

## Barristers Animal Welfare Panel

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23 July 2010

Dr Neal Blewett AC  
C/- Food Labelling Review Secretariat  
Department of Health and Ageing  
MDP 138  
GPO Box 9848  
Canberra ACT 2601

Dear Dr Blewett,

### Proposed Free Range Layer Hen Industry Standards

Since the closing date of 14 May 2010 for submissions on the Review's consultation paper, it has come to our notice that Australian Egg Corporation Limited is seeking to change the minimum standards for free range egg production on the following basis, namely –

- (a) to increase the maximum stocking density of hens on free range farms from 1500 to 20,000 per hectare;
- (b) to permit hens to be kept indoors for the first 25 weeks of their lives; and
- (c) to expressly sanction beak trimming.

Plainly, the proposal if adopted would enable large cage and barn egg producers to expand their reach into the free range market at the expense of smaller and genuine free range producers. It would also warp any proper public conception of 'free range'. How would such a definition of 'free range' act to properly inform the consumer so that the consumer makes an informed choice?

Perhaps just as relevantly from a public interest viewpoint, the welfare of the hens under such a system would be gravely compromised.

Thus, it is to be hoped that, if the AECL proposal is taken up with the Food Labelling Review, the Review would not be used to negate Australia's current Model Code of Practice for the Welfare of Animals – Domestic Poultry, which provides for a maximum stocking density for free-range production systems of no more than 1500 birds per hectare.<sup>1</sup> The Code provides for free-range hens to be given adequate space to exercise, stretch their wings and express their natural behaviours such as dust bathing and nesting.<sup>2</sup> In any event, I would urge the Review to recommend an appropriate definition of 'free range' for food labelling in its final report.

<sup>1</sup> Primary Industries Standing Committee, *Model Code of Practice for the Welfare of Animals – Poultry*, 4<sup>th</sup> ed [2.1.4].

<sup>2</sup> Humane Society of the United States, *The Welfare of Animals in the Egg Industry* (20 October 2009) <[http://www.humanesociety.org/assets/pdfs/farm/welfare\\_egg.pdf](http://www.humanesociety.org/assets/pdfs/farm/welfare_egg.pdf)> at 13 July 2010.

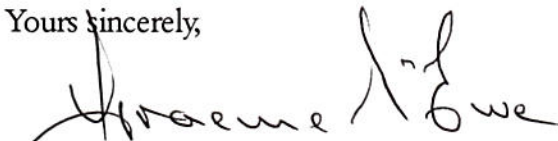
Further, beak trimming is not a procedure traditionally associated with free range egg production. Suffice to say, it is prohibited by the Free Range Farmers Association of Australia.<sup>3</sup> Even the Model Code on Poultry stipulates that “every effort should be made to avoid beak trimming”.<sup>4</sup> Beak trimming is a practice which arose from intensive cage egg production systems. It was seen as necessary to prevent cannibalism and pecking in hens which, it is now well established, arises from the birds’ close confinement and resultant stress.

In short, the AECL proposes a system which incorporates the features of intensive cage production under the guise of promoting it as ‘free range’.

You will be aware that the European Union is phasing out intensive cage production. Relevantly, it stipulates a stocking density for free range production of no more than 2500 birds per hectare.<sup>5</sup> The AECL’s proposal of 20,000 birds per hectare thus points up its mainspring as one of self-interest.

If we can be of further assistance, please let me know. The Panel is a national unitary body comprising over 100 Australian barristers, including some 25 silks. It has an adjunct panel of law firms which includes large national first tier firms. Our national website will shortly go live at [www.bawp.org.au](http://www.bawp.org.au).

Yours sincerely,



**Graeme McEwen**

Chair

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<sup>3</sup> Free Range Farmers Association, *Farm Accreditation Standard – Rev 6 – A G1143 Review Issue* (December 2003) Part D (1) <<http://www.freerangefarmers.com.au/>> at 13 July 2010.

<sup>4</sup> Primary Industries Standing Committee, *Model Code of Practise for the Welfare of Animals – Poultry*, 4<sup>th</sup> ed [13.2.1].

<sup>5</sup> European Union, Commission Regulation (EC) No 557/2007 (23 May 2007), Appendix II 1(c).