

CHAPTER 15

LEGISLATION AND REGULATION

Codes of Practice and Self Regulation

15.1 All Australian States and Territories have legislation for the prevention of cruelty to animals. In addition, and in recent years, they have adopted codes of practice for the welfare of animals some of which are enshrined in law. The Police and specified officers of the RSPCA are empowered under these Acts to take action in cases of cruelty.

15.2 Strong views were expressed in this inquiry about law enforcement and self-regulation in this area. The industries believe that codes of practice as they currently exist are adequate and that self-regulation works in these industries.¹ Animal welfare organisations argue that codes should have the force of law;² ANZFAS arguing that the least violation be made the prima facie evidence of an offence and the onus should then be on the person who has violated it to indicate that there was no suffering caused by that violation.³

15.3 The existing formal codes of practice, developed in the early 1980s based on Model Codes of Practice for the Welfare of Animals, were developed after considerable discussion within the industries.

15.4 These Model Codes of Practice for the Welfare of Animals were prepared by the Sub-Committee on Animal Welfare of the Animal Health Committee within the Australian Agricultural Council system and issued by the Commonwealth Department of Primary Industry in 1983. Membership of the Sub-Committee comprised representatives from each of the State Departments with responsibility for agriculture, CSIRO, Commonwealth Department of

Health, Australian Bureau of Animal Health and other committees within the Australian Agricultural Council. The Codes were intended as models to enable the States to develop codes of practice to meet their individual needs.

15.5 These welfare codes are accepted in the industries as being the standards by which pig and poultry husbandry and post farm gate handling should be measured. The States have developed codes based on the Models. Input to the Codes was given by veterinarians working directly in these industries, government veterinarians and by other proponents working close to the industry.

Regular Review of Codes of Practice

15.6 The preface to the Codes state that recommendations are based on the knowledge and technology available at the time of publication and may need to be reviewed in the light of advances in the understanding of animal physiology and behaviour, technological changes in animal husbandry and their relationships to the welfare of animals.

15.7 The Committee recommends that to ensure that Codes of Practice remain relevant there should be continuing revision as appropriate and major reviews every five years to take account of technological changes in husbandry practices, include advances in the understanding of domestic fowl and pig physiology and behaviour, and to reflect prevailing community attitudes. Codes should include statements on the importance of suitable education and training in avoiding risks to welfare in intensive systems. The review process should take account of the views of the industries, industry service providers, consumer and animal welfare organisations, and specialist ethologists.

Codes of Practice and Legislation

15.8 The Committee has considered the question of enshrining all codes in law and the need for a uniform approach throughout Australia. The Committee believes that it is important to have a situation where codes may be quickly modified or upgraded and favours a situation which allows ease of amendment but which provides a legal context. The Committee believes that legislation should specify that codes must be followed.

15.9 Noting that each State and Territory Government has the responsibility to implement policies and enact and upgrade existing legislation which it thinks will best enhance animal welfare within its jurisdiction the Committee recommends:

- (a) legislation for the prevention of cruelty to animals and other relevant Acts specify that Codes of Practice for the welfare of animals must be followed; and
- (b) that State and Territory Governments around Australia develop a complementary legislative and regulatory approach to animal welfare.

ENDNOTES

1. Evidence, Australian Federation for the Welfare of Animals, pp. 9531-3 and Australian Pig Industry Policy Council p. 8799, Australian Council of Egg Production p. S8145-6, 8714, Australian Poultry Industries Association, p. 8743.
2. Evidence, Royal Society for the Prevention of Cruelty to Animals, p. 9590-1.
3. Evidence, Australian and New Zealand Federation of Animal Societies, p. 9490-1.