

Inquiry into pig welfare in Victoria

Submission

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About the Australian Alliance for Animals

The Australian Alliance for Animals is a national charity leading a strategic alliance of Australia's key animal protection organisations to achieve systemic change for animals. Through our six core member organisations, we have a combined supporter base of over two million people.

Learn more about our work on our website: www.allianceforanimals.org.au

The logo for Animals Australia consists of the words 'Animals Australia' in a bold, orange, sans-serif font. Below this, the tagline 'for a kinder world' is written in a smaller, italicized, orange font.

**Animals
Australia**
for a kinder world

The logo for Compassion in World Farming features the words 'COMPASSION' in a bold, green, sans-serif font and 'in world farming' in a smaller, black, sans-serif font below it.

COMPASSION
in world farming



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In the spirit of reconciliation, we acknowledge the Traditional Custodians of country throughout Australia and their enduring connections to land, sea and community. We pay respect to their Elders past and present.

12 January 2024

The Committee Manager
Environment and Planning Committee
Parliament House, Spring Street
EAST MELBOURNE VIC 3002

Via: pigwelfareinquiry@parliament.vic.gov.au

Dear Committee Members

Inquiry into Pig Welfare in Victoria

Thank you for the opportunity to participate in the Inquiry into Pig Welfare in Victoria. We commend the Victorian Parliament for initiating the Inquiry and giving this important issue the attention it demands.

We represent six of Australia's leading animal protection organisations with a combined supporter base of over 2 million people. Our members include Animals Australia, World Animal Protection Australia, Humane Society International Australia, FOUR PAWS Australia, Compassion in World Farming, and Voiceless, the animal protection institute.

We acknowledge and endorse the submission of Animals Australia addressing points 1 to 5 of the Inquiry's terms of reference relating to compliance, enforcement, slaughter and husbandry practices within the pig industry. We also endorse the recommendations of RSPCA Victoria with respect to the phasing out of sow stalls, boar stalls and gestation crates.

Our submission focuses on broader issues with the way animal welfare is governed in Victoria, particularly the lack of independent and accountable processes for the development of standards applying to the pig industry and other livestock industries. As our submission explains, these governance deficiencies are a key cause of the persistent animal welfare issues we see arising in the pig industry and other animal-based industries both in Victoria and nationally.

An insular industry culture

The recent ABC 7.30 program on the use of CO₂ gas stunning in the pig industry is simply the latest in a long line of shocking exposés about common livestock industry practices.¹ The fact

¹ Lauren Day, Stunned, ABC 7.30, 27 March 2023 <<https://www.abc.net.au/news/2023-03-27/pork-industry-carbon-dioxide-stunning-hidden-cameras-730/102094548>>

that such conduct is common and legally permitted, yet shocking to the Australian public when publicly exposed, is a clear indication the law is failing to meet community expectations.

In part, this is due to an insular industry culture that instinctively reacts defensively to any form of criticism or scrutiny of its practices, particularly when such scrutiny comes from sources outside of the industry.

In response to graphic footage of pigs being subjected to CO₂ gas stunning on the ABC's 7.30 program, the CEO of the Australian Meat Industry Council Mr Patrick Hutchinson, said he "didn't see any mistreatment of any animals during that process"² and suggested that pigs were just vocal animals:

Pigs are an animal that vocalises extensively, whether in a paddock, a shed, when people are touching them, in the saleyard or transportation — that's how the animal is.

In certain circumstances, we're seeing pigs react in very different ways, just as we see other livestock, people react in different ways to different scenarios.

He went on to suggest that the activists had "found specific pigs that reacted in a specific way as opposed to showing us the total process over the day."

In fact, the CO₂ gassing footage had been gathered over 13 days at three separate abattoirs in Victoria and was provided to regulators in full. The captured vision was from multiple cameras and provided vision of thousands of pigs in these facilities being stunned and slaughtered. The distressed behaviour of the pigs was clear for the vast majority of pigs in the gondolas.

Mr Hutchinson's comments did not appear to appreciate the seriousness of the animal welfare issues highlighted in the ABC's program, nor the distress the footage caused to many in the community, including consumers of the products his industry serves.

The comments from Mr Hutchinson were emblematic of a closed-minded industry culture, divorced from the reality of mainstream community expectations about the way animals should be treated in modern Australia. This is a dangerous position for any business or industry to be in as it is not conducive to their long-term social licence and sustainability.

Poor governance and regulatory capture

Rather than challenge this closed-minded culture, current governance and legal arrangements for animal welfare serve to perpetuate it. The allocation of animal welfare policy responsibilities to Ministers for Agriculture and Departments of Agriculture fosters a protective, self-reinforcing feedback loop regarding controversial industry practices that would have been phased out decades ago were decisions about their future based on objective science and community expectations.

² Jane McNaughton, Pig slaughter methods defended by pork industry after animal activists release footage, ABC, 28 March 2023 <https://www.abc.net.au/news/rural/2023-03-28/pig-slaughter-methods-defended-by-porkindustry/102153822>

Ministries and departments of agriculture have competing responsibilities when it comes to animal welfare. This is because their primary objectives are to promote productive and profitable primary industries. Increasing the gross value of production (GVP) of these industries is often a key performance measure of agriculture departments.³

Unfortunately, improvements to animal welfare standards may not always align with industry productivity and profitability goals. In these instances, the industry's commercial interests generally win out as they better align with the incentives and bureaucratic reward structure of the departments and ministries, whether that be in the form of meeting departmental KPIs or receiving positive reinforcement from agriculture policy lobby groups and stakeholders.⁴

As a result, Victorian legislation effectively indemnifies harmful industry practices from challenge through the use of wide-ranging defences for any activities that comply with industry codes.⁵ These codes are largely written for industry, by industry. There are no requirements, legislative or otherwise, setting out the process or criteria for developing such codes despite their significance for animal welfare and the community.

This lack of independent oversight and legislative accountability predisposes the animal welfare policy framework to regulatory capture and is the core reason behind the system's inability to produce standards that are in line with public expectations.⁶ While community values and expectations regarding animal welfare have modernised and evolved over the past several decades, and animal welfare science has continued to expand the evidence base on sentience and welfare indicators, livestock industries have largely remained stuck in the 1980s' 'biological functioning' approach to welfare based on mortality rates and physical performance.

This also affects the way livestock industries allocate public funding for research and development projects. For example, Australian Pork Limited (APL) received \$5.5 million for research and development from levies and a further \$6.5 million in matched funding from the federal government in 2022.

However, APL's 2020-25 Innovation Plan makes no reference to improving welfare outcomes at slaughter but instead lists 'reduced cost of production and processing' as a key area of research.⁷ It appears that APL has prioritised the industry's commercial interests over the public interest in the use of such public funding. In the absence of independent oversight, animal welfare will continue to be overshadowed by the industry's commercial incentives.

³ Productivity Commission, Regulation of Australian Agriculture, No.79, 2017, Chp 5
<https://www.pc.gov.au/inquiries/completed/agriculture#report>

⁴ Australian Alliance for Animals, *Building a Fairer Australia for Animals*, 2022: www.fairgoforanimals.org.au

⁵ See s.11(2), *Prevention of Cruelty to Animals Act 1986*.

⁶ Goodfellow, Jed, 'Regulatory Capture and the Welfare of Farm Animals in Australia', in *Animal Welfare Law and Science: International Perspectives* (Springer, 2016).

⁷ Australian Pork Limited, Innovation Plan 2020-25 <https://australianpork.com.au/sites/default/files/2022-01/Innovation-Plan-2020-25-Final.pdf>

The need for independent and accountable governance reform

Independent and accountable governance is needed to ensure there is greater alignment between the state's animal welfare laws and standards and the Victorian community's values and expectations. An independent Office of Animal Welfare should be established to oversee the development of animal welfare policy and standards in Victoria.

The Victorian Legislative Council has previously expressed support for the creation of such a body at the federal level in the form of an Australian Commission for Animal Welfare.⁸ The recommendation was made in its 2020 report on the impact of animal rights activism on Victorian agriculture:

That the Victorian Government express its support to the Commonwealth Government for the creation of an Australian Commission for Animal Welfare, in order to expedite the process for the agreement of the Australian Animal Welfare Standards and Guidelines.⁹

This recommendation was later supported by the Victoria Government:

The Victorian Government supports the intent of this recommendation and believes that animal welfare standards and guidelines should be coordinated nationally to provide better certainty and consistency to both industry and consumers.

The Victorian Government notes that successful national governance models that achieve a nationally consistent approach for matters that are a state and territory responsibility also have independent standard-setting bodies. These include the National Transport Commission, Food Standards Australia and New Zealand and the Australian Pesticides and Veterinary Medicines Authority.

The Victorian Government would welcome the Commonwealth Government's further consideration of an expertise-based body as part of a robust national governance framework for developing future animal welfare standards and guidelines.¹⁰

While this is positive, the same grounds for establishing such a body exist at the state level as well. A Victorian Office of Animal Welfare could be established under the proposed Animal Care and Protection Act to provide expert policy advice and services to the Victorian Government.

Such a reform would be well supported by the community. Research undertaken by BehaviourWorks Australia between February-March 2023 found that over 80% of Australians believe the final say on animal welfare policy decisions should be made by an independent and

⁸ Legislative Council, Inquiry into the Impact of Animal Rights Activism on Victorian Agriculture, Parliament of Victoria, 2020, Recommendation 9. The proposal for an Australian Commission for Animal Welfare was first recommended by the Productivity Commission in its 2016 report on the regulation of Australian agriculture: see, Productivity Commission, Regulation of Australian Agriculture, No.79, 2017, Chp 5 <https://www.pc.gov.au/inquiries/completed/agriculture#report>

⁹ Legislative Council, Inquiry into the Impact of Animal Rights Activism on Victorian Agriculture, Parliament of Victoria, 2020, Recommendation 9.

¹⁰ Victorian Government Response, Inquiry into the Impact of Animal Rights Activism on Victorian Agriculture, May 2020, p.7.

impartial authority, with 68% believing this should be an independent animal welfare agency, and only 22% supporting the current practice of allocating responsibility to departments of agriculture.¹¹ We **attach** a summary of this research.

Together with creating an Independent Office of Animal Welfare, the Victorian Government should establish legislative criteria within the proposed Animal Care and Protection Act for the making and adoption of industry-based codes of practice, standards and regulations to ensure there is consistency with the principles and duties of the Act. Legislating such criteria would make standard-setting processes more accountable and transparent, and would lead to a more robust, coherent, and science-based legislative framework. This would provide greater certainty for all stakeholders and place the Victorian livestock industry on a more sustainable footing.

For further information on these and other important governance reforms, please see our report, [Building a Fairer Australia for Animals](#).

While there are important reforms that must take place within the pig industry, as highlighted in the submissions of Animals Australia and RSPCA Victoria, this inquiry should not be limited to interrogating the deficiencies of specific husbandry practices alone.

This inquiry presents a unique opportunity for Victoria to enact meaningful structural change, to create more independent, accountable governance processes, and to institute a more proactive approach to animal welfare that is inclusive of community views and expectations.

With this end in mind, we make the following recommendations for the Committee's consideration:

Recommendations

1. That the Committee supports all recommendations contained in the submission of Animals Australia, and the recommendations of RSPCA Victoria with respect to the phasing out of sow stalls, boar stalls and gestation crates.
2. That the Committee acknowledges the competitive tensions that arise from allocating animal welfare policy and regulatory responsibilities to ministries and departments of agriculture and the challenges such governance arrangements pose to the promotion and implementation of animal welfare standards consistent with community expectations.
3. That the Committee recommends the Victorian Government establish an independent Victorian Office of Animal Welfare under the proposed Animal Care and Protection Act with responsibility for overseeing the development of animal welfare policy and standards.
4. That the Committee recommends the Victorian Government adopts a national leadership role in actively promoting the establishment of a national Animal Welfare Commission at intergovernmental forums including the Animal Welfare Task Group (AWTG), the Agriculture Senior Officials Committee (AGSOC), and the Agriculture Ministers Meeting (AMM).

¹¹ BehaviourWorks Australia, Australian Animal Welfare Survey, 2023
<https://www.allianceforanimals.org.au/animal-welfare-policy-barometer>

5. That the Committee recommends the Victorian Government establish legislative criteria in the proposed Animal Care and Protection Act for the making and adoption of industry-based animal welfare codes and standards to ensure there is consistency with the principles and duties of the Act.

We trust this submission has been of assistance. Please do not hesitate to contact us should you require further information on the matters raised above. We would also be pleased to participate in any public hearings held by the Inquiry.

Yours sincerely,



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