



Ms Maureen Weeks
Committee Secretary
Senate Rural and Regional Affairs and Transport Committee
Parliament House
Canberra ACT 2600

Dear Ms Weeks

Re: Invitation to provide a submission regarding the Inquiry into the National Animal Welfare Bill 2005

Meat and Livestock Australia (MLA) appreciates the opportunity to provide a submission regarding the inquiry into the National Animal Welfare Bill 2005. MLA is a producer-owned company that provides research, development and marketing services to the red meat industry across the supply chain.

MLA and the industry is strongly committed to animal welfare. However this Bill seeks a complex regulatory approach which we cannot support.

Critically, the Bill appears to have been developed in isolation to the considerable efforts that have been committed in the area of animal welfare including:

- development and implementation of a nationally supported Australian Animal Welfare Strategy (AAWS)
- the recent review of the Australian model codes of practice for the welfare of animals which was completed by Geoff Neumann in 2005 (The Neumann Report)

Both of these initiatives have involved considerable collaboration between government, industry and consumers. This Bill does not recognise these initiatives or the expected outcomes from this process. This is very disappointing given the commitment of government and industry in working together in this area.

MLA's key concerns regarding this Animal Welfare Bill include:

1. Confusion regarding State and National legislation

In the proposed approach it is not made clear how both state and national laws would work together in a concurrent and practical manner. Further it is unclear how the proposed Authority group will work with the current National Consultative Committee on Animal Welfare (NCCAW) to advise the Minister on animal welfare issues (Part 1 S.2). This would appear to be unnecessary duplication, which could result in contradictory recommendations.

2. Subjectivity of terms used within the Bill

MLA is concerned by the subjectivity indicated by many of the terms within the Bill. The importance of science-based animal welfare measures is recognised by government, industry and reputable welfare organisations alike.

To achieve progress in advancing animal welfare within Australia it is important to ensure the definition and assessment of animal welfare is clear and objective so that appropriate standards can be agreed and consistently interpreted.

3. Unrealistic and unworkable requirements for the Live Export industry

The live export sector is a sustainable and valuable economic contributor to the red meat industry. Through considerable investment in research and development the industry is committed to, and delivering improved animal welfare outcomes. The elements of this Bill which relate to the live export industry are impractical and would make this valuable sector unviable. For example it is considered impractical to require the presence of Australian inspectors during unloading in an importing country given that Australia does not have authority in importing countries.

In addition the Bill requires destination countries to adopt standards which are comparable to animal welfare standards within Australia. We must be sensitive to the philosophical and cultural issues which are interwoven with this issue of animal welfare. Many of Australia's trading partners have poor living standards, poor transport and storage infrastructure and lower animal welfare standards than Australia, however these countries are heavily reliant on imported meat to provide protein to maintain the health of their population. MLA and Livecorp are currently conducting a number of projects in importing countries to help improve unloading and processing facilities for welfare, safety and productivity benefits. This Bill suggests that rather than working with these countries, we should instead focus on trading only with countries that have similar standards to Australia. This is completely unreasonable and counter-productive to good animal welfare outcomes.

4. The costs and imbalance within the proposed Authority

The costs of running the National Animal Welfare Authority group and management of this enforcement process have not been considered and should be clearly identified. This will allow all stakeholders to understand the cost of this approach in comparison with an industry supported approach which is provided by current activities resulting from the Neumann report. Additionally the proposed constitution of the Authority is imbalanced with only 2 representatives from industry groups within the 14 positions.

We also question the ability of the Authority to appoint animal welfare inspectors from any organisation rather than the current situation where inspectors are either government or RSPCA.

5. Lack of consistency with current animal welfare requirements

The recommendations of the Neumann Report are currently under discussion with industry and government. This process has been facilitated by Animal Health Australia (AHA) to reach an agreed process for the revision and development of model codes of practice for animal welfare. It is noted that the National Animal Welfare Bill (Part 7, S.95 - Authority to develop draft code of practice) does not consider this process which is currently being undertaken. Rather the Bill would allow the Authority (established by the Bill) to develop a code relating to animal welfare labelling of products. This would be at odds with the process being considered following the recommendations of the Neumann review and appears to undermine the consultation process.

In addition to this (Part 1 S.2) indicates the Bill would allow regulation of compliance with current codes of practice. This is not consistent with the Neumann review and the discussion between industry and government in relation to this area. Significant progress has been achieved in relation to codes of practice and their content, revision and regulation. This element of the Bill would be a considerable setback to Neumann report process.

A more detailed list of sections of the Bill which cause concern can be found in Appendix 1.

MLA strongly recommends that this Animal Welfare Bill not receive the support of the Committee. The Australia Animal Welfare Strategy provides a broad based approach to addressing community concerns in this area. The legislative approach proposed in the Bill is inappropriate and is unlikely to achieve the same welfare standards as initiatives which are currently being progressed and have greater community and industry involvement and support.

Yours sincerely



Mark Spurr
Managing Director

Appendix 1:

Specific concerns with the Bill which MLA would like to raise include:

- Part 1 Section 2 Commencement: (2) Section 81 commences on 1 January 2010 – section 81 refers to scientific procedures however this appears to refer to section 80 which relates to mulesing
- Part 1 Section 2 How purposes are to be primarily achieved: (b) allowing regulation to require compliance with codes of practice – this does not seem to link with the Neumann review and the discussion between industry and government in relation to this area. Significant progress and collaboration has been achieved in relation to codes of practice and their content, revision and regulation. This element of the Bill would cause a considerable setback to the Neumann report process.
- Part 1 Section 2 How purposes are to be primarily achieved: (j) the Authority are to advise the Minister on animal welfare issues – it is not clear how this would work with the current National Consultative Committee on Animal Welfare (NACCAW) which also advises the Minister on animal welfare issues and how the Authority would prevent duplication of resources
- Part 2 - National Animal Welfare Authority –
 - the powers given to the inspectors including the role and powers of the inspectors in the live export trade where as AQIS currently have that role now
 - the costs of running this group and management of this enforcement process have not been detailed and should be expressed to allow the public to understand the likely cost of such an approach in comparison with an industry supported approach which the Neumann report is advocating
 - the proposed constitution of the Authority is imbalanced with only 2 representatives from industry groups within the 14 positions
 - the ability of the Authority to appoint animal welfare inspectors not only from government and the RSPCA as we currently have but also from any other organisation they consider appropriate
- We are concerned by the subjectivity in the Bill indicated in the examples below. It is widely agreed that it is important to have a science based approach towards animal welfare and this is not supported by the wording used in some sections. For example
 - Part 3 Division 6 – Animal welfare directions (57) application of division
 - (bi) is not being cared for **properly** and
 - (ii) is experiencing **undue** pain,
 - Duty of care – breach if do not take reasonable steps to ensure (b) any handling of the animal by the person, or caused by the person, is **appropriate**
 - Division 2 – cruelty offences (64) animal cruelty prohibited (f) transport is in a way that is **inappropriate** for the animals welfare.
- Part 4 Division 2 – cruelty offences (64) animal cruelty prohibited (e) uses on the animal an electric device – this is in conflict with the current standards in the national codes of practice which allow electric prods to be used when

handling sheep, cattle and goats however this should be "limited to the minimum necessary to complete the procedures".

- Part 4 Section 73 Baits or harmful substances (3 a & b) every bait must be audited to include estimated number of target species and deaths and estimated number of non-target species deaths. In practice it is envisaged that in some circumstances this may be very difficult to assess.
- Part 4 Section 80 – Mulesing of sheep: (2) a person must not engage in mulesing of sheep – while it is an agreement by the wool industry that mulesing will be phased out by 2010 there has been no consultation as to whether this is a suitable requirement to be included in legislation. This issue requires considerable discussion with industry before this should be considered.
- Part 5 – Live exports (89) Export Permits (2) the practicality of obtaining a licence at least 30 days before the proposed transportation of stock may be difficult to achieve in practice and this may not be workable for the trade.
- Part 5 – Live exports (89) Export Permits (5) requires destination countries to adopt standards which are comparable to animal welfare standards within Australia. We must be sensitive to the philosophical, cultural and emotional issues which are interwoven with this issue of animal welfare. Many of Australia's trading partners have poor living standards for their people and lower animal welfare standards than Australia however these countries depend on imported meat to provide protein to maintain the health of their population. This Bill suggests that rather than working with these countries as we currently do to improve global animal welfare standards, we should instead focus on trading only with countries that have similar standards to Australia and discontinue industry support to assist with welfare improvements in other countries which have living standards and economies below those of Australia.
- Part 9 – (117) Prohibition on research funding: (b)"does not contravene any code of practice established under the regulations" in some cases requirements within the codes are not currently based on science and this may prohibit the opportunity to scientifically test some of these requirements
- Division 2 – cruelty offences (64) animal cruelty prohibited (f) transport with **lack of protection from the elements** - this is very unclear as to what it required and therefore it would be difficult for transporters and industry to know what is or isn't acceptable in relation to this element of the Bill