

SUBMISSION TO THE LEGISLATIVE COUNCIL COMMITTEE ANIMAL WELFARE AMENDMENT BILL 2017

19th April 2018

I appreciate the opportunity to provide comment to the Legislation Committee in the Legislative Council on the policy of the *Animal Welfare Amendment Bill 2017*. We are concerned with some of the provisions contained in the Bill and the impact it may have, both on our company and the egg industry in Western Australia.

GOLDEN EGGS

I represent Golden Eggs which is a WA company with capacity of nearly 1 million laying hens plus pullet growing capacity of 420,000 chickens. Our head office is in High Wycombe and we operate egg production farms at Bullsbrook, Muchea, Gingin, Jurien and Geraldton. We have 2 egg grading floors at Gingin supplying 750,000 eggs daily to the WA market.

In addition, we have our own feedmill at Welshpool. We employ approximately 160 people, mainly in the regional areas where the farms are located. We are the largest egg producer, egg grading and marketing company in Western Australia.

We raise concerns over the proposed amendments to the *Animal Welfare Act 2002* currently before Parliament and we have detailed the main points below.

SUMMARY

1. The proposed amendments to *Animal Welfare Act 2002* have been prepared without meaningful consultation with livestock industries and in particular with the egg industry in WA.
2. The amendments have been introduced to Parliament in haste and it has been acknowledged by the Minister that it is a "stop-gap" measure as a full review is in process.
3. The proposed amendments to the Act before Parliament has sections in it which have not been fully explained or detailed and raise concerns within industry.
4. The current Minister has suggested that if National Standards and Guidelines are deemed by the State Government to be unacceptable, then they could be circumvented by introducing State specific regulations. For example, with regard to the new National Standards & Guidelines for the Welfare of Poultry, it has been publicly stated that the process was flawed and the State Government could make their own regulations and standards for the egg industry in WA if the national guidelines did not reflect State Government policy.

SECOND READING SPEECH (OCTOBER 2017)

The Minister in her second reading speech has highlighted aspects of the proposed amendments to the Act which are of concern to us:

1. NEW CLASS OF INSPECTORS

- a. The Minister gives a number of reasons why this is necessary however these remain largely unclear to us.
 - i. This will bring it in line with NSW and SA – but it is not a “national approach” as other jurisdictions are not referenced.
- b. Powers will be increased for inspectors.
- c. Quoted as a “new class of inspectors”.

2. ENSURING COMPLIANCE

- a. HOW WILL THIS BE USED - The Minister has quoted that increased powers will be used to ensure compliance. Is it the intent this will be a major part of the new powers? The Act does not indicate how this power will be used.

3. REGULATION POWERS

- a. REASONS QUOTED - The Minister has indicated the need in the amended Act for “regulation making powers” to simplify the process of incorporating new national standards into WA legislation.
- b. HISTORY OF ADOPTION NATIONAL STANDARDS IN WA
 - i. It should be noted however that historically WA and other state jurisdictions do not adopt necessarily adopt national standards either due to some local factor/s.
 - ii. Adoption of some sections may be required under legislation due to the legal framework in WA.
- c. OPEN-ENDED
 - i. ACCOUNTABILITY - A major concern is that a Minister of the day will have the power to adopt regulations without consultation with industry nor the approval of Parliament.
 - ii. NO LIMITS - This will leave the Act open-ended.
 - iii. POULTRY HOUSING – We are concerned that a Minister could make arbitrary decisions without these being debated and tested in the Parliament. For example, the current Minister has made statements through the media on animal welfare issues including views on poultry in cages. Under the proposed new legislation, the Minister would be in a position to prescribe regulation in this area without debate.
 - iv. SENTIENCE – It is noted that the new Animal Welfare Act does not reference animal sentence as such, but coverage has been given in the media to this matter. A Minister could prescribe regulations in this area without debate.
- d. DEFENCE AMENDMENTS
 - i. NATIONAL STANDARDS & GUIDELINES - It is noted that the proposed new Act would also allow new regulations to be prescribed. The reason given is it will simplify the adoption of any national changes to Standards & Guidelines.

- ii. NON-UNIFORM STANDARDS - It is also possible for the Minister of the day to prescribe regulations in WA that may be counter to uniform national standards.

4. NATIONAL STANDARDS

- a. The Minister in the Second Reading speech quotes that “new Standards & Guidelines can be readily incorporated in WA”. This is counter to her recent approach to the national Standards & Guidelines for the Welfare of Poultry which she has dismissed and indicated she would look at incorporating items such as banning cages into WA legislation. NOTE -the Minister has always said that she would prefer a national approach and would prefer the guidelines to be amended to reflect community expectations.

5. STOP-GAP

- a. URGENT NEED
 - i. The Minister quoted the Bill will provide a “stop-gap, addressing critical issues around enforcement of animal welfare standards while we complete a full review” of the Animal Welfare Act 2002. This review is expected by the Minister to take “some 18 months”. If a review takes 18 months to do properly we suggest that the current Act before Parliament may not have been thought through properly, nor consulted appropriately with the livestock industries.
 - ii. It is premature to adopt some of the sections of the new Act at this stage. The new Standards & Guidelines for the Welfare of Poultry has not been completed and would be better included in the debate of Parliament at the time.

I present this submission to the Legislation Committee for your consideration in its deliberations of the Animal Welfare Amendment Bill 2017. If you require further information, please contact me.

Yours faithfully,



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