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Senate Standing Committee on Rural and Regional Affairs and Transport
PO Box 6100
Parliament House
CANBERRA ACT 2600

Via email: rrat.sen@aph.gov.au

Dear Committee members

Inspector-General of Live Animals Exports Amendment (Animal Welfare) Bill 2023

Thank you for the opportunity to make a submission to the *Inspector-General of Live Animal Exports Amendment (Animal Welfare) Bill 2023*.

We represent six of Australia's leading animal protection organisations with a combined supporter base of over 2 million Australians. Our members include Animals Australia, Humane Society International Australia, World Animal Protection Australia, FOUR PAWS Australia, Compassion in World Farming, and Voiceless, the animal protection institute.

While we are pleased to see progress on the establishment of the Inspector-General of Animal Welfare and Live Animal Exports (IGAWLAE), the model outlined in the Bill fails to propose meaningful change to the current Inspector-General of Live Animal Exports. At a time when Australia is facing increasing international pressure from trade partners to lift its animal welfare standards and strengthen its assurances, limiting the scope of the IGAWLAE in such a way would be a missed opportunity.

Expanding the IGAWLAE's role to include oversight of animal welfare standards in all Commonwealth-regulated fields, including animal welfare standards at export abattoirs and the international trade in wildlife and wildlife products, would improve animal welfare standards and trade and market access.

We strongly encourage the Committee to review the proposed model with a view to recommending a more meaningful IGAWLAE that will better capitalise on these opportunities. Our **attached** submission proposes a number of options for achieving this.

We trust our submission will be of assistance to the Committee.



About the Australian Alliance for Animals

The Australian Alliance for Animals is a national charity leading a strategic alliance of Australia's key animal protection organisations to achieve systemic change for animals. Through our six core member organisations, we have a combined supporter base of over two million people.

Learn more about our work on our website: www.allianceforanimals.org.au

The logo for Animals Australia consists of the words 'Animals Australia' in a bold, orange, sans-serif font. Below this, the tagline 'for a kinder world' is written in a smaller, italicized, orange font.

**Animals
Australia**
for a kinder world

The logo for Compassion in World Farming features the words 'COMPASSION' in a bold, green, uppercase font and 'in world farming' in a smaller, black, lowercase font below it.

COMPASSION
in world farming



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In the spirit of reconciliation, we acknowledge the Traditional Custodians of country throughout Australia and their enduring connections to land, sea and community. We pay respect to their Elders past and present.



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

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1. Background and introduction

The genesis of the Inspector-General of Live Animal Exports (IGLAE) arose out of the 2018 review of the capability and culture of the Department of Agriculture in regulating live animal exports by Philip Moss AM (the Moss Review).¹ Relevantly, the Moss Review identified:

‘The department’s focus on trade facilitation means that it is balancing competing factors in its role as the regulator of live animal exports. Some stakeholders and department staff members told the review that the department’s trade facilitation and regulatory functions are contradictory. The focus on trade facilitation and industry deregulation appears to have had a negative impact on the department’s culture as a regulator.’²

Moss found that these competing objectives had a detrimental effect on the Department’s ability to uphold animal welfare standards:

‘Under this regulatory framework, the department as the regulator has failed to prevent continuing animal welfare incidents. This failure has been the result of various factors and competing priorities outlined in this report. Correspondingly, parts of the live animal export industry have failed to adhere to the existing standards and give priority to animal welfare.’³

Moss noted the “inherent risks to animal welfare and the special challenges associated with the regulation of live animal exports”, which necessitated the establishment of an “external entity to oversee the department in its role as the regulator.”⁴

During the 2022 Federal Election, the Australian Labor Party committed to establishing the “office of the independent Inspector-General for Animal Welfare” in recognition of Labor’s support for strong animal welfare standards and belief that all animals should be treated

¹ Philip Moss, Review of the Regulatory Capability and Culture of the Department of Agriculture and Water Resources in the Regulation of Live Animal Exports, (Report, 2018).

² Ibid, p.xi.

³ Ibid, p.74.

⁴ Ibid, p.48.



humanely.⁵ This was welcomed by the animal welfare community as the inherent regulatory challenges necessitating external oversight identified in the Moss Review are not limited to the live animal export trade, but extend to all areas of animal welfare regulation undertaken by the Department of Agriculture.

However, the Government's subsequent October 2022 Budget indicated that the promised election commitment would be delivered simply by "expanding the functions" of the current IGLAE. This was disappointing as we understood Labor's commitment to encompass the establishment of a new statutory office. Nevertheless, we remained open minded about the potential for achieving the outcome of expanding the functions of the IGLAE through the existing structure.

Unfortunately, the model proposed in the *Inspector-General of Live Animal Exports Amendment (Animal Welfare) Bill 2023* fails to achieve this. The proposed role and objectives for the new Inspector-General for Animal Welfare and Live Animal Exports (IGAWLAE) add little to the role and objectives of the current IGLAE. Reviewing and reporting on the Department's performance of functions and exercise of powers, and on the effectiveness of Commonwealth reporting on the welfare of exported livestock and compliance measure are all topics the current IGLAE has the power to review. The only additional function relates to reporting on the effectiveness of the Australian Standards for the Export of Livestock (ASEL), which we welcome.

We strongly encourage the Committee to review the proposed model with a view to recommending more meaningful reform. At a time when Australia is facing increasing international pressure from trade partners to lift its animal welfare standards and strengthen its assurances, limiting the scope of the IGAWLAE in such a way would be a missed opportunity.

Expanding the IGAWLAE's role to include oversight of animal welfare standards in all Commonwealth-regulated fields, including animal welfare standards at export abattoirs and the international trade in wildlife and wildlife products would be a far more meaningful reform. There is a great need for further consistency in the Australian Government's approach to animal welfare policy, standards and regulatory functions across all portfolios. The benefits of the IGAWLAE's role should not be siloed to one particular area of one portfolio.

Our submission outlines the expanded roles and responsibilities we believe are necessary for the IGAWLAE reform to be considered meaningful. Expanding the IGAWLAE functions in this way would deliver substantial long-term benefits via increasing the confidence of international trading partners and the Australian community in the Government's commitment to ensuring high standards of animal welfare.

⁵ A record of the Australian Labor Party's election commitment can be found by downloading the party responses table available here: <https://www.allianceforanimals.org.au/federal-election-2022>



While we acknowledge that this inquiry process is limited to the IGAWLAE, this reform will only go part way to addressing the fundamental deficiencies in Australia's current animal welfare policy framework. The establishment of a national Animal Welfare Commission (as recommended by the Productivity Commission in 2017⁶), to provide national leadership in the development of Australia's animal welfare standards is urgently needed. For further information about this and related reforms, please see our report, *Building a Fairer Australia for Animals*, available at www.fairgoforanimals.org.au.

2. Objectives and functions

The objectives and functions proposed for the IGAWLAE in the Bill are very limited and are already largely covered by the scope of the current IGLAE's objectives and functions. Reviewing and reporting on the Department's performance of functions and exercise of powers, and on the effectiveness of Commonwealth reporting on the welfare of exported livestock and compliance measure are all topics the current IGLAE has the power to review today. The only additional function relates to reporting on the effectiveness of the ASEL, which we welcome.

It is important that the role of the new IGAWLAE be expanded to encompass a broader range of regulatory activities as the Commonwealth's responsibilities for animal welfare are not limited to regulatory processes within live animal exports.

2.1 Expand objects to recognise animal sentience

The objects proposed in the Bill add nothing new to the current *Inspector-General of Live Animal Exports Act 2019*. Section 3(1)(a) simply states that an object of the Act is to enable monitoring, investigation and reporting on the implementation of animal welfare and live export legislation. While further delineation of this object is not harmful, arguably it is already covered by the current objects of the Act.

A meaningful addition to the objects of the Act would be to recognise the sentience of animals as follows:

- (a) *to recognise the sentience of animals and the duty exporters and the Department have to ensure the health and welfare of animals in Australia's livestock exports;*

This terminology is consistent with that used in the *Export Control Act 2020*, the *Export Control (Animals) Rules 2021*, and the current *Inspector-General of Live Animal Exports Act 2019*.

Recognising the sentience of animals in a Bill designed to promote animal welfare should not be

⁶ Productivity Commission, Regulation of Australian Agriculture, Inquiry Report No.79 (Report, 2016) chp 5.



a controversial proposal. Sentience is the reason animal welfare matters, and its recognition is consistent with existing Australian Government policy⁷ and trade agreements.⁸

2.2 Animal welfare standards at export abattoirs

The Australian Government maintains responsibility for animal welfare standards at export-registered abattoirs. Animal welfare at export abattoirs has been the subject of multiple notable incidents including the cruel treatment of dairy calves at Tasmanian Quality Meats,⁹ and the poor handling and slaughter of horses at Meramist abattoir in Queensland.¹⁰ In September 2022, 631 animal welfare incident reports over a two-year period involving 4,083 animals were tabled in the Senate.¹¹ Such incidents have the potential to damage community and international trading partner confidence in Australia's standards of animal welfare.

The IGAWLAE should play a key role in reviewing equivalent regulatory functions to those of live animal exports in the field of export abattoirs, including the Department's role in the approval of establishments, compliance activities, interaction with state and territory enforcement agencies, reporting on breaches, and the adequacy of underlining animal welfare standards. This would provide an important source of independent advice to the Government and provide the Australian community and international trading partners with an added layer of confidence in Australia's regulatory framework for animal welfare at export abattoirs.

We therefore recommend the Bill be amended to expand the functions of the IGAWLAE to include:

- (e) the performance of functions, or exercise of powers, by Commonwealth officials under meat export legislation in relation to animal welfare standards at registered establishments.

2.3 International trade in wildlife and wildlife products

⁷ See, Australian Animal Welfare Strategy, Department of Agriculture, Fisheries and Forestry, <https://www.agriculture.gov.au/agriculture-land/animal/welfare/aaws/australian-animal-welfare-strategy-aaws-and-national-implementation-plan-2010-14#:~:text=The%20strategy's%20vision%20is%20that.national%20systems%2C%20people%20and%20international.>

⁸ See, Australia-UK Free Trade Agreement, chp 25 and 'Chapter XX Sanitary and Phytosanitary Measures', European Commission (Initial Text Proposal, Australia-EU Free Trade Agreement, 10 August 2018).

⁹ Peta Carlyon, Tasmanian abattoir investigated over animal cruelty claims, *ABC News*, 14 October 2016 <<https://www.abc.net.au/news/2016-10-14/tasmanian-abattoir-accused-of-animal-cruelty/7924804>>

¹⁰ Caro Meldrum-Hanna and Amy Donaldson, *The Final Race*, 7.30 ABC, 18 October 2019 <<https://www.abc.net.au/news/2019-10-18/slaughter-abuse-of-racehorses-undermines-industry-animal-welfare/11603834>>

¹¹ Jamieson Murphy, 'Abhorrent' welfare report shows sick livestock sent to slaughter, *Canberra Times*, 19 September 2022, <<https://www.canberratimes.com.au/story/7908801/abhorrent-welfare-report-shows-sick-livestock-sent-to-slaughter/>>



The Australian Government is also responsible for overseeing the international trade in wildlife and wildlife products under the *Environment Protection and Biodiversity Conservation Act 1999*, which includes the objective of promoting the humane treatment of wildlife (s.303BA), and additional animal welfare requirements under its associated regulations. Notable areas of wildlife trade covered by the Act include the trade in kangaroo and crocodile products. The IGAWLAE should play a role in reviewing the animal welfare-related functions of the Department of Climate Change, Energy, the Environment and Water in approving wildlife management plans and the adequacy of national standards underpinning wildlife trades.

This would provide a great value-adding service to the Department and the Minister for Environment as the Department is accustomed to assessing the ecological sustainability of wildlife imports and exports but does not currently possess specialist expertise in animal welfare. The IGAWLAE's oversight could therefore provide substantial benefits to the Department and the Minister for Environment in improving its regulatory practice and ensuring compliance with international obligations. The IGAWLAE's role should also encompass the review of the Department's approval of the export and import of live wildlife specimens under the Act.

We therefore recommend the Bill be amended to expand the functions of the IGAWLAE to include:

- (f) the performance of functions, or exercise of powers, by Commonwealth officials under the Environment Protection and Biodiversity Conservation Act 1999 and related legislation in relation to animal welfare standards in the international trade in wildlife and wildlife products.

2.4 Reporting on the implementation of national animal welfare standards

There is currently no official government record of the progress for implementing the national Australian Standards and Guidelines for Animal Welfare. While the national standards are regulated by the states and territories, this does not prevent an IGAWLAE from simply reporting on the progress for implementing the standards. This would be a logical role for the Australian Government to fulfil and could easily be included in the functions of the IGAWLAE. It would not require the exercise of regulatory powers but simply reviewing the status of standards implementation in each jurisdiction and publishing updates. This function would not require significant resources but would be of great benefit to industry and animal welfare stakeholders, trading partners, researchers, and interested members of the community.

We therefore recommend the Bill be amended to expand the functions of the IGAWLAE to include:

- (g) reporting on the implementation of the Australian Standards and Guidelines for the Welfare of Animals.



3. Expertise

The office of the IGAWLAE must have sufficient animal welfare science and policy expertise and capacity. Staff appointed to the office of the IGAW should have qualifications in animal welfare. We wish to point out that a veterinary degree on its own is not a qualification in animal welfare nor is a degree in veterinary science the only pathway to an understanding of animal welfare science. Officers appointed to the office should have post-graduate qualifications in animal welfare science, law or policy, such as an MSc Animal Welfare Science, Ethics and Law, be a member of the Animal Welfare Chapter of the Australian and New Zealand College of Veterinary Scientists (MANZCVS (Animal Welfare)) or hold other higher degree research qualifications in animal welfare.

Limiting the expertise of the IGAWLAE to the fields of veterinary science, agriculture or law would be problematic and may lead to unintended consequences that could undermine the very purpose of the IGAWLAE.