



Australian Government

**Department of Agriculture,
Fisheries and Forestry**

**Department of Agriculture,
Fisheries and Forestry
Submission: Inquiry into the
Inspector-General of Live
Animal Exports Amendment
(Animal Welfare) Bill 2023**

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Introduction

The Department of Agriculture, Fisheries and Forestry (the department) welcomes this opportunity to provide a submission to the Rural and Regional Affairs and Transport Legislation Committee's inquiry into the Inspector-General of Live Animal Exports Amendment (Animal Welfare) Bill 2023 (the Bill).

The department plays an important role in live animal exports through regulation, partnership and engagement.

The department achieves this through the administration of legislation and regulation to ensure exporters and others involved in the live export trade meet regulatory requirements. As part of the regulatory framework for live animal exports, the department develops and maintains very high standards that exporters are required to meet before, during, and after livestock export.

This includes the Australian Standards for the Export of Livestock (ASEL), which outlines the minimum animal health and welfare conditions exporters must meet throughout the export journey. The ASEL is regularly updated to ensure it is based on the latest evidence and science.

Regulation of live animal exports also includes the Exporter Supply Chain Assurance System (ESCAS), which seeks to assure animal welfare, control and traceability outcomes for exported feeder and slaughter livestock, from arrival in importing countries up until and including the point of slaughter.

The department's regulation of live animal exports is currently overseen by the Inspector-General of Live Animal Exports (IGLAE). The IGLAE reviews the performance of functions and exercise of powers by the department in regulating livestock exports under the *Export Control Act 2020* and the *Export Control (Animals) Rules 2021*. The IGLAE was established under the *Inspector-General of Live Animal Exports Act 2019* (the Act).

The Australian Government made a commitment to strengthen animal welfare and increase accountability and transparency for animal welfare in livestock exports by expanding the functions of the office of the IGLAE.

The Bill expands on the current Act and would create additional animal welfare related objects and functions of the IGLAE. These amendments to the Act seek to maintain or improve animal welfare outcomes.

The department consulted directly with representatives from the live export industry, state and territory governments and animal welfare bodies on the expanded role. The department also sought feedback on a consultation paper and ran a public submission process on the expanded role. Public consultation was open on the department's website between 2 February 2023 and 9 March 2023 for all interested parties to have their say through a submission on the department's website.

The department received 24 submissions as part of the public consultation process. Feedback informed development of the Bill. Where permission has been provided, submissions have been published on the department's website.¹

This submission addresses the proposed amendments made by the Bill to the Act.

¹ Accessible as at August 2023 at:
<https://haveyoursay.agriculture.gov.au/inspector-general-animal-welfare>

Inspector-General of Live Animal Exports Amendment (Animal Welfare) Bill 2023 – Proposed Amendments

The Bill proposes to build on the established IGLAE role. The IGLAE's primary function is to review the conduct of the department's livestock export officials, and publish a report on each review.

Currently, the Act contains three objects:

- (a) to promote continual improvements in the regulatory practice, performance and culture of the department in its role as the regulator of Australia's live-stock exports;
- (b) to provide an additional layer of accountability and assurance over the regulation of Australia's live-stock exports; and
- (c) to ensure that live-stock export officials, in performing functions and exercising powers, consider the welfare of animals in Australia's live-stock exports.

The measures proposed in the Bill seek to enhance the focus on animal welfare in livestock exports by renaming the IGLAE to the 'Inspector-General of Animal Welfare and Live Animal Exports' (Inspector-General), and expanding the objects of the Act and the functions of the Inspector-General.

Specifically, the Bill amends the Act to expand the functions of the IGLAE to include monitoring, investigation and reporting on the implementation of animal welfare and live animal exports legislation and standards in relation to livestock exports.

The Bill expands the objects in the Act to:

- enable monitoring, investigation and reporting on the implementation, by the Commonwealth Government, of animal welfare and live animal export legislation and standards in relation to the export of livestock;
- promote continual improvements in the regulatory practice, performance and culture of the department in its role as the regulator of Australia's livestock exports, including improvements in the development of the ASEL;
- provide an additional layer of accountability and assurance over the regulation of Australia's livestock exports; and
- ensure that livestock export officials, in performing functions and exercising powers, consider the welfare of animals in Australia's livestock exports.

The Bill also clarifies the scope of the Inspector-General's functions and powers by defining the term 'animal welfare and live animal export legislation and standards' as:

- (a) the *Export Control Act 2020*;
- (b) any instrument made under that Act;
- (c) the ASEL.

Amendments in the Bill include:

- promoting improvements in the development of the ASEL;
- requiring the Inspector-General to undertake a particular review if the responsible Minister directs it in writing;
- providing that the Inspector-General may (but is not obliged to) conduct a particular review if requested by a Minister (other than the responsible Minister) who administers a law relating to livestock exports, or the Secretary of the department;
- specifying that the Inspector-General may engage consultants to assist in the performance of functions if necessary to provide specific expertise or required resourcing; and
- clarifying administrative arrangements such as publication of an annual work plan.

The Bill expands upon the functions of the IGLAE so that the Inspector-General may also conduct reviews of effectiveness of Commonwealth reporting of any or all of the following:

- the welfare of exported livestock;
- livestock export investigations related to animal welfare;
- non-compliance with animal welfare and live animal export legislation and standards in relation to the export of livestock;
- the information covered by section 424 of the *Export Control Act 2020* (report to Parliament about export of livestock).

These expanded functions aim to help ensure:

- Departmental systems are appropriately reviewed and operating effectively, in particular in achieving animal welfare outcomes;
- the ASEL is appropriately reviewed with a view to meeting the objective of maintaining and enhancing the welfare of exported livestock; and
- further transparency and scrutiny of Commonwealth reporting, which includes how the department reports on investigations related to animal welfare, non-compliance with animal welfare and live animal export legislation and standards in relation to the export of livestock, and reporting to Parliament.

The Bill also provides that the office of the Inspector-General is independent and has complete discretion in the performance of its functions and the exercise of its powers, and is not subject to direction by any person other than as provided for in the Act.

The Bill enables the Inspector-General to review the effectiveness of the department's reporting arrangements in relation to potential non-compliance with state and territory laws relating to animal welfare. This would help ensure that the department has appropriate and effective processes in place to alert state and territory governments when potential non-compliance with state and territory laws are observed by Commonwealth officials. It also recognises the operational linkages between the Commonwealth's regulation of welfare of exported livestock, and states and territories' regulation of domestic animal welfare.

The Bill also includes transitional arrangements to ensure that the provisions as proposed to be amended by the Bill would not apply to any reviews started before the commencement date of the amendments. That is, the current provisions of the Act would continue to apply to any reviews commenced under the current Act following passage of the Bill.

The Bill also makes consequential amendments to the *National Anti-Corruption Commission Act 2022* (NACC Act) to reflect the renaming of the Inspector-General's title in the NACC Act.

The proposed amendments in the Bill have been drafted to ensure clarity and transparency in relation to a number of processes that are currently undertaken by the IGLAE.

Further, the Bill makes minor editorial amendments to ensure the Act aligns with other portfolio legislation, such as removing the hyphen in the term 'live-stock' by amending it to 'livestock', and aligning the definition of that term with its definition in the *Export Control (Animals) Rules 2021*.

Conclusion

The Department of Agriculture, Fisheries and Forestry thanks the Committee for this opportunity to provide a submission on the Inspector-General of Live Animal Exports Amendment (Animal Welfare) Bill 2023 and would be happy to provide further information on request.