

**Certification Trade Mark Application No 1914662 lodged
by Humane Farm Animal Care**

WOOLPRODUCERS
AUSTRALIA

ACCC
GPO Box 3131
Canberra ACT 2600
Via email: CTMs@accc.gov.au

16 August 2019

To whom it may concern,

Re: CTM 1914662 – Humane Farm Animal Care - Submission

WoolProducers Australia (WoolProducers) welcomes the opportunity to provide this submission regarding the Humane Farm Animal Care (HFAC) application to register Certification Trade Mark No. 1914662 (HFAC CTM).

WoolProducers is the peak industry council for the wool industry. Our membership is comprised of the industry's commercial, superfine and stud breeding sectors. WoolProducers is nationally representative through our State Farming Organisation members and three democratically elected Independent Directors. WoolProducers' policy areas include animal health and welfare, biosecurity, pest management control, natural resource management, drought policy, emergency animal disease outbreak preparedness, and industry development including research and trade.

WoolProducers has reviewed the *Sheep, including Dairy Sheep standards (March 2013)*, the *HFAC Program/Policy Manual (October 2016)*, the *Recommended Animal Handling Guidelines and Audit Guidelines (June 2017)*, the *Procedures for Humane Euthanasia (January 2013)* and the *Inspector Information Manual (June 2019)* provided by the ACCC for consideration with regard to the application for registration of the HFAC CTM.

The *Sheep, including Dairy Sheep standards* are appropriate for American production systems however could not simply be transferred and applied to Australian production systems. There are several elements to the sheep standards that would not satisfy Australian production systems, which WoolProducers can provide more specific detail on if requested by the ACCC. WoolProducers is unable to assess whether the sheep standards contained in the rules would ensure that animals are treated in a way that is consistent with Australian consumers' reasonable expectations of 'humane' food production, without being able to review the standards in an Australian context.

WoolProducers requests that the Australian Government Department of Agriculture review the *Recommended Animal Handling Guidelines & Audit Guidelines (June 2017)* and the *Procedures for Humane Euthanasia (January 2013)* document to assess their compatibility with Australian standards and guidelines. We recommend that the Australian Veterinary Association review the *AVMA Guidelines on Euthanasia* in their capacity as the professional membership body for the veterinary profession in Australia. It is important that all Annexures to the CTM are assessed for their alignment with Australian legislation and the Australian Animal Welfare Standards and Guidelines.

As members of both the Writing and Reference Group for the development of the Australian Animal Welfare Standards and Guidelines for Sheep, WoolProducers offers our assistance in reviewing the *Sheep, including Dairy Sheep standards (March 2013)* should this be requested by the ACCC, the Australian Government Department of Agriculture, the RSPCA or the Australian Veterinary Association

so that it is applicable to the Australian sheep and wool industries if the ACCC seeks to approve the HFAC CTM application.

WoolProducers acknowledges that HFAC advised the ACCC of proposed amendments to the Proposed CTM Rules, with the first to include the general statement that *'The CTM rules which are available to Australian farmers and/or suppliers are compliant with Australian Animal Welfare Standards and Guidelines and will be automatically modified in accordance with these standards'*. WoolProducers is unable to formalise a position in support or otherwise of the HFAC CTM without being able to access these revised standards in full. As such, we are unable to provide comment to the ACCC as to whether the HFAC CTM and associated rules would:

- Raise competition concerns,
- May result in consumers being misled, and
- Whether the animal welfare standards contained in the rules would ensure that animals are treated in a way that is consistent with Australian consumers' reasonable expectations of 'humane' food production.

WoolProducers supports opportunities that encourage market competition. However, for the HFAC CTM application we are supportive in principle only, on the assumption that HFAC will be offering their program as an 'opt-in' prospect for farmers who seek to differentiate their products in the retail sector. WoolProducers therefore cannot comment as to whether the HFAC CTM and associated rules would raise competition concerns or result in consumers being misled.

HFAC has not provided detail on who will be employed or contracted as certifiers for the Program in Australia, other than required education to be considered for being approved to train as an inspector. It is important that approved certifiers are suitably qualified (to Australian standards in training and education in Life Science, Animal Science, Veterinary Science or other relevant backgrounds; refer to the *Inspector Information Manual (June 2019)*) to make assessments in line with Australia's animal welfare legislation and the *Australian Animal Welfare Standards and Guidelines*.

WoolProducers cannot support the *Inspector Information Manual* without the opportunity to review a manual that is drafted for HFAC CTM implementation in Australia. If the Program is 'opt-in' (as is assumed by WoolProducers based on the information provided), while we do not support increased regulatory burden on farmers that will be imposed by the required documentation, we acknowledge that it will be the choice of farmers to participate. The *Inspector Information Manual (June 2019)* requires several application forms that would need to be relevant to Australian production systems and align with state/territory animal health, welfare and biosecurity legislation. There must also be alignment with industry programs such as Livestock Production Assurance (administered by the Integrity Systems Company) and others, for example Meat Standards Australia. How inspectors will work with state governments and the RSPCA will need to be outlined in the manual in more information than is currently provided, so that it is clear to farmers who sign onto the Program how HFAC inspectors will work with state/territory governments and the RSPCA .

It will be necessary that HFAC ensure the information they will make public (refer to the *HFAC list of information available to the public*, page 17 of the *Inspector Information Manual (June 2019)*) is supplied in accordance with Australian privacy and data laws.

WoolProducers requests that the ACCC seek documents from HFAC that are written for an Australian HFAC Program so that we can provide more specific comment to the ACCC for consideration of the

HFAC CTM application. While we support the HFAC CTM application in principle, being able to review this information will assist WoolProducers in providing more detailed comment on the application to the ACCC.

Should you wish to discuss our submission further, please do not hesitate to contact me on 0488 554 811 or via email (jhall@woolproducers.com.au).

Yours Sincerely,



Jo Hall
Chief Executive Officer

