



Queensland

Animal Care and Protection Amendment Regulation (No. 2) 2013

Explanatory Notes for SL 2013 No. 103

made under the

Animal Care and Protection Act 2001

General outline

Short title

Animal Care and Protection Amendment Regulation (No. 2) 2013

Authorising law

Section 4, 13, 15 and 217 of the *Animal Care and Protection Act 2001*

Policy objectives and the reasons for them

The objective of the amendment regulation is to address a number of concerns regarding the stocking density and cage door opening provisions applying to domestic fowl. The current stocking density requirements for free range domestic fowl may place Queensland's industry at a disadvantage. This is because most free range stocking density occurs well above 1,500 birds per hectare and other jurisdictions do not have an upper limit on stocking density. Also, the Industry Services Body, Australian Egg Corporation Limited, has a proposed industry standard for free range stocking density of 20,000 birds per hectare.

Regarding the current cage door opening provisions for poultry, most of the industry participants are not compliant with the current provisions due to a

technical issue with industry standard cages. The amendments are necessary to avoid the considerable impact on industry if the current provisions were to be enforced. Enforcing the current provisions would be impractical as the impact on Queensland's egg industry would be immense, requiring physical modification or replacement of the majority of cages at considerable expense. The amendments will also bring Queensland in line with what is currently required in New South Wales and Western Australia.

Achievement of policy objectives

The subordinate legislation will achieve its objectives by changing the current stocking density of free range domestic fowl from 1,500 birds per hectare to 10,000 birds per hectare. Additional amendments are also being made to ensure good animal welfare outcomes are maintained despite the increase in stocking density. Any person wishing to keep over 1,500 birds per hectare will need to comply with these additional requirements. They include an obligation to ensure that the birds are regularly rotated onto fresh sections of the outdoor area, ensuring at least 60 per cent of the unshaded outdoor area is covered with fodder (where seasonal conditions permit), and enabling the birds (when fully feathered) to have ready access through openings to the outdoor area for at least 8 hours a day.

To address the main concerns regarding the current cage door opening provisions, the amendment regulation will provide a new cage door opening size of 19 centimetres. Generally, the current provisions require the height of the door of the cage to be the same as the distance from the top of the feeder or egg and waste baffle to the top of the cage, without any obstructions. The majority of industry participants across Queensland are currently using modern cages with a structural bar running across the top front of cages that partially obstructs the cage door opening if it is opened at the top. This bar is essential for the structural support of the cage; however the height of the door is not the same as the distance from the top of the feeder/egg and waste baffle to the top of the cage as currently required under the Regulation. Instead, most of the cages currently used, have an opening door height measuring between 19 and 20 centimetres which is several centimetres less than the height from the top of the feeder to the top of the cage. Whilst the cages do not satisfy the current height requirement, the cages are otherwise compliant and have other welfare benefits compared with older-style cages. The modern cages were installed by industry following endorsement of the national Model Code of Practice for the Welfare of Poultry (2001) (Poultry Code).

The new cage door requirement of 19 centimetres will have an interim application as it will be required that any new cage/s installed on or after 1 July 2013 will need to have a cage door opening of at least 22 centimetres. The intention is to allow a gradual phasing-out of cages with the lesser door clearance.

New South Wales and Western Australia have taken a similar approach to that proposed in this amendment and require a minimum cage door height of 22 centimetres and 19 centimetres respectively. The other states have legislation equivalent to Queensland on this issue, however it is believed not to be strictly enforced.

Consistency with policy objectives of authorising law

The subordinate legislation is consistent with the main policy objectives of the *Animal Care and Protection Act 2001*.

Inconsistency with policy objectives of other legislation

The subordinate legislation is not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

The State Government will not incur any additional costs in the implementation of this subordinate legislation.

Consistency with fundamental legislative principles

The subordinate legislation is consistent with fundamental legislative principles.

Consultation

The Office of Best Practice Regulation (OBPR) of the Queensland Competition Authority has been consulted regarding the need for a Regulatory Impact Statement (RIS). OBPR has advised that a RIS is not required.

Representatives from the Australian Egg Corporation Limited, Queensland United Egg Producers, free range producers and the RSPCA have been consulted to gain an understanding of the extent of the issue. Consultation with the stakeholders took place over 12 months and the feedback from most of the industry was that the legislation in its current form was too restrictive and that the proposed amendment regulation would be strongly supported.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Agriculture, Fisheries and Forestry.

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