

H2 Development of nationally consistent animal welfare standards and guidelines

(adopted 27/06/14)

1. Introduction

- 1.1. This position paper should be read in conjunction with Policy H2 Standards, codes of practice and guidelines.
- 1.2. RSPCA Australia supports the development of nationally consistent, compulsory minimum standards for the welfare of animals used, managed and controlled by humans. Standards should be clear, specific, and measurable.
- 1.3. The Australian Government has a vital role to play in achieving national consistency by leading and coordinating the standards development process in conjunction with state and territory jurisdictions. This role should be legally formalised under the Constitution and an agreed procedure should be established in conjunction with all relevant stakeholders outlining the stages of the development process and the principles upon which it is based.
- 1.4. Animal welfare standards must be based on contemporary scientific knowledge and reflect community expectations. The development process should result in the achievement of animal welfare standards that represent an improvement on current practice.
- 1.5. The manner in which the standards are created affects their final content and also the degree to which they are accepted and embraced by stakeholders and the broader community. Procedural legitimacy is pivotal to increasing compliance rates among the regulated and to reducing the potential for stakeholders to disengage from the development process.
- 1.6. RSPCA Australia believes the following four principles are fundamental to ensuring a procedurally legitimate standard-setting framework:
 - Independent and impartial governance;
 - Fair and balanced representation and deliberations;
 - Timely and accessible public consultation; and
 - Transparent and accountable decision-making.
- 1.7. These principles are considered in terms of the various stages of the standards development process below.

2. Governance

- 2.1. Developing animal welfare standards 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 balance, and importantly the appearance of such, throughout the process.

2.2. RSPCA Australia believes that independent and impartial governance in this context requires the standards 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.

2.3. The process should include regular reporting to a Federal Minister. All formal deliberations, reports and advice should be made available to the public to ensure transparency.

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.

3.2. The standards development process must be supported by adequate funding to provide for a secretariat and all essential stages of the process, including a comprehensive scientific review, stakeholder deliberations, and public consultation. Funding sources must not influence the direction or outcomes of the standards development process or delay the completion of the process.

4. Scientific review

4.1. Animal welfare standards must be based on contemporary scientific knowledge. A thorough review of relevant domestic and international scientific literature should be undertaken prior to the commencement of drafting. Recognised measures and indicators of welfare should be established and used as a basis for assessing the benefits and impacts of proposed standards.

4.2. Scientific reviews should be conducted by an independent scientific advisory committee where scientists are formally appointed for a fixed term and are required to publicly declare their interests (see for instance, the European Union Panel on Animal Health and Welfare). Selection of the scientific committee should be undertaken in consultation with all stakeholders and ensure a balanced approach to relevant science.

4.3. If the scientific review identifies gaps in knowledge relating to the welfare impacts of practices under consideration, the scientific committee should be empowered to commission the necessary research to fill these gaps. However, the need for further research should not unreasonably impede the development of standards.

4.4. The outcomes of the scientific review should inform the scope of matters to be addressed in the standards development process. Conclusions on the welfare impacts and benefits of the particular forms of animal use and management under review must be used as the basis for cost/benefit analyses undertaken within the regulatory impact assessments.

5. Standards writing process

- 5.1. The writing process must involve a balanced range of stakeholders, be led by a neutral chairperson, and allow for animal welfare concerns to be given equal consideration in deliberations.
- 5.2. Decisions about items and processes under consideration should ideally be made via consensus. Contentious issues that do not receive unanimous agreement should inform the development of regulatory options to be considered within the regulatory impact assessment and public consultation processes.

6. Regulatory impact assessment

- 6.1. Where a regulatory impact assessment is required, a number of regulatory options should be developed to put to a cost/benefit analysis. The regulatory options chosen must be genuine alternatives and adequately cover the major issues of contention identified within the scientific review and stakeholder meetings. The analysis and consideration given to each option must be equally robust.
- 6.2. The regulatory impact statement must be written in a form that is accessible to the general public. Technical expressions and economic calculations should be broken down as much as possible and explained in clear, plain language.

7. Public consultation

- 7.1. The draft standards and regulatory impact statement must be subject to a thorough public consultation process. The consultation should invite comment on all major welfare issues identified in the scientific review and stakeholder meetings. To obtain a broader range of perspectives the consultation should also actively seek the opinions of individuals whose interests may not be represented by stakeholder groups in the writing process.
- 7.2. The consultation process must be adequately advertised to all stakeholders and the general public and a sufficient time period for making comment must be provided. The time period should be between 60 to 90 days, depending on the size and complexity of the consultation documents.
- 7.3. All submissions and comments received during the consultation process must be taken into account. 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 decision regulatory impact statement.

8. Endorsement

- 8.1. Once the standards have been finalised they should be endorsed by all state governments.

9. Implementation

- 9.1. 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. Implementation processes should first require the standards to be tabled in the relevant state, territory or federal parliament for consideration.

10. Review

- 10.1. Animal welfare standards should be reviewed periodically 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. It should include a thorough assessment of the effectiveness of the standards in achieving the intended animal welfare outcomes. The level of awareness of the standards within industry, monitoring and enforcement activities, and compliance rates should be considered as part of this assessment.
- 10.2. The review process should be undertaken with a genuine commitment to continually improving animal welfare outcomes.