

24 July 2020

ACCC
GPO Box 3131
Canberra ACT 2600

Via email: CTMs@acc.gov.au

To Whom It May Concern,

Re: CTM 1914662 – Certified Humane – Submission on Version 2 of the CTM Rules

Sheep Producers Australia (SPA) welcomes the opportunity to provide a submission to the Australian Competition and Consumer Commission (ACCC) for the Humane Farm Animal Care (HFAC) secondary application to register Certification Trademark No. 1914662 (HFAC CTM). This submission builds upon SPA's earlier submission in the original ACCC consultation.

SPA does not support the revised application and reiterates our prior recommendation that the ACCC does not approve the application from HFAC to register a certification trademark. While SPA acknowledges the various refinements to the original proposal, there still remain significant issues with the application.

Principally, SPA remains deeply concerned with the eligibility and ongoing requirements of HFAC's proposed certification program for Australian sheep producers. While Section FW1 (a) of the HFAC Sheep Standards has been amended to reference the Australian Animal Welfare Standards and Guidelines for Sheep (AAWSGS), there is little evidence of substantive content change to incorporate Australian standards into the HFAC Sheep Standards. For example, the inside page of the HFAC Standards for the Production of Sheep (including dairy sheep) reference the standards are based on those of the Royal Society for the Prevention of Cruelty to Animals (RSPCA) guidelines, with a United Kingdom web address provided as the reference. The HFAC Standards for Sheep should be written on the standards and guidelines of the AAWSGS and other relevant Australian Animal Welfare Standards and Guidelines.

Furthermore, the majority of animal scientists, veterinarians and producers named as working with HFAC to develop the Animal Care Standards are still based overseas. Only one, Dr Ellen Jognman, of the 40 members of the committee is based in Australia. Knowledge of our unique production systems that are adapted to suit our environment and climate is essential to ensure that any standards required to be followed by producers in HFAC programmes meet Australian jurisdictions' animal welfare laws, the AAWSGS, and existing requirements for food safety and quality assurance under our domestic regulations.



As aforementioned, several elements of the Sheep Standards are specific to production systems and requirements in the Northern hemisphere and do not have equivalency with Australian production systems, the AAWSGS, and Commonwealth and/or state/territory animal welfare legislation. As such, SPA is concerned Australian sheep producers may incur unjustified productivity restrictions to participate in this certification program. Examples of this are explained further in this section.

- *Standard FW2* requires that sheep have access to feed each day unless directed otherwise by a veterinarian. The AAWSGS stipulate that sheep should have access to feed daily except where reasonable management practices, such as shearing, preparation for sale, transport, slaughter and drenching result in longer periods of deprivation. Feed and water deprivation exceeding 48 hours should be avoided. In these instances, this is the responsibility of the producer, not sheep veterinarians, and as such this rule would not meet Australian requirements.
- *Standard FW5* states that sheep should not, at any time, have a body condition score of less than 2 and references a Pennsylvania State University guidance document. The HFAC Sheep Standards should utilise a resource developed by a reputable Australian RDC with our unique production system in mind. For example, MLA's ['Sheep Assessment Manual'](#).
- *Standard FW17* states that lambs must not be weaned before 5 weeks of age, whereas the AAWSGS does not stipulate an age for weaning. However, it does require that weaned lambs gain weight, are supplementary fed prior to weaning so they learn to accept supplementary feed, and that early weaning is an acceptable drought mitigation strategy. These are not stated in the HFAC Sheep standards and we would advocate the AAWSGS are referred to instead of the HFAC requirements.
- *Part 4 Section D. Identification* does not refer to Australian tagging requirements that meet the National Livestock Identification System, and traceability regulations in each state/territory and nationally. Identification must be in accordance with Australian requirements.
- *Part 4 Section F. Inspection* lists the requirement for sheep to be inspected on extensive pasture a minimum of 2 to three 3 times per week. Extensive production farms in Australia are vastly larger than those in the Northern Hemisphere and this requirement would not be practical on many farms.



- *Part 7 S3* require producers in the HFAC program to use processors who follow *American Meat Institute* guidelines for processing livestock. SPA does not support this requirement for processing in Australia. Instead, the requirements of our domestic processors and industry should be met, in alignment with relevant Australian regulations.

SPA would also like to raise potential concerns with HFAC's and other similar organisations 'non-profit charity' status within Australia and request that the ACCC carefully examine this status against their business model in the future. The proposed certification process is clearly run as a business designed to expand revenues and generate profits from the agriculture supply chain. In particular, SPA is concerned whether donations made to the HFAC should be considered tax deductible.

SPA appreciates the opportunity to provide this submission regarding the HFAC application to register Certification Trade Mark No. 1914662. As previously stated, and for the reasons outlined in our submission, we recommend that the ACCC do not approve the application from Humane Farm Animal Care to register the Certification Trade Mark no. 1914662 (HFAC CTM).

Should you have any questions regarding this submission, please contact William Oldfield, Policy Manager on _____ or at _____

Yours sincerely,

William Oldfield
Policy Manager
Sheep Producers Australia