

Is factory farming banned in the ACT?

This Factsheet is for general information purposes and is not legal advice. It provides a brief overview only of this area of the law. If you require legal advice relating to your particular circumstances you should contact the ADO or another solicitor.

On 7 March 2014 rules banning certain aspects of factory farming came into force in the ACT as part of the *Animal Welfare Act 1992* (ACT) (the Act).

As a result of the changes, minimum standards for the care and welfare of chickens and pigs in the ACT are now set out in the Act.

But other types of factory-farming, such as keeping egg-laying hens in high-density barns, are **still permitted in the ACT**.

Overview

It is now an offence in the ACT to:

- Keep egg-laying hens in cages
- Keep pigs in sow stalls and farrowing crates
- Debeak hens

Strict penalties apply for each offence.

Who do the factory-farming laws apply to?

- Anyone in the ACT who keeps egg-laying hens for commercial egg production
- Anyone in the ACT who keeps a pig
- Anyone in the ACT who removes or trims the beak of a hen



Female pig in a farrowing crate in a NSW piggery, 2013

Accommodation for egg-laying hens

The laws are intended to prevent 'battery cages', in which many egg-laying hens are crammed in close together in a small metal cage.



Even cages that have litters or nesting boxes are now banned in the ACT.

The factory-farming laws do not, however, stop hens from being kept in barns. Hens in the ACT may still therefore be kept in barns in high density, factory-farm conditions, with very little room to move around and with no access to the outdoors.

Accommodation for Pigs

Under the new laws, pigs must be allowed to:

- Turn around, stand up and lie down without difficulty
- Have a clean place to lie down
- Maintain a comfortable temperature
- Have outdoor access

These requirements are intended to prevent the use of stalls which are too small for pigs to be able to turn around or lie down. These stalls are still used in many parts of Australia.

The ACT currently has no piggeries. The ban on pig stalls in the ACT is intended as a preventative measure and to set a national precedent.

Debeaking of Hens

The beaks of hens are often routinely trimmed or removed completely (without anaesthetic) to stop hens kept in a battery situation from pecking each other.

Debeaking and trimming are now prohibited in the ACT, unless properly performed by a vet for health reasons.



Penalties

The offences under the factory-farming laws are strict liability offences, which means that somebody can be charged with the offence whether or not they intended to break the law.

In addition, the offences will apply to a person even if that person was acting in accordance with an animal welfare code of practice.

An infringement notice can be issued on the spot.

The maximum penalty for each offence is \$7,500 for an individual and \$37,500 for a corporation.

The amending law containing the bans can be found here:

<http://www.legislation.act.gov.au/a/2014-3/default.asp>.

The amending law has been incorporated into the *Animal Welfare Act 1992* (ACT):

<http://www.legislation.act.gov.au/a/1992-45/default.asp>.

About the Animal Defenders Office Inc.

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To learn more about the ADO please visit our website: www.ado.org.au

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