



Friday 11 August 2023

Mr Tas Larnach  
Legislation Committee Secretary  
Senate Rural and Regional Affairs and Transport

Via email: [rrat.sen@aph.gov.au](mailto:rrat.sen@aph.gov.au)

Dear Mr Larnach

## Re: Submission for the Inquiry into the Inspector-General of Live Animal Exports Amendment (Animal Welfare) Bill 2023

Thank you for the opportunity to contribute to the Senate Inquiry into the Inspector-General of Live Animal Exports Amendment (Animal Welfare) Bill 2023 (the Bill). Overall, the RSPCA supports the Bill because it would provide greater transparency and accountability for the regulation of live animal exports if passed. However, the Bill excludes several important components that are needed to improve animal welfare in Australia.

### About the RSPCA

The RSPCA's mission is to prevent animal cruelty by actively promoting animal care and protection. We have more than 150 years' experience in animal welfare, and Australians recognise our organisation as the nation's most trusted animal welfare charity. Operating under a federated structure, the RSPCA comprises of RSPCA Australia and eight state and territory RSPCA member Societies. RSPCA member Societies care for and protect animals across the country through animal shelters, and in most jurisdictions, provide inspectorate services. Each year in Australia, the RSPCA:

- Receives and cares for more than 100,000 animals.
- Investigates tens of thousands of reports of animal cruelty and neglect.
- Educates Australians on animal welfare, responsible animal care and companion animal guardianship through school, community and online initiatives.
- Advocates for legislative and policy change to improve the lives of all animals.

Contemporary animal welfare science provides the basis for all RSPCA advocacy, education and policies. We engage proactively with a range of stakeholders including governments, government departments, industry, community and non-government organisations (NGOs) to improve animal welfare across federal and state/territory jurisdictions.

### Our position

The RSPCA advocates for a federal independent statutory agency for animal welfare in Australia. Given that animals play an important role in the lives of all Australians, we strongly believe that a national government body is required to provide advice, governance and leadership on animal welfare issues. Understanding that this is outside the scope of this inquiry, we welcome additional resources to facilitate independent oversight of animal welfare, such as an Inspector-General for Animal Welfare and Live Animal Exports (the Inspector-General).

RSPCA Australia Inc.

ABN 99 668 654 249

---

P 02 6282 8300  
F 02 6282 8311  
E [rspca@rspca.org.au](mailto:rspca@rspca.org.au)  
W [rspca.org.au](http://rspca.org.au)

PO Box 265  
Deakin West ACT 2600





The RSPCA is pleased to see the Bill's expansion of the role and the scope of the Inspector-General beyond reviewing the performance of the Department of Agriculture (the Department) and the information available to livestock export officials. We support the expansion of objects in the Act to enable monitoring, investigation and reporting on the implementation of animal welfare and live export legislation and standards in relation to livestock. We also support the expansion of the functions of the Inspector-General's office to enable reviews on the effectiveness of Commonwealth administrative systems and reporting on animal welfare in livestock exports. We anticipate these amendments will improve the Inspector-General's ability to identify areas for improvements in the welfare of livestock used for export, as well as gaps in Australia's live export regulatory framework to support improved animal welfare outcomes.

However, the Bill does not expand the scope of Inspector-General powers to better protect the welfare of animals in export-registered abattoirs, or the vast range of other animals under Commonwealth remit. Given the Bill's intention to expand and rename the 'Inspector-General of Live Animal Exports' to the 'Inspector-General of Animal Welfare and Live Animal Exports', we would expect the Bill to acknowledge animal sentience, prescribe animal welfare qualifications as required for the appointed Inspector-General (and staff), and provide broader scope of authority to enable:

- independent oversight of the regulator's performance in monitoring animal welfare in export-registered abattoirs
- monitoring and reporting on the implementation of Australian animal welfare standards and guidelines
- inclusion of other animals under Commonwealth remit (in addition to livestock) - such as native animals, introduced animals, animals used for research on Australian Government land, and other animals that are imported and exported.

#### **Export registered abattoirs**

Greater transparency and accountability are needed in Australian export-registered abattoirs. The need for additional scrutiny was highlighted in the Senate in late 2022, whereby the Department tabled a report that detailed 631 animal welfare incident reports from export-registered abattoirs in 2020 and 2021<sup>1</sup>. This report came to light under Senate Orders and highlights deficiencies in the current regulatory framework that need to be addressed. Therefore, including the review of export-registered abattoirs under the role of the Inspector-General is strongly recommended.

The Inspector-General should review equivalent regulatory functions to those of live animal exports in all export-registered abattoirs. Specifically, the Department's assessment and approval process for registered establishments, as well as its compliance regime, related contact with state and territory enforcement agencies, processes for reporting breaches, and assessment of existing animal welfare standards in registered establishments is greatly needed.

#### **Australian animal welfare standards and guidelines**

The Inspector-General should also provide independent, national oversight on the implementation of Australia's animal welfare standards. Australia currently lacks harmonised and consistent animal welfare legislation across state and territory jurisdictions. While state and territory jurisdictions are responsible for implementing animal welfare standards, an additional function of the Inspector-General should be to provide national oversight by monitoring the development, and tracking and reporting on the implementation of standards by jurisdiction. This would assist in addressing the current lack of timeliness, and inconsistent implementation of animal welfare standards.

All Australian states and territories agreed in 2005 that voluntary Model Codes of Practice for animal welfare should be updated and transitioned to nationally consistent Animal Welfare Standards and

---

<sup>1</sup> Senate Estimates Hearings 15 September 2022. [Tabled documents/297](#).



Guidelines<sup>2</sup>. However, we understand that only six Model Codes have been updated into Standards and Guidelines since that time, with implementation in states/territory legislation being inconsistent and unnecessarily slow. For example, the cattle, sheep and saleyard standards have seen delays in implementation across all states and territories; the pig standards' literature review was conducted in 2018 with no further progress to date; and Australia's poultry standards were in review for more than seven years and though recently endorsed by state/territory governments in June 2023, are yet to be written into legislation. Such inconsistencies in animal welfare standards have inhibited industry progress towards improved animal welfare outcomes, positioning Australia as a global laggard in animal welfare. This has caused significant public concern for Australians as well as international communities and trading partners.

Therefore, including the function of monitoring, reviewing and reporting on implementation across state and territory jurisdictions into the role of the Inspector-General would foster greater transparency and accountability for animal welfare at state/territory government level, and is of direct relevance to the federal government due to the impact on trade with global trading partners that value higher standards of animal welfare, such as the United Kingdom and the European Union.

#### **Other animals under federal remit**

There are significant opportunities to provide national leadership and oversight of a broader array of animals. This includes wildlife, aquatic animals, introduced species, animals used for research, sport and recreation, and other animals who are imported and exported. Limiting the scope of the Inspector-General for Animal Welfare and Live Animal Exports to livestock exports only, will limit opportunities to improve the welfare of animals inherent to other regulatory and policy arenas under federal remit. That is, additional animal welfare issues under the Commonwealth that require independent oversight, scrutiny, transparency, accountability, and performance measures and reporting will continue to be overlooked.

The scope of the Inspector-General's office should include federal regulatory matters that relate to a broader range of animals. We acknowledge the federal limitations of the Australian Constitution, which prescribes state and territory jurisdictions as responsible for animal care and protection legislation. We understand this has shaped the Commonwealth's responsibilities for animal welfare in relation to international trade and treaties which has primarily encompassed live export, quarantine and wildlife protection. However, the Commonwealth has substantially more scope to improve animal welfare than it has traditionally done.

Significant opportunity exists to improve animal welfare nationally and better support and harmonise animal welfare across states and territories. This opportunity can be realised by expanding the function of the Inspector-General to include reviews and reporting on the performance of functions and exercise of powers to include existing federal policy arenas that have direct implications for animals. Therefore, the RSPCA recommends that an Inspector-General for animal welfare should oversee regulatory actions, and review the performance of functions and exercise of powers of all relevant departments, not just the Department of Agriculture.

#### **Increasing importance of animal welfare**

Broader independent oversight of animal welfare in Australia is needed to better protect animals, reflect community expectations and improve Australia's international reputation. Australians are increasingly concerned about animal welfare and expect government to protect animals through effective public policy. Societal expectations on animal welfare are evolving and the Federal Government is seen as "highly responsible"<sup>3</sup>. Research from Roy Morgan<sup>4</sup> highlighted that 98% of Australians consider animal welfare important and 80% support more government action to improve animal welfare. Our own RSPCA *Public*

---

<sup>2</sup> Animal Health Australia (2022). (Web Page – accessed March 2023) [Australian Animal Welfare Standards and Guidelines](#).

<sup>3</sup> Futureye (2018). *Commodity or Sentient Being? Australia's Shifting Mindset on Farm Animal Welfare*. (Report).

<sup>4</sup> Roy Morgan Research (2022). *Attitudes to Animal Welfare*. (Report).



*Perception Report* shows that the importance of animal welfare is also increasing in importance for Australians (McCrinkle, 2022)<sup>5</sup>.

Animal welfare is also important for industry sustainability, and Australia's international trade and reputation. Australia's animal use industries are broad, spanning aquaculture, agriculture, companion animals, sport and recreation, entertainment, healthcare, research and education, and tourism. These industries contribute billions of dollars to the economy and employ tens of thousands of Australians. Yet Australia is rated poorly on animal welfare compared to other wealthy, developed nations in global comparisons of animal welfare protection<sup>6</sup>. Given Australia's heavy reliance on animals and increasing community concerns, there is significant need for improvement in animal welfare. Therefore, increased national leadership, transparency, accountability and independent oversight is needed to demonstrate to Australians and international trade partners that Australia is committed to improving animal welfare outcomes. Expanding the remit of the Inspector-General of Live Animal Exports via the Inspector-General of Live Animal Exports Amendment (Animal Welfare) Bill 2023 is a step towards this.

### Independence and expertise

The Moss Review (2018)<sup>7</sup> highlighted conflicting and competing priorities for the federal department of agriculture as the regulator of live animal exports. Despite the Department's structural adjustments, communication improvements and subsequent progress reports, the risk of conflicting roles of trade facilitator and animal welfare regulator remains. Therefore, ensuring the Inspector-General is independent of Australia's agricultural sector, the Federal Minister for Agriculture, and the Department of Agriculture would be preferred to mitigate the risk of conflicts of interest and industry influence on the Inspector-General's office and its reviews.

In addition, the Bill should prescribe the required expertise, experience, skills and capabilities for the Inspector-General and related staff. Considering the objectives of the Inspector-General, expertise should include relevant qualifications specifically in animal welfare, and practical experience working directly with animals or research in animal welfare science. In addition, undergraduate or post-graduate qualifications in one or more of agricultural science, animal law, or veterinary science should also be required. While related qualifications such as veterinary science and agricultural science are relevant, without the inclusion of animal welfare qualifications, neither would provide sufficient animal welfare knowledge and expertise to equip a properly informed and adequately qualified Inspector-General in animal welfare. Experience in public policy and governance would also be advantageous.

### Further consultation

We trust this submission is useful in informing the Committee in its inquiry and welcome further consultation on the Bill to improve animal welfare in Australia.

Yours sincerely

Dr Suzie Fowler  
Chief Science Officer  
RSPCA Australia

---

<sup>5</sup> McCrinkle (2022). *RSPCA Australia's Public Perception Report*. (Report).

<sup>6</sup> World Animal Protection (2021, 2018). Animal Protection Index. (Web Page – accessed January 2023). <https://api.worldanimalprotection.org/>

<sup>7</sup> Moss, P. (2018). *Review of the Regulatory Capability and Culture of the Department of Agriculture and Water Resources in the Regulation of Live Animal Exports*, Department of Agriculture and Water Resources. Canberra, Australia.