

# It's time to bin the spin

*Katrina Sharman, in-house lawyer at Voiceless, the animal protection institute, says the animal farming institute is spinning the law in their favour.*

WHILE the nation's eyes may be fixed on the next episode of *Celebrity Masterchef*, Australia's growing obsession with food preparation has recently moved beyond the dinner plate, out of the kitchen and back to the proverbial 'paddock'.

In recent years, increased scrutiny and criticism of intensive factory farms has changed the way that animal industries market their products. No more hiding beneath a veil of secrecy hoping that issues such as sow stalls, battery cages and meat chicken growing and processing won't be discussed and debated. The social justice movement of animal protection is rapidly picking up momentum and animal industries are now, more than ever, being called upon to justify or change their practices.

It's almost 2010 and Australia has entered the age of 'animal welfare speak'; a time in which animal industries have vigorously embraced animal welfare law as a tool to justify what might otherwise be construed as the systemic abuse of animals. One need only look to some of the primary marketing mediums such as industry websites and press releases, to see how the law is used to spin the wheels of the factory-farming machine.

For example, according to a publication issued by the Australian Chicken Meat Federation Inc: "Concern for bird welfare is backed by Government and Industry Standards which ensure birds are kept comfortable and treated humanely". Similarly, Australian Pork Limited's website tells us: "Australian consumers can have every confidence in the animal welfare standards applied by Australian pork producers [because] our farmers all abide by the standards as set out in the Model Code."

It sounds comforting. However,



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as a lawyer, I can't help but ponder the question, how do these "Model Codes", which underpin State and Territory animal welfare laws, protect animals in reality?

In answering this question, the starting point is to acknowledge that most farm animals fall largely outside the protective reach of animal welfare legislation. They are

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classified in law as property or commodities. The Codes mirror this approach, which has drastic ramifications for the way farm animals are treated.

For example, the Codes permit permanent indoor confinement of female pigs, layer hens and meat chickens in circumstances that severely limit their ability to carry out their normal behaviours. They also provide for certain management practices or elective husbandry procedures to be performed on farm animals. The Pig Code sanctions the docking of piglets' tails, while the Poultry Code provides for layer hens to be subjected to "appropriate beak trimming". These procedures are both permitted to be carried out without pain relief, notwithstanding the fact that scientific research points to the fact that they are likely to cause acute and chronic pain. The euphemistic way in which

the Code refers to these matters fails to convey the suffering that animals are likely to endure both physically and emotionally, as we disable or in some instances remove the sensory organs with which they understand their world.

How many consumers who are told that animals are being cared for and treated humanely know that the law condones these procedures? How many are aware that the law has institutionalised the widespread suffering of farm animals – that it provides a green light to industry to pursue its agenda, subject to certain minimum standards?

A 2006 survey conducted in connection with the Federal Government's Australian Animal Welfare Strategy found that participants had a "shallow understanding of animal welfare issues" and that "there appeared to be assumptions by the general public about animal welfare and the existence and enforcement of legislation to protect animals from mistreatment".

Surveys such as this bode well for industry. They suggest that it doesn't have to spin the law a great deal to protect its interests at the present time. This is bound to change as the animal law movement gathers momentum. As people become aware of the widespread legalised cruelty sanctioned by current laws, industry's capacity to rely on the law as an indicator of good corporate behaviour will become increasingly difficult.

In the meantime, one of the key messages that appears to be emanating from Australian ani-

mal industry's PR houses is that Australia is some kind of an animal welfare leader. This is particularly interesting given the widespread understanding amongst the animal law movement that Australia is lagging behind the European Union and an increasing number of US states when it comes to providing meaningful animal protections.

According to Australian Pork Limited, 'Australian pig farmers are leading the way in making positive changes in the way pigs are raised.' While it is correct to say that the Pig Code has recently been reviewed, the upshot of that review, other than largely reinstating the existing system, was to defer phasing out sow stalls for a decade. If sow stalls are phased out in 2017 as scheduled, we'll still be 14 years behind the EU, which hasn't allowed new stalls to be built since 2003.

One could also be forgiven for thinking that Australian Egg Corporation Limited has egg on its face after it responded to Jamie Oliver's show *Fowl Dinners* by suggesting that the "dramatic and unnecessary demonstration of suffocating live chickens and battery cages... undermines and in no way reflects the stringent and professional animal welfare standards practiced in Australia by egg farmers." Their spin on the Poultry Code appears to have overlooked the section conveniently titled hatchery management which allows approximately ten million culled or surplus hatchlings (predominately male chicks) to be disposed of by "carbon dioxide gassing or quick maceration" – as if they are trash, which technically they are in industry terms, since they are of no economic utility.

In the end, we can hardly blame industry for spinning the law in their favour because the regulation of farm animal industries plays right into their hands. Ultimately, the onus is on legal advocates to expose the fallacy of 'animal welfare speak' and take a stand against the institutionalised suffering of animals. Clearly we have a lot of work to do before we can claim to be a nation of animal welfare pioneers.

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