



Submission to

**Animal Welfare Advisory Committee Working Group**

In response to the

**Review of the**

**Animal Welfare Act 1993 Issues Paper**

Prepared by

**Tasmanian Farmers & Graziers Association**

October 2005

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## 1. Introduction

The Tasmanian Farmers and Graziers Association (TFGA) is the peak representative body for farmers in Tasmania. It has some 5 500 members in the dairy, wool, meat, vegetables and cereals and seeds industries. Members are also involved in a range of other agricultural product areas including poppies, berries and pyrethrum, and in forest management and wood production in both native forests and plantations. We offer this submission as one voice representing these 5,500 businesses.

In preparing this submission the Tasmanian Farmers and Graziers Association has consulted the farming community by holding a series of open forums at four different locations being Smithton, Ulverstone, Scottsdale and Bothwell.

Agriculture is an important component of the Tasmanian economy as evidenced by the following points:

- Agriculture is an important contributor to the Tasmanian economy both in its own right and because of the contribution of other industries that depend on it. In particular, the manufacturing and service sectors that utilise farm outputs are very significant contributors to both gross state product and employment.
- The direct or farm-gate contribution of agriculture is around 5% of gross state product, and 6% of total state employment.
- When agriculture and its related input and output sectors are combined the contribution of the so-called farm dependent economy increases to almost 16% of gross state product, and 20% of state employment.
- Agriculture is a more significant contributor to the Tasmanian economy than it is in any other state. Tasmania's 16% of gross state product from the farm dependent economy compares to a range of 10% to 15% for other states and an Australian average of 12%.
- Two thirds of Tasmania's farm dependent economy contribution to gross state product occurs beyond the farm gate - in the farm output sector. The manufacturing and service sectors each contribute around half of the value added beyond the farm gate.
- Direct farm output in Tasmania in 2003-04 was valued at around \$857 million.
- Despite its ups and downs, farm output has increased at a compound rate of 4.7% per annum over the past 20 years. This represents an increase in real terms over the period.
- Farm employment in 2003-04 was around 11,000 people. This was down by around 2,000 people since 2001-02 but that reduction has

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been offset by an increase in agriculturally dependent employment in the manufacturing and service sectors.

- The importance of the downstream benefits of agriculture in Tasmania is highlighted by a recent analysis of the state's food industry (including seafood) which showed the following value chain:

Farm-gate and beach-point value \$ 944 million  
Packed or processed value \$2,100 million  
Total food revenue (net of imports) \$2,980 million

## **2. Current National Situation**

### ***Australian Animal Welfare Strategy***

The Australian Animal Welfare Strategy (AAWS) provides direction for the development of future policies and the revision of existing approaches to animal welfare. Agricultural industries see the strategy as a tool to promote the existing national framework that provides for high standards of animal welfare in Australia to both domestic and international audiences and particularly international trading partners.

The Federal Government has developed a Draft Implementation Plan which aims, amongst other things, to establish new national systems and approaches across jurisdictions and industry sectors which the agricultural industry strongly supports.

## **3. Development of the Strategy**

The Strategy was developed over a four year period, receiving final endorsement by the Primary Industries Ministerial Council (PIMC) in May 2004. Development of the Strategy included detailed consultations with key animal welfare stakeholders (livestock industries, RSPCA, Animals Australia, the Australian Veterinary Association, the National Health and Medical Research Council, relevant State/Territory and Australian Government agencies) and the Australian community. This inclusive consultation was completed under the auspices of the National Consultative Committee on Animal Welfare (NCCAW).

The Primary Industries Standing Committee (PISC) was then tasked to coordinate the development of an implementation plan for the Strategy in consultation with key stakeholders.

The Strategy is aimed at the whole Australian community and covers all uses of sentient animals including the following six key sectors:

1. animals used for the production of food and fibre and other products
2. animals used in research and teaching;
3. aquatic animals;

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4. companion and guide animals;
  5. animals used for recreation, entertainment and display; and
  6. native animals; and introduced wildlife and feral animals.

The Australian Government fully supports the AAWS as endorsed by Agriculture Ministers of the State and Territory Governments in 2004.

In the 2005-06 Budget the Australian Government confirmed a \$6 million commitment towards the implementation of the AAWS over four years until 31 December 2008.

#### **4. Review**

Against this background, we provide the following comments on the ***Review of the Animal Welfare Act 1993***

- In light of the level of national activity at the moment the Tasmanian Farmers and Graziers (TFGA), sees the review as needing to take into account the national standpoint and current focus.
- The TFGA is concerned that the design of the working group did not include a representative from livestock production. This review has the capacity to have a greater impact on agriculture than any other industry.
- The TFGA believes that in any future Reviews more time should be allowed for response.
- The TFGA believes that more weight should be given to livestock producers on AWAC.
- The TFGA should be consulted before any amendments are made as a consequence of this review.

The Tasmanian Farmers and Graziers (TFGA) have consulted livestock producers and believe the following response to reflect the feelings of Tasmanian livestock producers.

#### **5. Submissions on Issues Raised and Proposed Amendments**

##### **5.1 *Duty of care (s.6)***

**“A person who has the care or charge of an animal has a duty to take all reasonable measures to ensure the welfare of the animal”**

TFGA believes that in the livestock production industry the care of animals is directly linked to profitability and sustainability. It is the feeling of professional producers that animal welfare is a definite measure of overall performance. To reflect that point the embracing of Cattlecare and Flockcare guidelines by producers of red meat have provided notable improvements for the sectors in aspects of animal

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welfare within the whole production regime. In addition stringent Quality Assurance compliance requires adherence to associated animal welfare practices as applied to food safety outcomes.

TFGA believes the “Duty of Care” is delineated by the position held by the person in charge of the animal. It is felt that if the employee has full charge of the animal and was in a delegated position to care for the animal it is the responsibility of that employee. Through position descriptions it is quite simple to establish who would be in charge of the animal’s welfare.

If the responsibility for the animal was out of the employee’s hands, either by notification or duty statement, then the duty of care would rest with the supervisor or manager of that employee. In turn, if the supervisor or manager did not have the power or authority to arrange for care of the animal then the owner or company directors would be responsible.

These comments are to reflect the very serious position an employee could face if unable to provide care for an animal due to direction ultimately from an owner or company director.

It is therefore an area of concern where further identification is required. A deeming of ownership of the animals, as having duty of care will therefore not be required if the delineation of duty of care is correctly identified. A chain of command approach will ensure that a new entrant to the industry will experience increasing responsibility through career progression rather than believing duty of care is solely the responsibility of the owner.

## **5.2 Method of management (s.7)**

### **“Broadening of provisions”**

Broadening of the provision to include whole herds or flocks has not been supported by TFGA. The wording of the section should remain the same.

It was supported that individual animals need to be identified.

## **5.3 Powers of officers (S.16)**

Currently under the Act the officer does have the power to instruct persons in control of an animal as necessary to assess or ensure the welfare of an animal. This provision is seen as adequate to enforce the Act. Also at the moment there are no provisions for the officer to be qualified or trained in agriculture. A greater liaison and engagement between regulators and the livestock producing industry would ensure a closer advisory relationship and greater knowledge of respective livestock industries. If an advisory style of communication were adopted animal, producer and regulator would benefit.

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The TFGA believes that the current gathering of information powers should not be changed. The power of an officer to arrest is not supported by TFGA.

#### **5.4 Limitations**

TFGA believes that the six month period should be retained for the promotion of expediency of result. This in turn will ensure any non compliant animal welfare practice will cease and that the perpetrator will be seen as having been punished. If a five year period was to be adopted the situation of the perpetrator being still in the industry might be an issue.

It is inconceivable that a change in the limitations period would result in anything other than building inefficiencies into the Act.

#### **5.5 Exemptions (S.4)**

TFGA does not support the proposed amendment to include the creation of a standard for fishing or commercial angling.

#### **5.6 The control of prescribed animals using a prescribed substance (S.8(2)(h)(v))**

TFGA supports the retention of current approved substances detailed in the Regulations. TFGA questions why the Chief Veterinary Officer should have the power to approve and utilise substances that have not been previously considered or added to the Regulations.

In the event of an Emergency Animal Disease, the TFGA supports that the power to use a noxious substance should be given to the Chief Veterinary Officer however, only with the approval of the Minister.

#### **5.7 Definition of “animal research” (S.3)**

TFGA supports the addition of the amendment “to gain new or validate existing scientific knowledge” to the current definition of animal research. The increased definition would add clarification as to what is animal research. TFGA endorses the regulation of breeders of animals for Animal Research. Impacts to the breeders of animals for animal research would be similar to any livestock breeder that needs to be compliant with the Act.

#### **5.8 Animal welfare standards (S.44)**

The TFGA believes the Minister approved Animal Welfare Standards to be a good guideline. The review of the Australian Model Code of Practice for the Welfare of Animals has begun on a national level and will result in an opportunity to work towards a consistent regulatory framework for all jurisdictions. Currently the Minister Approved Standards for Animal Welfare are seen as providing a guide to

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minimum standards. The Standards also provide a training and assessment tool.

The TFGA does not support the adoption of Standards into Regulations.

The TFGA supports demonstrated compliance as defence against charges involving that particular aspect or element of the Standard.

### **5.9 *Provision for infringement notices***

The TFGA does not support the issuing of Infringement Notices.

The objectives of the Act are “To prevent neglect of, and cruelty to, animals. To ensure the welfare of animals”. It is not clear as to whether the issuing of Infringement Notices would ensure the objectives of the Act. It would be disastrous if a perpetrator paid fines and didn’t change practices. Again, it is the view of the TFGA that the officers promote an advisory approach rather than an enforcing strategy. The case can still be taken to court so there really isn’t any end result to the issuing of an infringement notice.

### **5.10 *Tightening the restrictions on Leghold Traps***

The TFGA believes that in light of it being illegal to use leghold traps the sale of new traps should be banned. Existing leghold traps should be able to be retained but for disposal the leghold traps should be treated commercially like antique firearms.

Prohibiting the possession of leghold traps would preclude their use as decorative ornaments.

There are unused traps on properties unbeknown to the owner and it would be unfair to hold the owner responsible in such a situation.

### **5.11 *Banning glueboard traps***

Food borne disease can be spread by rats and mice if not appropriately controlled. Pests must be controlled so as to prevent contamination of product in manufacturing and storage areas. Pests must be controlled in a way that does not result in residues in any food product. The main line of attack is to make manufacturing plants unattractive to pests. Techniques followed include paving, eliminating holes, eliminating hidden corners, no rubbish and automatic closing doors. Baiting is carried out externally. The last line of defence has involved sound waves, electrocution traps, poison baits and non toxic baits, ketch alls and glueboards. To date the glueboards have proven to be the most effective “last line of defence”.

The TFGA supports the position taken by the food manufacturing industry, in that it supports the limited use of glueboard traps. Also the TFGA supports dairy farmers operating in accordance with a voluntary

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code of practice maintaining access to glueboard traps. In a submission to the Bureau of Animal Welfare in response to the Regulatory Impact Statement on Draft Prevention of Cruelty to Animals (Prohibition of Glue Trapping) Regulations 2005 it was stated through the Dairy Australia submission that glueboard traps are an important tool in an integrated pest management system. The traps provide a last line of defence against rodents that recognises the importance of minimising the risk of contamination of the food supply.

Glueboard traps also provide the elderly or incapacitated with a rodent control measure.

#### **5.12 *Providing a power in the Regulations to authorise matters***

TFGA does not support authorising any persons to determine matters. The proposal requires a great deal more definition. In light of the Regulations being automatically repealed in January 2006, it is suggested that the regulations be thoroughly explored through consultation at that time.

#### **5.13 *Evidentiary matters***

TFGA does not support any changes to the requirement for the author of a report or any evidence for the case, to be present. The TFGA believes that there would be no opportunity to cross-examine if changes were made to the Act on the point of evidentiary matters.

TFGA supports the requirement for proof of approval as an officer to be carried by an officer. Identification is required to be carried by other persons entering a property to comply with occupational health and safety statutory requirements.

### **6. Animal Welfare Regulations 1993**

TFGA believes that for any change to Regulations a round of consultation should take place. It is noted that the Regulations will be automatically repealed on 1 January 2006. TFGA looks forward to an opportunity to consult at that time.

### **Conclusion**

We can not stress enough the agricultural industry's need for a national legislative framework. If this is not achievable at the very least a nationally consistent legislative framework is required and we urge the Tasmanian Government, to commit to a uniform and consistent regulatory framework. In addition, TFGA seeks an opportunity to consult at all pertinent stages of the process.

The TFGA reiterates that we represent 5,500 businesses that will be affected by this review. The TFGA does not support overly restrictive animal welfare legislation that will have an adverse impact on the responsible livestock manager.