer may have an access problem because those piglets will not be able to be sold into the market to retailers that have declined to market anything raised in a sow pen. By connection, if members like, there is a strong case for saying that the results that Hon Lynn MacLaren is trying to achieve may well be achieved.

From the point of view of a government impacting an industry, the industry needs time. For that reason, I have to go along with the industry, which has sought time for rationalisation. Commercial forces will also play a part in reducing the time that sows are held in sow pens. Let us not forget, though, that this will impact upon the ethics of production in another way in that there could be much more damage to pregnant sows when they are housed with other sows or many more piglet deaths. That will always be the trade-off in agricultural production, as I understand it. Mr President, I oppose the motion.

HON JON FORD (Mining and Pastoral) [3.38 pm]: The opposition supports the disallowance. Before I comment on what Hon Philip Gardiner said, he raised some issues which confused me from the research that I have looked at. For the benefit of Hansard, I will provide a website address that I will rely on, being www.rspcavic.org/campaigns_news/campaigns_sow_stalls_code_review.htm.

The PRESIDENT: I am sure you will provide that in writing to Hansard.

Hon JON FORD: I will. The webpage is titled “Humane pork: it’s your choice”.

During Hon Philip Gardiner’s argument for the retention of the regulations in their current form he talked about piglet fatalities. My research shows that it is actually farrowing crates that do that. A farrowing crate, which is defined in the regulations, is an enclosure for confining a sow individually during and after farrowing that closely corresponds to the sow’s body size. There is reference on the RSPCA Victoria site to farrowing crates having been designed to maximise the survival of piglets, and that they allow for the suckling of piglets after birth so that they are not crushed by the sow. The research I have looked at seems to regard sow stalls very differently. Farrowing crates are used just a couple of days before the sows give birth, and then for another couple of weeks until the piglets are weaned. This regulation does not actually deal with that, as I understand it.

I do not think it is worthwhile for me to duplicate all the arguments that Hon Lynn MacLaren raised, because I think she has given a good and competent description of the pens. The opposition’s view is that the motion should be supported, for a couple of reasons. One is that it is in line with the standard we believe the community expects for ethical agricultural production, and we see that across a range of issues. There is also the fact that this motion would not have effect until 20 April 2017, and that much of the industry has already indicated its support for the phasing out of this practice. I cannot see what the problem is; in fact I would expect that, by 2017, we will have debated in this house the issue of farrowing crates. All the RSPCA websites around the country are running a fairly strong campaign; I do not think that anyone could reasonably regard the RSPCA as a radically anti-agricultural organisation, like PETA.

As I said before, the opposition supports this disallowance motion, and hopes that the house as a whole will support it for the reasons I have outlined, especially because it sends a message that this house is listening to the expectations of the whole community of Western Australia. Most, if not all, of the industry recognises that this is the direction that we have to go in, and that much of the industry is already at this point.

HON ROBYN McSWEENEY (South West — Minister for Child Protection) [3.43 pm]: The government does not support this disallowance motion, as it is too broad and would effectively prohibit sow stalls being used after 2017 for any purpose, including veterinary care and artificial insemination. Considering the recent decisions by Coles Group Limited in Tasmania and Australian Pork Limited, it is very timely to consider reviewing this section of the regulations. I am personally not in favour of animals being put in stalls, but I

guarantee the member that I will talk to Hon Terry Redman, Minister for Agriculture and Food, and see whether something can be worked out.

The background to this is that the Animal Welfare (Pig Industry) Regulations 2010 were gazetted in November 2010. They are based on the “Model Code of Practice for the Welfare of Animals — Pigs”, third edition. In 2007–08 it was recognised nationally that to have identical legislation across all jurisdictions would be impossible in practice. The pig code was considered by state and territory regulators during a series of workshops at a commonwealth forum, and on 15 May 2009, 23 key outcomes-based principles were identified and endorsed by the primary industries ministerial council as being appropriate to become enforceable standards rather than just voluntary guidelines in the pig code. Regulation 13(4), due to come into operation on 20 April 2017, provides that a person in charge of a female pig must ensure that the pig is not kept confined in a stall for more than six weeks of any gestation period, unless the pig is under veterinary care or receiving additional care. Sow stalls usually have dimensions of approximately two metres by 0.6 metres, and are used to confine pigs during pregnancy.

Traditionally, sow stalls were used to reduce aggression between sows resulting in injury and increased rates of miscarriage; minimise the amount of housing space required for pregnant pigs; and make it easier for relatively unskilled staff to manage the sows. Industry and welfare groups hold differing views as to the value and acceptability of sow stalls. Peer-reviewed studies suggest that the reproductive performance of sows housed in stalls is equivalent to those in group housing when the group housing systems are well-managed. On 10 June 2010, the Tasmanian Minister for Primary Industries and Water announced a complete ban on the use of sow gestation stalls by 2017, with the phase-out to commence in 2014. On 21 July 2010, Coles announced that by 2014, all fresh pork sold in Coles supermarkets would be sow-stall free; it has since extended this to include imported pork. On 17 November 2010, the Australian pork industry body, Australian Pork Limited, voted to phase out the use of gestational stalls by 2017, but this is not binding on individual producers. On 1 December 2010, the New Zealand Minister for Agriculture announced that in 2012, the use of gestational stalls on pig farms would be limited to four weeks after mating, and the use of sow stalls would be banned by the end of 2015.

The use of sow stalls was banned in the UK in 1999 and in Sweden in 2002. As part of the pig regulation development process, a national regulatory impact statement was conducted. This has been queried by the public as well as by animal welfare groups, including RSCPA Australia and Animals Australia. The peer-reviewed *Australian Veterinary Journal* also recently published an article disputing the soundness of the regulatory impact statement, which has raised concerns about the process used to introduce the regulations and their validity.

I return to the point that this disallowance motion should be rejected because it is so broad that it will effectively prohibit the use after 2017 of sow stalls for any purpose, such as veterinary care or artificial insemination. However, I also assure the member that I will speak to the Minister for Agriculture and Food. As I said, sow stalls have traditionally been used to reduce aggression. In the past, the industry argued that sow stalls were necessary; however, APL has now opted for a voluntary phase-out of sow stalls by 2017. The national “Model Code of Practice for the Welfare of Animals — Pigs”, third edition, which established the standards to be regulated by the states and territories, was formally endorsed by the primary industries ministerial council in April 2007. This occurred prior to recent decisions by the industry and the Tasmanian government to ban or restrict the use of sow stalls for confining sows during pregnancy.

There is widespread movement away from the use of sow stalls as set out in the pig regulations and as demonstrated by the decisions made by the Tasmanian government, Coles and APL. There has been general distaste for sow stalls expressed by the public and by animal welfare groups, including the RSPCA and Animals Australia. This move to voluntarily phase-out sow stalls is welcome, but as I said before, it may be timely to consider reviewing that section of the pig regulations. The government does not support this disallowance.

HON LYNN MacLAREN (South Metropolitan) [3.50 pm] — in reply: I thank members who have sought to shine a light on this issue, in particular Hon Robyn McSweeney, who made some comments indicating that the welfare of pigs would be reviewed in light of the issues that I have brought forward today. The Greens (WA) would support a resolution to incorporate the veterinary care provisions that Hon Robyn McSweeney mentioned, and I hope that we can do that as soon as possible.

To Hon Philip Gardiner, who commented on the scientific evidence in an anecdotal sense, it is clear that the scientific evidence is irrefutable, the industry practice is changing and the markets for pig meat produced in this system are shrinking. Producers who have already moved to a free-range system or a system that does not depend on sow stalls are already reaping the economic benefits, and I express my appreciation to them for freeing those pigs from the confines in which many farmers are still keeping them.

The government’s position does not make sense to me because the ongoing use of this type of system post-2017, which is permitted by these regulations that the government is proposing we pass today, is antiquated and cruel,

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Hon Lynn MacLaren; Hon Philip Gardiner; Hon Jon Ford; Hon Robyn McSweeney

and the position the government is taking, particularly in light of the fact that the industry itself is moving forward, is not the right one to be taking. In my own view, banning sow stalls now is the right thing to do, but that is not on the table; that is not what we are considering. We are considering an industry-driven move and we are just making it part of the regulations. I hope that this outcome does not risk undermining the industry commitment to voluntarily phase out this practice, and I put the motion standing in my name.

Question put and a division taken with the following result —

Ayes (12)

Hon Helen Bullock
Hon Robin Chapple
Hon Kate Doust

Hon Adele Farina
Hon Jon Ford
Hon Lynn MacLaren

Hon Ljiljana Ravlich
Hon Sally Talbot
Hon Ken Travers

Hon Giz Watson
Hon Alison Xamon
Hon Ed Dermer (*Teller*)

Noes (17)

Hon Liz Behjat
Hon Peter Collier
Hon Wendy Duncan
Hon Phil Edman
Hon Brian Ellis

Hon Donna Faragher
Hon Philip Gardiner
Hon Nick Goiran
Hon Nigel Hallett
Hon Col Holt

Hon Robyn McSweeney
Hon Michael Mischin
Hon Norman Moore
Hon Helen Morton
Hon Simon O'Brien

Hon Max Trenorden
Hon Ken Baston (*Teller*)

Pairs

Hon Sue Ellery
Hon Matt Benson-Lidholm
Hon Linda Savage

Hon Mia Davies
Hon Alyssa Hayden
Hon Jim Chown

Question thus negatived.