

ANIMAL WELFARE (BAN BATTERY HENS) AMENDMENT BILL 2008
(No. 13)

Second Reading

[3.36 p.m.]

Mr McKIM (Franklin - Leader of the Greens - 2R) - Mr Speaker, I move –

That the bill be now read the second time.

Battery hen farming is cruel. It fails to meet the community's expectations, it potentially compromises human health and this Parliament today should take a stand, show national leadership and vote to ban the practice in Tasmania.

As we debate this matter today more than 10 million hens right around Australia are confined in cages measuring just 40 centimetres high and with a floor area for each hen of about three-quarters the size of one A4 sheet of paper. That is an entirely unacceptable circumstance.

Battery hen farming sees hens crammed into rows and rows of wire cages, kept in huge artificially lit sheds. The cages are often stacked in tiers, one on top of each other, that can range from four to eight tiers high. There is absolutely no access for the hens to sunlight and fresh air and they are forced to stand on thin sloping wire. Their legs and feet often become crippled, causing severe and chronic pain to the birds. Their claws grow abnormally long and can actually grow around the wire, making it difficult for the hens to reach food and water. They are not allowed to stand properly by the way they are confined, they are unable to properly preen their feathers or to stretch out or flap their wings. They cannot perch, roost, dust, bathe or forage for food. In short, they are unable to conduct themselves in a natural way, but for many years this cruel practice has been allowed to continue by parliaments around the land.

Let us not forget that Australian Labor Party policy promised to ban battery hen farming in Tasmania as long ago as the early 1990s and yet nothing has changed. This Government continues to hand out licences to farmers who want to stuff hens into cages under cruel conditions to make a quick buck. This is a Government that continues to legitimise the inherent cruelty of the battery hen industry through its purchase of hundreds of thousands of dollars worth of battery hen eggs each year for public institutions including our hospitals, school and correctional facilities.

Mr Speaker, this is a Government that continues to block its ears to the demands of its citizens who have consistently strongly and in large numbers called for an end to battery hen farming. I remind members that I tabled one of the largest ever petitions in the House of Assembly earlier this week, over 23 000 Tasmanian citizens calling on this House to vote to ban battery hen farming. In a very short time members will get the opportunity to display whether or not they are prepared to listen to the voice of the community.

It did take moral outrage and a moral response to demand an end to transportation that left Tasmania with the moniker of the convict island. These battery hens are held in penal servitude for the terms of their natural lives and it is about time this Parliament and this House showed a bit of morality and a bit of moral certainty and moral outrage.

Mr Speaker, it is an entirely appropriate matter on which members should exercise their consciences. Members should not allow themselves to be bound or caucused on this issue. This is an issue that goes to the heart of people's consciences. How do we, as the lawmakers of this State, want to allow animals to be treated? Do we want to ensure that they are treated responsibly and humanely and with compassion and decency or are we going to continue to allow animals to be treated with cruelty and contempt under the laws we make in this place. As I said, I urge members to exercise their conscience before they vote on this issue.

There can be no doubt that battery hen farming is cruel. It fails to meet the community's expectations and it potentially compromises human health - and I will come to that shortly - and this Parliament should undoubtedly exercise its collective conscience and vote to ban the practice today. According to scientific evidence compiled by the RSPCA there can be no doubt about the impacts of battery hen farm on animals. I quote from a study conducted by the RSPCA:

'Preventing hens from performing these natural behaviours causes immense frustration. The restricted movement and lack of exercise in battery cages causes skeletal and muscle weakness and the cages meshed floors and lack of perches can cause serious muscle damage. In short, the scientific evidence indicates that battery hens suffer intensely and continuously throughout their confinement in cages. The research suggests that battery cages cause suffering to hens in at least seven different ways.'

Those ways are listed:

'Chronic frustration of normal behaviours, including dust bathing and wing flapping; chronic inhibition of comfort behaviours and increased incidence of frustration behaviours; chronic stress and disruption of social interaction; acute suffering during the pre-laying period every day caused by frustration of nesting behaviour; prevention of foraging and feather pecking; inability to maintain bone strength and lack of perching opportunities and the prevention of roosting.'

I also draw to the attention of the House the Scientific Veterinary Committee of the European Commission that said as long ago as 1996 - and I quote:

'Non-cage systems have already been shown to have a number of welfare advantages over battery systems. Well-designed alternative systems such as free-range farming provide hens with space to roam and forage, perch,

litter, provide suitable material for dust bathing, secluded areas for laying eggs and allow the hens to preen, stretch out and flap their wings.'

In other words, allow hens to engage in behaviours that are natural and are either frustrated or non-existent in battery cages.

In April last year activists from Against Animal Cruelty Tasmania - and I pause to acknowledge a number of people associated with AACT in the House today. I welcome them in and thank them very much for coming in to listen to this debate. Activists from AACT in April last year, Ms Emma Haswell and Mr Benedict Bartl, who are both here today, entered into a battery hen farm in southern Tasmania and filmed shocking footage of animal cruelty, which was screened on Stateline later that week. Both Emma and Ben fronted the media to ensure that such unspeakable conditions were not swept under the carpet. Ms Haswell movingly described the anguish she felt and the horror that confronted her upon entry to that particular battery hen farm. I will quote a little from what Ms Haswell said:

'On entering the property the smell of manure, ammonia and decomposing bodies was all around us. The bush was littered with mass graves of thousands of battery hens. The first shed we entered was full of older hens, all had very poor feather coverage, many were completely bald, not a single feather - in fact, they looked as though they had been prepared for the oven but were still alive.'

Ms Haswell went on to say:

'We finished filming and moved to the largest shed. Starting in the manure pit we were filming a pile of dead and rotting hens when suddenly I noticed a tail move. There, buried in the corpses, with only her tail showing, was a live hen. I picked her out of the filthy mess but she died in my arms five minutes later.

On entering the shed you are met by thousands and thousands of faces looking at you through the bars. Your mind is overrun. Suddenly you are looking at mass pain and suffering, thousands of animals kept in cramped, filthy and inhumane conditions. Cruelty on an unimaginable scale.'

I want to express my admiration for Ms Haswell and Mr Bartl and to concur entirely with the outrage felt by Ms Haswell, which has been clearly demonstrated in those words she recorded.

Sadly this was not an isolated event. When Pam Clarke broke into a battery hen farm more than 15 years ago in Tasmania she brought to light the conditions of battery hens in this State. Subsequent to that event Hobart Magistrate Philip Wright was moved to state the following:

'Confinement could not be called other than cruel, in my opinion. If a bird is unable to move without affecting physically others in the cage, or to lay or rest without affecting itself deleteriously, the cruelty is constant, it is continual and without relief, and I have no doubt causes stress in all these birds. The only evidence in this case referring to justification or necessity for the cruelty inflicted upon these birds was in the broadest terms as to economy and profitability of egg production, but such references by no means deflect me from what otherwise would be and is my strong view, that all these birds have been treated with unjustified and unnecessary cruelty constituted by great indifference to their suffering and pain.'

Since then, Pam Clarke, who was courageous and unstinting in her efforts to expose these deplorable practices, has been fined and jailed for standing by her belief that battery hen farming is cruel, inhumane and must be outlawed. I want to thank Pam from the bottom of my heart for all the fine work that she has done on this issue. Despite a groundswell of support for the abolition of these practices the question must be asked: what has this Government done? I will answer that shortly but before I go to that I want to go to some human health impacts as well as the animal welfare concerns.

In recent years Tasmania has also experienced one of Australia's largest ever egg-associated outbreaks of salmonella. I commissioned a report in February 2008 from Dr David Obendorf, a very well-respected veterinary pathologist, who confirmed that, and I quote from Dr Obendorf's report:

'Unsatisfactory animal welfare standards applying at the battery egg farm identified as the source of salmonella-contaminated eggs are, in my view, directly responsible for entry of contaminated eggs into foods destined for human consumption.'

There is a clear and direct link between unacceptable animal welfare standards at one particular battery hen farm and the entry of salmonella-contaminated eggs into foods destined for human consumption. Those are the views of Dr David Obendorf, who is one of if not the most preeminent veterinary pathologists in the State.

Dr Obendorf also found that:

'In situations where birds were exhibiting signs of intercurrent disease, debilitation or stress, and corpses of decomposing birds are allowed to remain within the closest proximity of egg-laying birds (such as were identified at the battery cage farm identified as the source of all six Tasmanian egg-associated salmonella food poisoning incidents in 2005-06) then in my view there is an increased likelihood for even intact eggs to become contaminated with salmonella bacteria.'

The series of very serious community food poisoning incidents linked directly to one egg producer should have been the catalyst case that shook this Government out of

its denial and lethargy, but they were not. Despite visual evidence of the squalid conditions that the hens were subject to and despite Dr Obendorf's report, has this Government called for an independent review of the battery hen industry, its animal cruelty aspects and its capacity to deleteriously impact on human health in this State? No, it has not. Why not? Well, maybe the minister may be able to enlighten us shortly.

On every single occasion, over 20 years, when animal welfare activists in Tasmania have been able to bring footage to the wider community's attention, appalling conditions have been found, and on each occasion the Government, of whatever political stripe happens to be in power at the time, has said that there is nothing that they can do. It has washed its hands of an industry over which it has direct control and in doing so it has continued to allow unreasonable and totally unnecessary animal cruelty to continue and to put the human health of the Tasmanian community at risk.

However, many governments have taken action on this issue. Many governments around the world in many jurisdictions have taken action to ban battery farming and in Australia local governments around this very State have taken a leadership role that this Government refuses to take. In February 2008, after lobbying from Against Animal Cruelty Tasmania and the RSPCA, the Hobart City Council became the first council in Australia to write to its caterers demanding that all future catered events use only free-range eggs. In the month following this decision the Clarence City Council and the Launceston City Council also voted in favour of motions calling for their caterers to preference free-range eggs. Tasmania's largest food and wine festival, the Taste of Tasmania, has also said no to battery hen eggs, and will in future give preference to those stallholders that only use free-range eggs, and in the ACT, Chief Minister Jon Stanhope announced in 2007 that his Government would amend its purchasing policy to ensure that all eggs sourced for its schools, hospitals and other government institutions came solely from free-range providers.

Has this Government taken on board these policy initiatives and ensured that its eggs be sourced only from free-range farms? No, it has not. Even after AACT wrote to every single minister in the Government earlier this year asking them to consider adopting a free-range purchasing policy, there has still been no material response. The best that the Government could do was to respond that it was considering the move and nothing more has been heard to date. A purchasing policy favouring free-range eggs is a simple initial step that true leaders can take to help to drive change, and yet that simple step has not been taken by this Government.

For 20 years the current minister, Mr Llewellyn, who is in the House, and other parliamentary members of the ALP have expressed their concern at the battery hen industry. And get this one, Mr Speaker - on 21 April 1989 an ALP media release stated 'Labor cares for chooks'. Ha! It went on to say:

'The Labor Party will introduce a phase-out of the battery hen egg production system, shadow minister for consumer affairs, Mrs Fran Bladel, said today.

Mrs Bladel said that Tasmanians were concerned about the inhumane treatment of battery hens and would be pleased to hear that the ALP had the courage to do something about it'.

Mr SPEAKER - Could I just bring to the Leader's notice that this is due to finish at 4.15. If he finishes in about three minutes, it would enable 10 minutes each for each spokesperson.

Mr McKIM - Mr Speaker, I will do my best to finish within that time. I might be a moment or two over, but I will certainly do my best.

Nearly 20 years ago it was ALP policy to ban battery hen farming, but it still exists in this State. It is quite outrageous that the Australian Labor Party has abrogated its moral and political responsibility to take strong action, yet I have no doubt that Mr Llewellyn is going to get up today and argue, as he has previously, that he is very concerned about the plight of battery hens and he would like to see an end to the battery hen industry. He will then, as he has previously done, shrug his shoulders and say that we need a national approach to this issue and there is nothing that he is prepared to do at a State level.

Let me remind the House of comments made when Mr Llewellyn was last called upon to speak in response to a bill brought forward by the Greens to end battery hen farming in 2002. He said, 'We really have to put our actions into deeds and our words into deeds'. Well, the time has come, Mr Llewellyn, for your clever and kind Government to put its actions and words into deeds, and you can do that today by supporting this bill.

Mr Speaker, the question before the House today is whether we are prepared to stand with the Tasmanian community and the vast majority of the people we represent who support an end to this cruel practice. Are we prepared to stand next to the 23 000-plus people who signed the petition I tabled yesterday calling for an end to this barbaric practice and, importantly, are we prepared to stand with the millions of hens each year who are subjected to unspeakable cruelty under laws and exemptions passed by this Parliament?

Evidence from overseas gives very good indication that the battery hen industry is dying. In 1999 the European Union voted to ban battery hen farming, and in 2012 that will finally happen with the complete phase-out of battery hen farming in Europe. Battery cages have been banned in Switzerland since 1992, in Sweden since 1999 and in Finland since 2005, which puts the lie to the argument that you cannot ban battery hen farming without a flood of eggs coming in from outside the jurisdiction, which I know again is an argument that Mr Llewellyn is going to maintain today.

In Switzerland the decision to ban battery hen farming did not result in a flood of eggs from neighbouring countries. In fact it has allowed Switzerland to take a global

leadership role and allowed Swiss citizens to vote with their money and their purchasing decisions to support their local farmers produce eggs in a cruelty-free way.

It is to Tasmania's absolute benefit that we ban battery hen farming. We have a wonderful opportunity to grow a competitive advantage as being clean, green and clever, and it is this kind of move that will build Tasmanian businesses and industries and ensure recognition that will deliver premium prices for Tasmanian egg producers in high-quality niche markets. But if we are going to be clean, green and clever, or even clever and kind, it has to be more than rhetoric; it must be genuine. I ask members to imagine a Tasmanian egg label offering only premium, quality, free-range eggs produced under cruelty-free circumstances. It would be a major boost for the industry in this State but it will require brave and strong leadership, and continuing to support the battery hen industry is none of those things. It is dumb, it is unethical, it is immoral and it is cruel. It is dumb politics and, most of all, dumb economics.

The Greens acknowledge that Tasmania's egg industry would require financial assistance from government to transition out of battery hen farming and subsequently we have proposed a \$2 million package in the next financial year, contained in our alternative budget published earlier this year, that would assist the industry to transition out of battery hen farming. Further, we proposed a \$750 000 allocation to the creation of a unit within the Department of Primary Industries that would work with the poultry sector to create and promote a cruelty-free eggs brand that would enable Tasmanian eggs produced under cruelty-free conditions to be sold at a premium into the national market.

Finally, as Mohandas Gandhi said, the greatness of a nation and its moral progress can be judged by the way its animals are treated. If we hold those sentiments to be true and then continue produce and buy into a system of egg production that our own community wants ended, then we as parliamentarians demonstrate that we are out of touch with the values and wishes of the community that we represent. When we continue to maintain an apathetic approach, when we continue to shrug our shoulders and hold that there is nothing we can do, we are no long acknowledging the plight of these animals nor the entreaties of our electors.

Mr Speaker, there is no doubt that it is right thing to do to ban battery hen farming in Tasmania. It is the right thing morally, strategically, ethically, socially and economically. Let us now act to fulfil the wishes of the community that we represent. I commend the bill to the House.

[3.58 p.m.]

Mr LLEWELLYN (Lyons - Minister for Primary Industries and Water) - Mr Speaker, I thank the member for his second reaching speech and bringing it to the Chamber because I would like to be considered also, and in fact I have demonstrated over the years, to be a campaigner for battery hens. It is a fact that at almost every ministerial council that I have attended of Primary Industries ministers I have presented resolutions and motions to try to have some changes made in regard to the plight of battery hens, not only here in Tasmania but right across Australia. I think that is showing leadership in

regard to this issue. There are a number of people in the animal welfare area who would vouch for that action over the years and we have in fact made some inroads.

Some of the early contribution of the member about sizes of cages and so on is not exactly right. It is a fact that those cages are slightly larger now. They are certainly not very much larger and are not adequate by any means but there has been some movement there, although very small, I have to say. I am concerned about that aspect and continue to press the issue. At one stage I had the support of almost all the ministers on that council when we did make some small inroad.