

TECHNICAL ADVISORY COMMITTEE HANDBOOK

Review of the Australian Standards for the Export of Livestock

March 2019

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Purpose of this handbook

This handbook combines the Technical Advisory Committee's terms of reference and additional guidance on the operation of the committee, including participant roles and responsibilities and a provisional work schedule. The role and responsibilities of the secretariat and reference group are also included.

Terms of Reference

The Australian Standards for the Export of Livestock (ASEL) set out the requirements livestock exporters must demonstrate have been met to ensure animals presented for export are fit to export and will maintain their health and welfare status throughout the export voyage.

The Australian Government committed to a review of the standards beginning in 2017. This review will build upon the [previous ASEL review](#) initiated in 2012.

Following an announcement by the Minister for Agriculture and Water Resources in May 2018, to accelerate the review, the scope of the review was narrowed to look at the standards relating to the export of livestock by sea only. The final report on sea transport was provided to the department in December 2018.

In 2019 the review will focus on the export of livestock by air and will be conducted by a Technical Advisory Committee in consultation with stakeholders. The committee will conduct two public submission processes to ensure all interested stakeholders are given the opportunity to participate in the review process.

The committee will operate as follows:

- release an issues paper on the identified issues and call for public submissions
- analyse submissions using their expertise, and engage directly with the ASEL reference group
- release draft recommendations for public comment
- finalise recommendations, taking into consideration relevant science, issues raised in the public comment period and animal welfare.

The committee will then provide recommendations and consultation details in a report outlining the relevant issues raised by stakeholders and the committee's deliberations in reaching final recommendations to the Department of Agriculture and Water Resources (the department) for consideration.

Objectives

The committee will:

- make recommendations to the department aimed at ensuring all livestock that enter the supply chain are fit for export and maintain their health and welfare status throughout the export voyage
- carry out the review to facilitate the continuous improvement of the standards, considering new animal welfare research and innovations in industry practices in a timely manner
- facilitate contemporary outcomes based regulation which will allow flexibility in achieving the required animal health and welfare outcomes, encourage innovation in industry practices and adoption of relevant technological improvements
- ensure the recommendations align with the guiding principles of the committee.

To achieve these objectives, the committee will:

- conduct public submissions processes to ensure all interested stakeholders have the opportunity to provide input to the standards
- ensure all technical issues, new research and scientific knowledge submitted by stakeholders relating to ASEL have been properly considered and independent expert advice sought as necessary
- examine a range of viable, genuine, policy options
- clearly analyse the benefits and costs of the proposed options for affected stakeholders in a balanced and objective manner, with particular regard to the practicalities of livestock management and implications for animal welfare in Australia

Out of scope

The review of the preparation and shipment of livestock by sea has now concluded and standards relating to exports by sea are now excluded from this stage of the review.

The responsibilities for AAVs are also broadly contained in legislation including the *Export Control (Animals) Order 2004*. The department's response to the McCarthy Review noted that this ASEL review should only consider the roles and responsibilities for AAVs and accredited stockpersons and not the framework by which they are engaged.

The committee will not:

- expand the scope of ASEL within the supply chain
- assess other livestock export licencing and regulatory arrangements such as approved arrangements and the Exporter Supply Chain Assurance System (ESCAS)
- examine legislation enabling livestock exports with the view to amending it
- review the Australian Position Statement on the Export of Livestock which is located at the front of the ASEL v2.3
- assess the implementation and compliance of ASEL by individual exporters
- comment on the suitability of domestic animal welfare standards for livestock
- seek endorsement of recommendations after providing them to the department, nor draft final orders.

Should other live animal export policy issues arise in the course of the review the committee will refer them to the department's Live Animal Export Division, through the secretariat. Issues raised in the review that are relevant to particular state or territory government animal welfare regulators will be collated by the committee secretariat and provided to the department to discuss with the relevant regulators.

Guiding principles of the committee

The committee will:

- operate in a transparent, timely and accountable manner at all times
- communicate clearly and regularly with stakeholders and the department as appropriate
- adopt existing Australian animal welfare domestic and livestock standards where applicable
- endeavour to reach consensus within the committee, taking into account the views of all members.

The committee's recommendations must:

- not be inconsistent with World Organisation for Animal Health (OIE) standards
- be based on the best available scientific information, evidence based policy and encourage best practice in animal welfare
- balance the implications for animal welfare with the practicalities of livestock management, compliance costs and industry sustainability
- be clear, logical and verifiable
- demonstrate that the views of affected stakeholder groups have been considered
- aim to reduce unnecessary, ineffective or duplicative regulation.

Membership

The committee consists of:

- an independent chair
- two animal health and welfare specialists, to ensure appropriate coverage across livestock species issues
- one person with a practical understanding of the operational, technical and logistical facets of the live animal export industry
- one standards development/regulation specialist.

Other external experts and participants may be invited by the chair to discuss particular agenda items.

Eligibility requirements and declarations of personal interests (conflicts of interest)

Each member made a declaration confirming they met the eligibility requirements upon their appointment to the committee. As part of each contract, members must continue to comply with the eligibility requirements.

During the operation of the committee, members are to declare to the chair all known actual or potential conflicts of interest as soon as they become aware of the conflict. The initial declaration of eligibility made to the department prior to joining the committee and subsequent statements of personal interest will be deemed to be a 'standing statement' for all meetings of the committee.

At each meeting, members are to advise of any new actual or potential conflicts of interest arising in respect of issues on the meeting agenda. These should be recorded in the minutes of the meeting, along with the course of action taken in relation to managing the conflict of interest.

Where a conflict of interest is declared by a member on a particular agenda item, the chair and remaining committee members are to consider the nature and extent of the conflict and adopt one of the following courses of action:

- allow the member to participate in discussion and in decision-making on the matter
- allow the member to be involved in discussions on the matter but not be involved in making a decision in relation to the matter
- exclude the member from participation in any discussion or decision-making on the matter
- direct the member to leave the meeting during deliberation on the matter.

The use of external experts is also subject to conflict of interest considerations. Each potential external expert must declare any potential conflict of interest or any possible perception of bias that could prevent him or her from participating in the review of a particular issue/standard. If this declaration raises concerns about whether the external expert should participate in the review, the chair may nominate an alternative expert.

Expected lifespan

The committee was initially appointed for two years and will provide a final report its review of ASEL for livestock exported by air by the end of 2019.

Technical Advisory Committee Operational Guidelines

Committee roles and responsibilities

The committee structure has been designed to balance the skills, interests and expertise of its members so that the group may offer sound advice to the department.

All members are responsible for:

- remaining fundamentally committed to the improvement of animal welfare within the context of the continuation of the trade
- operating in a transparent, timely and accountable manner
- ensuring all technical issues, new research and scientific knowledge submitted by stakeholders relating to ASEL have been properly considered by the committee and independent expert advice sought as necessary
- contributing to the development of clear timelines and work plans for the committee
- considering whether the problem is serious enough to warrant the Government's intervention or whether other approaches could be used
- ensuring the committee's recommendations are focussed on the intended ASEL objective; ensure animals presented for export are fit for export and will maintain their health and welfare status throughout the export voyage, whether by sea or air
- ensuring all interested stakeholders have the opportunity to provide review input
- clearly analysing the benefits and costs of the proposed options for affected stakeholders in a balanced and objective manner.

The independent chair is expected to:

- chair meetings, including:
 - advising the committee about meeting protocols
 - reminding committee members that they are bound by confidentiality provisions
 - managing declarations of conflict of interest
- facilitate constructive processes that allow for continuous improvement of ASEL
- ensure work of the committee is conducted efficiently and that recommendations are presented to the department within agreed timelines

- ensure committee members act in accordance with the guiding principles of the terms of reference in all aspects of operations
- ensure the committee undertakes appropriate record keeping of decisions and actions
- provide final approval of committee meeting papers and recommendations
- provide progress updates and reporting to the department.

The animal health and welfare experts are expected to:

- plainly interpret scientific animal health and welfare information so that it may be appropriately considered by the committee reference group and incorporated in the standards
- conduct expert analysis and evaluation of information submitted to the committee in order to:
- assess the validity of the information
- evaluate the impact of different policy options on animal welfare outcomes
- shape the committee's recommendations to ensure they deliver the intended animal welfare outcomes
- assess whether the policy option provided in the recommendation is consistent with OIE standards.

The standards development/regulatory expert is expected to:

- review the format of the standards and provide advice on how they can be written:
 - in line with best practice regulatory principles and other relevant standards
 - to allow flexibility in achieving the required animal welfare outcome, and to
 - encourage innovation in industry practices and adoption of relevant technological improvements
- ensure the committee recommendations do not duplicate state and territory regulation or existing Australian animal welfare standards
- ensure the committee's review of the standards is in line with the Australian Government's Guide to Regulation.

The livestock export industry expert is expected to:

- conduct expert analysis and evaluation of technical and practical information relating to the livestock export industry in order to assess the viability and practicalities of different policy options
- provide advice on the compliance costs and implications to the sustainability of the trade of proposed options for livestock export industry participants.

Provisional schedule of work

Milestone Description	Critical Dates
Issues paper Consult upon and review the Australian Standards for the export of Livestock for livestock exported by air, and release of an issues paper for consultation.	April—May 2019
Draft report Consult upon and review feedback on issues paper and release of a draft report with draft recommendations for consultation.	June—July 2019
Final report Finalise recommendations and provide the department with a copy of the final report which includes consultation details.	August 2019

Final recommendations

The committee's final recommendations must:

- align with the guiding principles (listed in the terms of reference) of the committee
- set out the findings of the review for each standard/issue
- include the evidence on which the findings are based
- clearly identify any changes to the standards with the reasons for the change explained
- consider the feasibility for industry in implementing the recommendations

The recommendations may also identify risk management measures that have been identified in relation to the proposed standard to the extent necessary to achieve OIE compliance.

Departmental review of final recommendations

In considering the recommendations, the department must be satisfied that the review has been conducted in accordance with the committee's terms of reference and prescribed consultation process set out in Appendix B. Prior to seeking approval from the Secretary, the department will agree the costs of any regulatory changes with the Office of Best Practice Regulation.

Approval from the Secretary

The department will then seek approval of the recommendations from the Secretary. If approved, the department will legally draft the standards to ensure they are clearly defined, consistent and enforceable. While legal review and drafting may alter the wording of the draft standard, the intent is that the policy supporting the standards remains unchanged. The secretariat will then communicate the adopted recommendations to stakeholders and make the final orders publically available on the department's website.

Implementation

The department will develop communication material to assist those affected by the reviewed standards to inform them of what has changed and how to comply.

Training will be provided for the department's operational staff and industry will be given an appropriate timeframe to incorporate the changes into their business plans and approved arrangements.

Committee meeting provisions

The department will provide secretariat support for all committee meetings. The secretariat may organise face-to-face meetings in locations around Australia convenient to meeting attendees. The secretariat will organise and pay for all travel expenses.

The chair, with the secretariat's assistance, will determine meeting dates and required attendees before confirming agreed dates and venues with members. Members will meet as required and must make all reasonable steps to attend.

Attendance may be via teleconference or video link. Unless otherwise agreed, meetings will be limited to standard working hours.

Issues that do not reach consensus through discussion will be resolved via a majority decision, however the minority view will be recorded in any relevant reports to the department.

PROXY

Committee members are not permitted to nominate proxies for their duties including committee meeting attendance. Committee members must advise the secretariat as soon as practicable if they may be unable to attend a committee meeting or are unable continue to participate in the committee.

OBSERVERS

Observers are not permitted in committee meetings. However the committee may conduct discussions with members of the reference group (collectively or individually) as part of their meetings and may invite relevant experts to attend meetings to discuss specific issues.

OUT-OF-SESSION WORK

In addition to face-to-face meetings, committee members will be required to perform out-of-session work as necessary to deliver upon the specific requirements of their roles.

Reporting arrangements

The committee, through the chair, will report to the department. In addition to their final recommendations the committee will provide a report that outlines their consultation process, issues raised by stakeholders and their deliberations in reaching their recommendations to the department.

In addition to the information published about the review and the committee on the department's website, each review stage will also have its own web page. This page will include information outlining the issues for consideration, the consultation timelines and updates on progress of the review. Submissions (unless clearly marked 'IN CONFIDENCE') and draft and final recommendations will also be published on these pages.

Confidentiality

Unless clearly marked 'IN CONFIDENCE' and attached to a statement explaining why the submission or parts thereof should not be published, submissions received will be made public through the department's website.

Submissions marked 'IN CONFIDENCE' and the committee's deliberations should be treated as confidential information. Subject to any legal obligations requiring release of information (e.g. freedom of information request, court subpoena, and parliamentary enquiry), confidential information may not be released to the public without consulting the committee and the department.

Confidentiality provisions exist to protect:

- the identity and details of individuals providing information to the committee, including in submissions
- commercial-in-confidence information
- details of individual members' deliberations, inputs or positions in the meetings of the committee
- the integrity of the review arrangements
- the integrity of international reporting and market access activities.

Reference Group roles and responsibilities

Within the review process, the committee will engage directly with a reference group of representative bodies with direct interests in the livestock export industry, including representatives from key animal welfare organisations, industry and producer bodies, and from the veterinary profession.

The role of the reference group is to provide the committee with a resource to discuss technical and practical aspects of the review informed by their members' extensive experience with export conditions relevant to Australian livestock species and export processes. The reference group will be the key consultation group for the committee

The reference group will:

- provide further information and advice to the committee during the development of recommendations, but will not oversee or direct the committee
- be consulted about proposed options arising from the committee's consideration of submissions, prior to the committee putting recommendations to the department
- be consulted either as a collective, or individually throughout the review process
- be chaired by the chair of the committee when meeting with the committee
- not be required to meet independently of the committee
- not be remunerated for their time, nor reimbursed for travel and related meeting expenses.

Secretariat roles and responsibilities

The secretariat will:

- support the operation of the committee
- schedule all committee meetings
- schedule meetings between the committee and the reference group
- manage the SharePoint portal for committee members to share documents, calendars and reference materials
- circulate meeting agendas, papers and minutes and publish meeting dates on SharePoint
- coordinate responses from the committee members when reporting on issues out-of-session
- maintain and track performance against the committee's recorded actions
- facilitate reporting to the department
- arrange for the payment of all costs associated with committee-related work including travel
- monitor and respond to secretariat mailbox correspondence
- respect the confidentiality of all committee members.

Email: TACsecretariat@agriculture.gov.au

Please contact the secretariat if you have any questions or would like to discuss any matters relating to the committee.

Technical Advisory Committee Members' Code of Conduct

The code of conduct requires that an advisory committee member must:

- be reasonably available for all committee meetings and scheduled committee engagements
- behave honestly and with integrity in the course of the committee
- act with care and diligence in the course of the committee
- when acting in the course of the committee, treat everyone with respect and courtesy, and without harassment
- when acting in the course of the committee, comply with all applicable Australian laws
- maintain appropriate confidentiality of any information or material concerning the committee
- disclose, and take reasonable steps to avoid, any conflict of interest (real or apparent) in connection with the committee
- comply with confidentiality requirements and not make improper use of:
 - inside information;
 - the member's duties, status, power or authority, in order to gain, or seek to gain, a benefit or advantage for the member or for any other person
 - use government resources in a proper manner
- comply with any other conduct requirement that is prescribed by the committee
- refrain from contacting the Minister for Agriculture and Water Resources, members of parliament or the Secretary of the Department of Agriculture and Water Resources concerning committee matters. Any approach is to be made through the committee secretariat
- refrain from making or causing any comment or statement concerning any committee matter to any member of the media and refer all media enquiries to the chair or to the department immediately.

Consultation procedure

