

GP2 Development of nationally consistent animal Welfare Standards & Guidelines

(adopted 8/04/2024)

NOTE: Reference to 'the RSPCA' or 'RSPCA' in this document means RSPCA Australia and each of its member Societies.

RSPCA policies reflect the best available evidence to direct and guide RSPCA and others, to promote and achieve good animal welfare outcomes.

1. Introduction

- 1.1 The RSPCA supports the development of nationally consistent, mandatory minimum standards for the welfare of animals used, managed, and controlled by humans. Standards should be clear and measurable.
- 1.2 The RSPCA supports the development of nationally consistent guidelines that accompany the minimum standards, and which recommend best practice. Guidelines should provide guidance on how to achieve best practice animal welfare outcomes by setting out the level of care and conduct required. Guidelines can also be used to provide practical and more prescriptive ways of achieving compliance with the Standards.
- 1.3 The RSPCA supports the development of quality assurance programs to address guidelines, as opposed to standards, to foster more detailed and practical requirements, and promote better animal welfare outcomes.
- 1.4 The RSPCA believes the Australian Government has a vital leadership role in achieving national consistency by coordinating the standards and guidelines development process in conjunction with state and territory jurisdictions. This paper has been developed based on the RSPCA's participation in the development of national Animal Welfare Standards and Guidelines and aims to provide constructive and practical recommendations to promote a transparent, efficient, equitable and robust approach to animal welfare standards.
- 1.5 National coordination should be underpinned by an agreed procedure that is established in conjunction with all relevant stakeholders. The agreed procedure should:
 - outline the principles of Standards and Guidelines development
 - define the stages of the development process
 - allow for flexibility to account for scientific and technological developments
 - support the concurrent development and/or review of multiple standards
 - enable procedural efficiencies with options to provide wholesale review and updates, as well as partial review and updates to specific sections of standards which can occur outside of the standard review cycle to account for emerging animal welfare issues, ensure swift adoption, and avoid lagging standards
 - specify timelines for expected implementation into state/territory regulations to support accountability on the delivery and implementation.
- 1.6 Animal Welfare Standards and Guidelines must be based on contemporary scientific knowledge and reflect community expectations. The development process should consider new procedures, practices and technological innovations that can improve animal welfare. The development process should result in improvements on current practice so that standards and guidelines drive continuous improvement in animal welfare in Australia.
- 1.7 The way in which the Standards and Guidelines are developed affects their final content, as well as the degree to which they are accepted and embraced by stakeholders and the broader community. Adherence to agreed processes will provide procedural legitimacy which is pivotal for stakeholder engagement in the development process and facilitates compliance with the final standards and

guidelines. Therefore, it is vital that animal welfare organisations and industry stakeholders are equally consulted and given the opportunity to provide fair and equitable input.

1.8 The following five principles are fundamental to ensuring a procedurally legitimate standard-setting framework:

- independent and impartial governance
- national oversight including periodical monitoring and public reporting of state and territory jurisdictional implementation
- fair and balanced representation and deliberations
- timely and accessible public consultation
- transparent and accountable decision-making.

These principles are considered in terms of the various stages of the standards development process below.

1.9 This position paper should be read in conjunction with Policy GP1 Good animal welfare, GP2 Animal welfare legislation, and GP3 Standards and guidelines, codes of practice.

2. Governance

2.1 Developing Animal Welfare Standards and Guidelines requires the consideration of a diverse range of issues that affect a diverse range of interests. Often these interests will conflict. Independent and impartial governance is therefore critical to ensure fairness and equality throughout the process.

2.2 Independent and impartial governance requires the Standards and Guidelines development process to be led by a government institution that does not possess organisational objectives and priorities that are, or could reasonably be perceived to be, in conflict with the objectives of promoting and protecting animal welfare through sustained improvements to existing practices. For example, government departments responsible for agricultural productivity and efficiencies cannot be wholly impartial in promoting and improving animal welfare. RSPCA has long advocated for the establishment of an independent statutory authority for animal welfare to provide impartial governance.

2.3. The development and review process for Standards and Guidelines should include regular reporting to the Australian Parliament and the relevant Commonwealth Minister to promote transparency and accountability. All formal deliberations, reports and advice should be made available to the public (de-identified in accordance with Australian privacy laws as required) to ensure transparency.

2.4 Governance should include identification of emerging issues where animal welfare standards are required, for example, in response to new technologies or industries.

3. Priority setting and funding

3.1 All major stakeholders including animal welfare representatives should be involved in the process of setting priorities for the development and review of Animal Welfare Standards and Guidelines.

3.2 The Standards and Guidelines development process should be supported by adequate resourcing and funding (primarily from government). Funding should provide for a secretariat, who reports to the government institution leading the process, and all essential stages of the process, including a comprehensive scientific review, stakeholder deliberations, and public consultation. Funding sources should not influence the direction or outcomes of the standards development process or delay the completion of the process.

3.3 Funding sources must be publicly disclosed and any conflicts of interest must be recorded by the secretariat and publicly disclosed as part of the process.

4. Scientific review

- 4.1 A thorough review of relevant scientific literature should be undertaken prior to the commencement of drafting to ensure the resulting Standards and Guidelines are based on contemporary scientific knowledge. This review should be published, in the interest of transparency.
- 4.2 The scope of the scientific review should include factors of relevance to animal welfare as defined in the Five Domains Model.¹ Specifically, the scope should include factors of relevance to the species covered by the standards and guidelines. Proposed inclusions in Standards and Guidelines should be defensible, based on current knowledge, as being likely to lead to improved animal welfare outcomes.
- 4.3 Scientific reviews should be conducted by an independent subject matter expert or independent scientific advisory committee. Scientists should be formally appointed to the committee by the secretariat. Scientists should be appointed for a fixed term and required to publicly declare their interests.
- 4.4 Scientific reviews should focus on research that has as the primary goal to improve animal welfare and consider each species, and relevant life stages of that species, that the Standards and Guidelines are intended to represent. That is, while one set of Standards and Guidelines may be developed to represent multiple species, distinct welfare impacts based on the physiology of each species and/or life-stage should be recognised and adequately addressed within the Standards and Guidelines.
- 4.5 If the scientific review identifies gaps in knowledge relating to the welfare impacts of practices under consideration, the scientific committee should be required to identify gaps and prioritise research needed to fill these gaps. However, the need for further research should not unreasonably impede the development of Standards and Guidelines.
- 4.6 The outcomes of the scientific review should inform the scope of matters to be addressed in the Standards and Guidelines development process. Conclusions on the welfare impacts and benefits of animal use, management or control under review should be the basis for cost/benefit analyses undertaken within the regulatory impact analysis.

5. Stakeholders

- 5.1 Developing Animal Welfare Standards and Guidelines requires input from a diverse range of stakeholders to reflect a diverse range of experience, knowledge, and interests.
- 5.2 Stakeholders with extensive knowledge of, and a vested interest in, the species that the Standards and Guidelines cover must be represented on a Stakeholder Advisory Group (SAG) ensuring fair and equitable representation from key stakeholders including animal welfare organisations, industry representatives, regulators, veterinarians, and academics with related subject matter expertise.
- 5.3 State and territory government department representatives should be included early to avoid duplication of the national development process for Standards and Guidelines at state/territory level during the public consultation or implementation phases.
- 5.4 Stakeholders involved in the process should be required to disclose any conflicts of interest to ensure full disclosure and transparency.

¹ The Five Domains Model for animal welfare assessment includes the following five domains - nutrition, physical environment, health, behavioural interactions, and mental state.

- 5.5 All stakeholders must have equal access to relevant information to effectively advocate for their position.

6. Standards & Guidelines writing process

- 6.1 Standards and Guidelines should be written by a person(s) with specific skills, knowledge and understanding of how to write enforceable standards and be informed by relevant subject matter experts and stakeholders.
- 6.2 The writing process should involve consultation with a fair and equitable range of stakeholders, be led by an independent chairperson, appointed by the secretariat, and should involve full consideration of animal welfare concerns.
- 6.3 There must be a transparent and consistent process for escalating contentious issues that do not receive unanimous agreement between stakeholders. This process should be agreed on early by the SAG. This process should provide escalation options to an independent body, an agreed wider consultation process, or to the representatives of states and territories that will implement the Standards and Guidelines to seek final agreement. This may include consideration as part of the regulatory impact analysis and public consultation process.
- 6.4 After the initial consultation with the SAG, relevant stakeholders and the completion of the regulatory impact analysis, the SAG and key stakeholders must be given further opportunity to review the draft prior to public consultation.

7. Regulatory Impact Analysis

- 7.1 Where a Regulatory Impact Analysis (RIA)² is required, several regulatory options should be developed and put to a cost/benefit analysis. The regulatory options proposed should be based on the evidence collected and provide genuine alternatives that adequately address the major (and potentially contentious) issues identified within the scientific review and stakeholder meetings. The analysis and consideration given to each option should be equally robust.
- 7.2 The RIA should be written in a form that is accessible to the public. Technical expressions and economic calculations should be simplified as much as possible and explained in plain language.
- 7.3 The RIA must assess animal welfare consequences including the duration, number and severity of animal welfare impacts and how they can or cannot be managed to reduce cumulative suffering.
- 7.4 The RIA should consider the nature of animal welfare benefits of proposed options to ensure an appropriate cost benefit analysis can be performed.
- 7.5 In regard to costs, the RIA should consider the extent to which the costs can be, and will be, distributed through the supply chain. However, the RIA should not include costs that would otherwise be incurred in the normal process of voluntary commercial decisions.

8. Regulatory Impact Statement

- 8.1 The Regulatory Impact Statement (RIS)³ should disclose the sources of data that have been provided to inform the statement, including the data itself and any assumptions.

² The RIA process requires a detailed cost/benefit analysis to assist government officials in designing and implementing best practice policy. A government decision cannot be made without a RIA.

³ All Cabinet submissions require a RIS. If a decision is not going to Cabinet, a RIS is still required where the policy proposal is likely to have a measurable impact on business, community organisations or individuals. This includes new regulations, amendments to existing regulations and, in some cases, sunsetted regulations being remade.

- 8.2 The RIS should cover any state-based cost/benefit assessment to avoid duplication of this process once the Standards and Guidelines have been completed.

9. Public consultation

- 9.1 The draft Standards and Guidelines and Regulatory Impact Statement should be subject to a thorough public consultation process.
- 9.2 The consultation must invite comment on all contentious issues identified in the Standards and Guidelines development process and draft, including the scientific review and stakeholder meetings. To encourage feedback, if the consultation process adopts a survey format, it should clarify that non-survey submissions will also be accepted.
- 9.3 To obtain a broader range of perspectives, the consultation should also actively seek the opinions of subject matter experts, nominated by current SAG members or other stakeholders, who were unable to be adequately represented by stakeholder groups in the writing process.
- 9.4 The consultation process must be adequately advertised to all stakeholders and the public and a sufficient time period for making comment should be provided. The time period should be between 60 to 90 days, depending on the size and complexity of the consultation documents.
- 9.5 All submissions and comments received during the consultation process should be considered. To promote transparency and accountability, a report that demonstrates a clear link between public comments and the final decisions made should accompany the release of the final draft Standard and Guidelines and decision Regulatory Impact Statement.

10. Endorsement

- 10.1 Once the Standards and Guidelines have been finalised, they should be endorsed in full by all state and territory governments in a timely manner. Endorsement should occur within a period of no longer than 12 months to avoid standards lagging behind contemporary animal welfare science and community expectations.

11. Implementation

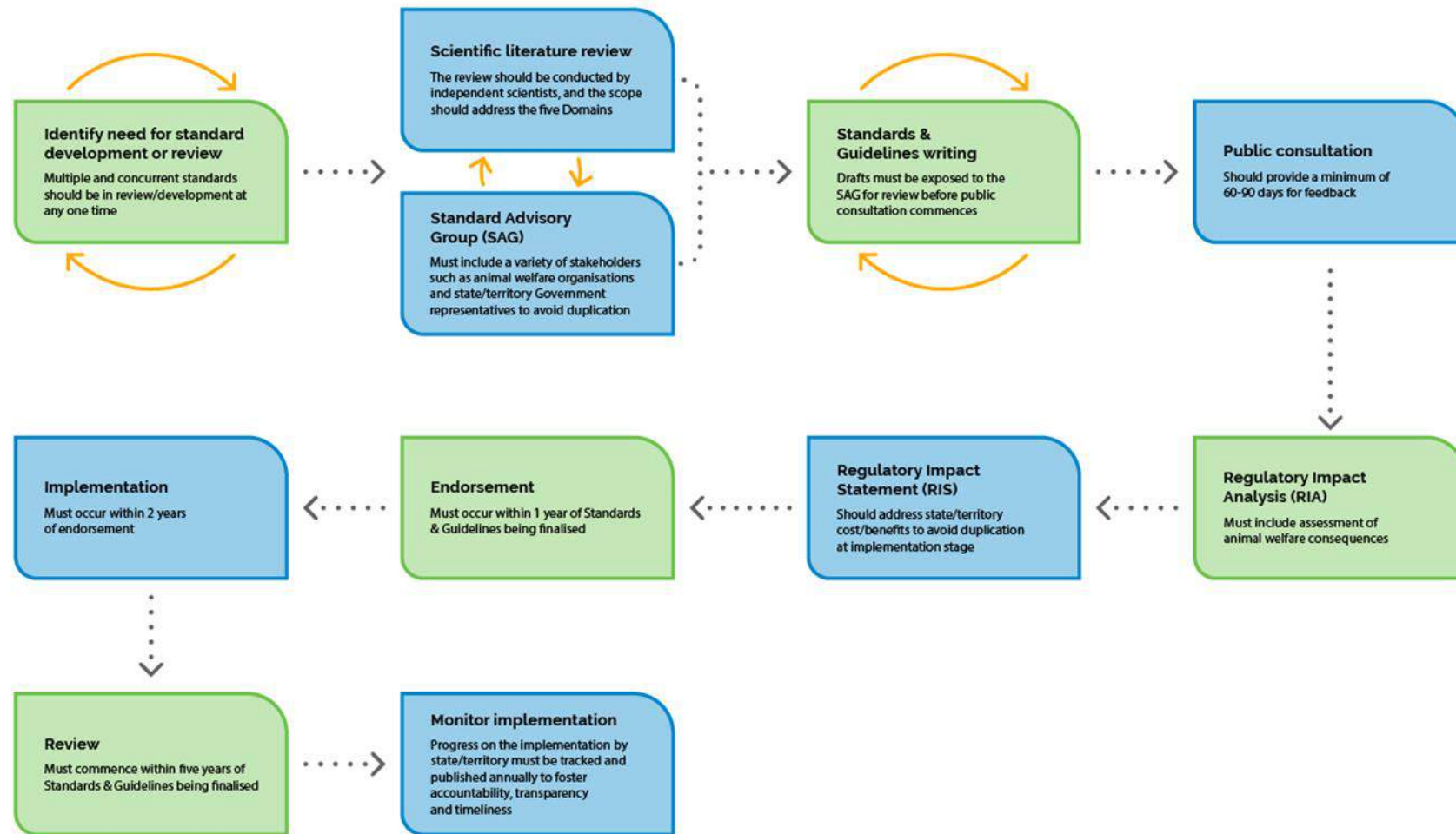
- 11.1 Following endorsement, the standards should be implemented within state and territory law (or federal law for areas falling under Commonwealth jurisdiction) in a consistent and timely manner.
- 11.2 Implementation should be time-bound to ensure accountability and progress towards continuous improvement in animal welfare. Implementation should take no longer than 24 months from endorsement.

12. Review

- 12.1 The review process should be undertaken with a genuine commitment to continually improving animal welfare outcomes.
- 12.2 Animal Welfare Standards and Guidelines should be reviewed periodically, within a maximum 8-year period, to reflect developments in scientific knowledge and community expectations. The review process should be scheduled to commence approximately five years from the date of implementation.
- 12.3 The review should include thorough assessment of the Standards and Guidelines against:
- contemporary animal welfare science and existing research gaps
 - best practice

- international trends
 - societal ethical concerns
 - adverse animal welfare outcomes
 - practical experience and available technology.
- 12.4 The review should include a thorough assessment of the effectiveness of the Standards and Guidelines in embedding continuous improvements in animal welfare policies in Australia, by at minimum assessing the:
- level of awareness and adoption of the standards within industry at state and territory jurisdiction, noting any barriers
 - compliance rates against the standards by jurisdiction
 - supporting or related legislation and regulation
 - monitoring and enforcement activities by jurisdiction
 - any gaps between industry practice and best practice
 - overall rate of improvement in animal welfare as a national key performance indicator.
- 12.5 The review process should allow for partial review of a Standard (before the 8-year timeframe of formal review) to allow for the inclusion of scientific and technological advancements and/or to reflect uptake of improved practices where they have been taken up by the majority prior to legislative change.

Process flowchart on developing nationally consistent Animal Welfare Standards and Guidelines



Key Considerations:

Process must be underpinned by independent & impartial governance

Review must include:

- Animal welfare science
- International trends
- Societal ethical concerns
- Adverse animal welfare outcomes
- Compliance by jurisdiction

Process must be well-planned and agreed to by stakeholders to ensure efficiency and promote adherence to recommended timelines

All key stakeholders should be involved in identifying the need for new Animal Welfare Standards & Guidelines, and prioritisation of review and development

Funding sources must be public and any conflicts of interest disclosed