

Response

In response to the Australian Competition and Consumer Commission's (ACCC) Initial Assessment, Applicant notes the following information and amendments:

Humane Farm Animal Care's (HFAC) contact person in Australia for certification applications, on-site inspections, and disputes is:

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At the outset, Applicant notes that Humane Farm Animal Care's (HFAC) mission is to improve the lives of animals in the Food Supply Chain. HFAC would never disparage or discredit any local regulations that serve the same mission especially the Australian Animal Welfare Standards and Model Codes of Practice. HFAC will do everything possible to honor those standards and more; in HFAC's dealings with Australian farmers HFAC has truly only come across a great sense of pride in the government regulations on welfare (sadly this is not at all the same in many other countries). *Producers in Australia, however, seek HFAC's certification because our program offers that much more to consumers...more education on the subject, individual farm and producer pictures and news, web and social media posts, email blasts and shopping guides. All of these only serve to enhance the public's understanding of the need for higher animal welfare practices and how important it is to support.* HFAC will include its respect for the Australian system as applicable in HFAC's posts and commentary going forward. Finally, HFAC will never require compliance to a standard if it does meet or exceed local, in this case Australian, Regulations.

Applicant encloses Inspection checklists for Australian Beef Cattle and Laying Hens, which have been drafted by HFAC specifically for use in Australia. Additionally, Applicant encloses a comparison chart which paraphrases the two sets of standards in side-by-side comparison form to better show the similarities between Australian and HFAC's standards.

In response to the ACCC's inquiry regarding how potential inspectors/certifiers are selected, Applicant notes the following: After HFAC looks at a potential inspector's CV, HFAC conducts phone or virtual interviews, then conducts a virtual training course with experienced inspectors to review standards, paperwork, and code of conduct with the potential inspector. If the potential inspector shows promise and only after signing an NDA and declaration of interests to expose any conflicts, HFAC will send the potential inspector out in the field with seasoned inspectors to allow them to observe and then finally be observed conducting an inspection. The seasoned inspectors evaluate the new prospective inspector's performance. After that evaluation, HFAC either prepares a contract of

employment with the potential inspector them and begins using his or her services; or additional in person/onsite trainings may be scheduled immediately or periodically to better prepare the prospective inspector for employment with HFAC; or HFAC will decline to offer a contract for employment if the prospective inspector does not appear to meet HFAC's needs. HFAC has even gathered a group of potential new inspectors and brought them to a single location with access to slaughter facilities and had a seasoned slaughter expert conduct a training for them. HFAC does whatever it takes to ensure the right person has the right tools and temperament to inspect for us. HFAC does not contract with outside third party companies to perform these services, HFAC only contracts individuals whom HFAC has trained and has constant communication with. HFAC Committee member Dr. Jongman will be providing training to potential inspectors in Australia on behalf of HFAC.

In response to the ACCC's inquiry regarding how farms are evaluated for compliance and certification, Applicant encloses inspection checklists for use in Australia.

In reply to the ACCC's question of how would existing certified entities be notified that the Australian requirements have changed, and how HFAC's rules would be automatically modified in accordance with Australian Animal Welfare Standards, Applicant notes Dr. Ellen Jongman will monitor the Australian Animal Welfare Standards and Model Code of Practice for the Welfare of Animals (MCP) for changes, and when she finds them, she will convey these changes to HFAC, which will then update HFAC's rules and notify all certified entities of these changes—and schedule site inspections for each certified entity to confirm compliance with the changes. Further, HFAC will ensure that Australian standards and guidelines are enforced as part of the rules, by creating a chart showing some critical comparisons and review those with producers during their audit so that no Australian regulations are breached

In reply the ACCC's concern regarding how HFAC's rules are tailored to the unique climate environment of Australia, Applicant notes that it has amended the rules to include emphasis on shade and guidelines for Flystrike. Applicant also notes that compliance and non-compliance issues are discussed and derogations to HFAC rules are granted to support a farmers need to meet local regulations and/or any special circumstances surrounding an individual operation. While the field inspector has a great deal to say about what is found onsite, the final decisions are made collaboratively between the inspector and HFAC management, and often in consultation with a scientific committee member or professional with additional insight.

Annexure 1. Applicant adds the following paragraph to Page 6 of the RULES FOR THE CERTIFICATION TRADEMARK OF CERTIFIED HUMANE in the name of Humane Farm Animal Care:

“All Poultry practices shall comply with the *Primary Industries Standing Committee Model Code of Practice for the Welfare of Animals Domestic Poultry 4th Edition SCARM Report 83*. Where a practice in HFAC's rules or Annexures thereto disagree with the *Primary Industries Standing Committee Model Code of Practice for the Welfare of Animals Domestic Poultry 4th Edition SCARM Report 83*, the *Primary Industries Standing Committee Model*

Code of Practice for the Welfare of Animals Domestic Poultry 4th Edition SCARM Report 83 procedure and rules shall be given precedence and followed unless such rule provides less protection to poultry than the HFAC rules or Annexures thereto.”

Annexure 1. Applicant adds the following paragraph to Page 6 of the RULES FOR THE CERTIFICATION TRADEMARK OF CERTIFIED HUMANE in the name of Humane Farm Animal Care:

“All practices shall comply with the *Primary Industries Standing Committee Model Code of Practice for the Welfare of Animals Pigs Third Edition PISC Report 92*; *Primary Industries Standing Committee Model Code of Practice for the Welfare of Animals Livestock at Slaughtering Establishments SCARM Report 79*; and *Australian Animal Welfare Standards*. Where a practice in HFAC’s rules or Annexures thereto disagree with the above, the above procedure and rules shall be given precedence and followed unless such rule provides less protection to livestock or poultry than the HFAC rules or Annexures thereto”.

Annexure 2, (p.10) E17, a, is amended to read:

“Sunshades for cattle in open pastures are essential in Australia. Shade, either natural or artificial, must be provided for these cattle.”

Annexure 2, (p.10) E17, b, is amended to read:

“Feedlots are prohibited. In addition to shade, water systems must be used to provide cooling for the cattle.”

Annexure 2, (p.25) H.10, 3, a) is deleted in its entirety.

Annexure 2, (p.25) H.10, 3, b) is deleted in its entirety.

Annexure 2, (p.25) H.10, 3, c) is renamed to “a)” and is amended to read:

“Immuno-castration is preferred. Surgical castration is only recommended if necessary and no other alternatives are available, and must be performed by a veterinarian using sedation or local anesthesia, anti-inflammatory medication for pain control, and provisions for controlling bleeding.”

Annexure 3, (p.34) P34: is amended to read:

“Stunning shall precede neck cutting. No more than 10 seconds must elapse between stunning and neck cutting.”

Annexure 4, (p.15(now p17)) C. R3: b, is amended to read:

“The minimum amount of uncovered outdoor area required is 11.33 sq. ft. per hen. Land used for cropping (except grass or hay) is not accepted as part of the Free Range space allowance and must be excluded from space calculations.”

Applicant notes the ACCC's concerns regarding the neck cutting of chickens occurs *only* within a Muslim religious exception, the "Halal Slaughter Exception," and not for chickens generally, as discussed in Annexure 3, (pgs.32-33) P21. In view of this, the ACCC's concerns with regard to HFAC's rules regarding chicken neck cutting are inappropriate.

Applicant notes the ACCC is incorrect in claiming "chickens are restricted from eating mammalian or avian derived protein" since Annexure 4, (p.2) FW4: a. allows for egg to be used within feed. Similarly, Annexure 3, (p.2) FW5: a. allows for egg and egg products to be used within feed. Accordingly, this obviates the ACCC's concerns.

Annexure 4, (p.18) R3: e., is amended to read:

"Outdoor access must be provided for a minimum of 8.5 hours per day during the daytime, except during inclement weather or for veterinary or emergency reasons."

Applicant notes with respect to free-range systems pursuant to Annexure 4, (p.16(now p18)) R3: e., (as amended) "Outdoor access must be provided for a minimum of 8.5 hours per day during the daytime, except during inclement weather or for veterinary or emergency reasons." Applicant further notes that reasonable Australian consumers do not expect that chickens in cage systems have access to the outdoors, only that chickens in free-range systems do, which they do under HFAC's rules. Together, these two points should obviate the ACCC's concerns.

Annexure 4, (p.14 (now p.16)) R1: g. is amended to read:

"Birds must be outdoors 12 months per year, every day for a minimum of 8.5 hours per day. In an emergency, the hens may be confined in fixed or mobile housing 24 hours per day for no more than 14 consecutive days."

Annexure 6, (p.i) amended to add:

Where legislation requires a higher welfare standard, the higher standard will apply.

Annexure 6, (p.1) B. amended to add:

- Farmers must also comply with any local and government requirements or regulations for goat production that affect the environment or safety of their product as well as their geographic area's Veterinary Practices Acts.

Annexure 6, (p.2) FW1: a, amended to read:

- a. Goats must be fed to meet or exceed nutrient requirements as determined by Australian Animal Welfare Standards and Guidelines (<http://www.animalwelfarestandards.net.au/>), and Model Codes of Practice for Goats (<https://www.dpi.nsw.gov.au/animals-and-livestock/animal-welfare/general/national>).

Annexure 6, (p.9) E8: a, amended to read:

- a. Provisions must be made to ensure that, when goats are housed, aerial contaminants do not reach a level at which they are noticeably unpleasant to a human observer (as specified by Australian Animal Welfare Standards and Guidelines (<http://www.animalwelfarestandards.net.au/>), and Model Codes of Practice for Goats (<https://www.dpi.nsw.gov.au/animals-and-livestock/animal-welfare/general/national>)).

Annexure 6, (p.11) E12 amended as follows:

In Australia, goats must be protected from heat stress.

If shade or other methods are used to prevent heat stress, adequate space in the shade must be available to allow all animals access simultaneously.

Having salt near to the water helps to ensure water intake to replace water lost to perspiration.

Annexure 6, (p.13) E 29 amended to read:

The dairy must meet the Australian Pasteurized Milk Ordinance requirements

Annexure 6, (p.14) M1: 1, amended to read:

Managers must ensure that:

1. They have a copy of the Humane Farm Animal Care *Animal Care Standards for Goats* and a copy of the Australian Model Codes of Practice for Goats

Annexure 6, (p.14) M2: 8, amended to read:

Managers must:

8. Comply with all local, federal Australian regulations

Annexure 6, (p.23) H16: b, amended to read:

- b. Euthanasia must be performed in accordance with Australian Animal Welfare Standards for Goats and Australian National Model Codes of Practice for the Welfare of Livestock.

Annexure 6, (p.23) H17 amended to read:

Disposal of carcasses must meet federal Australian and all local requirements and regulations.

Annexure 6, (p.25) Part 7: Slaughter, Objectives, amended to read:

OBJECTIVES: All slaughter systems must be designed and managed to ensure livestock are not caused unnecessary distress or discomfort. Relevant standards govern including the Model codes of practice or standards and guidelines for livestock species, saleyards, livestock processing (slaughter) establishments and the Australian Standards for the Export of Livestock

Annexure 6, (pp.26-27) References, amended to add the following references:

Australian Animal Welfare Standards and Guidelines (<https://www.rspca.org.uk/>), and *Model Codes of Practice for Goats* (<https://www.dpi.nsw.gov.au/animals-and-livestock/animal-welfare/general/national>).

Model Codes of Practice for the Welfare of Animals: The Goat, PISC/SCARM Report Series 32, CSIRO Publishing, 1991

Model codes of practice or standards and guidelines for livestock species, saleyards, livestock processing (slaughter) establishments and the Australian Standards for the Export of Livestock

The Australian Animal Welfare Standards and Guidelines — Land Transport of Livestock, Australian Standards for the Export of Livestock, livestock health and biosecurity requirements, and regulated livestock loading schemes and driver regulations

Australian Code for the Care and Use of Animals for Scientific Purposes, 8th edition, 2013.

Annexure 7, (p.20) H10, a, is amended to read:

Each farm must have provisions for humane slaughter, or euthanasia without delay, of casualty pigs either by on-farm methods carried out by a named, trained, competent staff member, or by a licensed veterinarian. Acceptable procedures are those listed in the *Primary Industries Standing Committee Model Code of Practice for the Welfare of Animals, Pigs, Third Edition PISC Report 92* (pgs. 19 & 26); these procedures should be posted in each building that house animals.

Annexure 7, (p.18) H6, a, 3, is amended to read:

If necessary, humanely killed according to the Model Code of Practice for the Welfare of Animals Pigs, Third Edition and *the Model Code of Practice for the Welfare of Animals Livestock at Slaughtering Establishments SCARM Report 79* euthanasia guidelines.

Annexure 7, (p.2) FW1, a, is amended to read:

- a. Pigs must be fed to meet or nutrient requirements as determined by the latest edition of the Australian Animal Welfare Standards and Model Codes of Practice, nutrient requirements of swine

Annexure 7, (p.9), E18: is amended to read:

“The pig must be free to turn around without difficulty at all times. Individual stalls or crates that prevent pigs from turning around (except for hospital pens) and tethers for pigs are prohibited. This space should comply with the requirements of Appendix 3 of the *Primary Industries Standing Committee Model Code of Practice for the Welfare of Animals Pigs Third Edition PISC Report 92.*”

Annexure 7, (p.12) is amended to add E34: Access to Outdoors, which shall read:

“a. During all seasons pigs must have access to outdoors and ample amounts of shade so that overcrowding of shaded areas does not occur.”

Annexure 7, (p.23) is amended to add the following Reference:

Model Code of Practice for the Welfare of Animals Pigs, Third Edition and *the Model Code of Practice for the Welfare of Animals Livestock at Slaughtering Establishments SCARM Report 79* euthanasia guidelines. <https://www.dpi.nsw.gov.au/animals-and-livestock/animal-welfare/general/national>

Pursuant to Annexure 7, (p.10) E23: c, traditional farrowing crates are not permitted.

Annexure 7, (p.10) E23, “e” is amended to read “reserved for future changes.”

Annexure 7, (p.10) E23, “f” is amended to read:

f. Farrowing pens of 10 ft. x 10 ft. (3 x 3 m) are required because they provide more room for the sow to move around, but when using pens of this size or larger; a protected zone for piglets must be provided. The protected zone must be at least 8 sq.ft. (0.8 m²) in size and be zone heated. In addition, a guardrail must be provided along the walls of the pen to prevent the sow from trapping piglets against the wall when she lies down. The guardrail should be 8-10” away from the wall and 8-10” off the floor.

Annexure 7, (p.19) H9, 3 is amended to read:

“Tail docking is not permitted.”

Annexure 7, (p.18) H9,1, d) is amended to read:

“Grinding of the sharp point of the teeth is permitted, clipping is not permitted, as this is less likely to break the tooth or remove too much of the tooth.”

Annexure 7, (p.19) H9,4 is amended to read:

“Castration of pigs is permitted but must be done before pigs are 7 days of age, and anesthetic and post-operative analgesic must be used. If older pigs are castrated for veterinary reasons, anesthetic and post-operative analgesic must be used. Castration must be done using sanitized equipment.”

Annexure 8, (p.2), A. FW 1, a, is amended to read:

“Wholesome, nutritious feed

a. Sheep must be fed to meet or exceed nutrient requirements dictated by Australian Animal Welfare Standards found within the *Australian Animal Welfare Standards and Guidelines for Sheep. Edition One. Version One, Endorsed 2016.*”

Annexure 8, (p.20) H14, a, 1) is amended to read:

*Castration can be avoided by marketing ram lambs prior to their sexual maturity. When procedure is carried out, the use of a local anesthetic and analgesics for pain management is **required**.*

Annexure 8, (p.21) H14, a, 1) is amended to read:

1. Tail docking

Tail docking must not be carried out unless there is an unavoidable and high risk of suffering due to **fly strike**

Annexure 8, (p.21) H16, b) is amended to read:

a. Euthanasia must be performed in accordance with the *Australian Animal Welfare Standards and Guidelines for Sheep. Edition One. Version One, Endorsed 2016 (p. 32 Section 10)*. <http://www.animalwelfarestandards.net.au/>. Euthanasia must be performed by a person knowledgeable and experienced in killing sheep humanely or at the supervision of such a person, using a captive bolt, gunshot, or acceptable method decided by attending veterinarian

for euthanasia of sheep, which results in rapid loss of consciousness. Death should occur while the animal is unconscious. The use of bleeding out by a neck cut to kill a conscious sheep is prohibited. Confirmation of death must be observed through (1) Loss of consciousness and deliberate movement including eye movement; (2) Absence of a corneal 'blink' reflex when the eyeball is touched; and (3) Absence of rhythmic respiratory movements for a least 7 minutes.

Annexure 8, (p.26) is amended to add "Part 4: FLYSTRIKE" which shall read as follows:

"Where flystrike is a risk, the preventive techniques, standards, and guidelines found in the *Australian Animal Welfare Standards and Guidelines for Sheep. Edition One. Version One, Endorsed 2016*, shall be followed."

Annexure 8, (p.28) "References" is amended to add:

Model Code of Practice for the Welfare of Animals Sheep, and *Model Code of Practice for the Welfare of Animals Livestock at Slaughtering Establishments SCARM Report 79* euthanasia guidelines. <https://www.dpi.nsw.gov.au/animals-and-livestock/animal-welfare/general/national>

Australian Animal Welfare Standards and Guidelines for Sheep. Edition One. Version One, Endorsed 2016 . <http://www.animalwelfarestandards.net.au/>

Annexure 9, (p.12) E 27, 2. is amended to read:

2. Managed to avoid build up of agents (e.g., parasites, bacteria, viruses) that may cause disease. Free range space requirements is 11.33 sqft. Per turkey.

Annexure 9, (p.12) E 30, is amended to read:

E 30: Access to range

All exit areas must be open for a minimum of 8.5 hours each day, except when:

1. The birds are less than 12 weeks old;
- or
2. There is a disease outbreak

Annexure 10, cover page, reference to USDA is deleted.

Annexure 10 second page, clarity added to the reference to RSPCA: The standards are based on the Royal Society for the Prevention of Cruelty to Animals (RSPCA) guidelines (<https://www.rspca.org.uk/>),

Annexure 10, (p.2) FW1, a., 3., reference to Australian Animal Welfare Standards added:

Formulated or assessed to satisfy their nutritional needs, including iron and fiber, as established by the Australian Animal Welfare Standards and Guidelines and as recommended for the geographic area.

Annexure 10, (p.3) FW7, reference standard changed from National Research Council, to Australian Animal Welfare Standards and Guidelines:

FW 7: Supplying adequate nutrients

- a. Calves must be fed a wholesome diet, which meets or exceeds the Australian Animal Welfare Standards and Guidelines appropriate for their age, weight, behavioral and physiological needs.

Annexure 10, (p.29) References, added:

Australian Animal Welfare Standards and Guidelines for Cattle, Edition One, Version One, Endorsed January 2016 (<http://www.animalwelfarestandards.net.au/>)

Annexure 11 second page, clarity added to the reference to RSPCA: The standards are based on the Royal Society for the Prevention of Cruelty to Animals (RSPCA) guidelines (<https://www.rspca.org.uk/>),

Annexure 11 (p. 2) FW 1, 3 , amended to reference MCP standards:

1. Formulated or assessed to satisfy their nutritional needs according to guidelines set forth in The Bison Producers' Handbook and MCP on Farmed Buffalo <https://www.dpi.nsw.gov.au/animals-and-livestock/animal-welfare/general/national>

Annexure 11 (p.29) References, MCP standards added:

MCP on Farmed Buffalo <https://www.dpi.nsw.gov.au/animals-and-livestock/animal-welfare/general/national>

Annexure Guide

- Annexure 1 to the CTM Rules -Policy Manual
- Annexure 2 to the CTM Rules -Beef Cattle
- Annexure 3 to the CTM Rules -Chickens
- Annexure 4 to the CTM Rules -Egg Laying Hens
- Annexure 5 to the CTM Rules -Dairy Cows
- Annexure 6 to the CTM Rules -Dairy, Fiber and Meat Goats
- Annexure 7 to the CTM Rules -Pigs
- Annexure 8 to the CTM Rules -Sheep
- Annexure 9 to the CTM Rules -Turkeys
- Annexure 10 to the CTM Rules -Young Dairy Beef
- Annexure 11 to the CTM Rules -Bison
- Annexure 12 to the CTM Rules - Inspector Information Manual
- Annexure 13 to the CTM Rules -Animal Handling Guidelines
- Annexure 14 to the CTM Rules -Humane Euthanasia
- Annexure 15 to the CTM Rules -AVMA Euthanasia Guidelines