

## **Terms of Reference: Review of Live Animal Exports Regulatory Capability and Culture**

[Also available on the Department of Agriculture and Water Resources website](#)

The Minister for Agriculture and Water Resources, the Hon. David Littleproud MP, has commissioned an *Independent Review into the Regulatory Capability and Culture of the Department of Agriculture and Water Resources in the Regulation of Live Animal Exports*. The review will assess the capability, powers, practices and culture of the Department as regulator of live animal exports in providing assurance to the government and the Australian community that our nation's high standards and regulations for animal welfare are being met. The review will make recommendations on any improvements to regulatory and investigative performance to ensure persons involved in the live export trade are compliant with regulations and maintain high standards of animal welfare, and the department is a trusted regulator of the live animal exports trade.

The review will be undertaken by an independent external reviewer. The reviewer will be supported by a secretariat based in the Department of Agriculture and Water Resources and will have full access to the Department's staff and records in undertaking the review.

The reviewer will assess and make recommendations on:

1. The regulatory powers available to the Department to ensure compliance with the Australian Standards for the Export of Livestock (ASEL) and animal welfare standards, how effective those powers are to ensure compliance by the live animal exports industry, and how effectively the department uses those powers.

Regulatory powers have not been exercised. ALEC has lead The industry to take a combined approach to things like ESCAS and dealt with them as an industry which has been helpful overall. However, ESCAS breaches have seen supply chains shut, but no specific meaningful penalty to an exporter(which is the right approach if the breach was made by a third party).

For breaches in the chain where exporter has full control and responsibility, at no point has an exporter had a reason to fear they will be punished for carelessness, poor management of livestock and/or disregard for ASEL guidelines.

2. How the Department assesses and determines regulatory conditions appropriate to achieve ASEL and animal welfare standards, and how those conditions are communicated and enforcement of them verified and measured.

We spend all our life completing paperwork to justify our existence to the Department and their auditors, yet with no meaningful ramifications if we fail to execute operationally, this is all pointless, time wasting, arse covering - severely impacting on productivity and taking resources away from focusing on running a best practice business focused on animal welfare and commercial outcomes.

3. The process for investigating reportable mortality events and complaints received about industry compliance with the ASEL and animal welfare standards.

There is no real process. This is too slow and there is no accountability. The Awassi incident occurred in August 2017 and still no completed investigation. There should be an immediate show cause with the real threat of immediate suspension of a licence unless acceptable mitigating procedures are put in place to ensure it does not happen again with increased oversight for the exporter in question. The only time an independent observer should be on a ship should be after a notifiable incident. Imposing Independent Observers on all Exporters is a waste of resources, and an insult to exporters, vets and stockmen who already meet and exceed industry standards.

Complaints are largely unfounded and inflammatory – the most effective approach will be to deal the Exporters swiftly and decisively. The operators have every ability to resolve these issues internally and should be encouraged and allowed to do so.

4. The effectiveness of reporting obligations under relevant legislation.

The AAV may be paid by the exporter, but they are supposed to be independent and are required to report direct to DAWR each day. If they are not fulfilling their professional duties as a Vet and obligations to DAWR as an AAV they should be held responsible along with the Exporter.

No more drunken, doughy, cabin vets who add little value than inefficient Oxygen and food consumption.

The imposition of Independent Observers on all ships has done nothing to improve animal welfare. All it has achieved is to spread and waste Department resources and destroy the morale and respect of good stockmen and AAV's to the point where they are reluctant to actively and positively manage the cargo as we have entrusted them to, for fear they must justify and explain every action to an inexperienced observer.

5. Appropriate structures within the Department to ensure regulatory responsibilities are met, including whether an Inspector-General of Livestock Exports would provide superior oversight of the regulator.

Should spend time auditing the things that contribute to outcomes – not desktop audits for audits sake.

Regulation should be exercised sparingly and not impact on our ability to run a business. But if there is grounds, use a big stick. Use it sparingly, but decisively and swiftly when the outcomes or thresholds are breached to send a strong message and change bad behaviour.

6. The development and maintenance within the Department of an effective regulatory culture that delivers on animal welfare standards and the ASEL and in doing so supports a sustainable live animal exports industry.

Should spend time auditing the things that contribute to outcomes – not desktop audits for audits sake.

Those doing the audits should understand these factors in practice, be able to be pragmatic, but also call bullshit on loose operators.

As above. Use a big stick, but use it sparingly. Regulation for regulations sake is ineffective and unproductive.

7. The requisite skills, capabilities and systems for regulating the live animal export trade, as well as any improvements to support Departmental officers in their regulatory capacity.

As above. The Department should understand the information that contributes to good/poor outcomes. That may be stocking density, heat stress, where animals are stowed, feeding regimes etc.

8. The effectiveness of the Department's interaction with relevant State and Territory authorities (and applicable State and Territory legislation) as well as improvements to ensure the best level of Commonwealth/State and Territory cooperation can be achieved.

There is no value or obligation here in terms of animal welfare. The Department could work with states to improve, standardise and simplify systems to improve productivity so we can focus on animal welfare and not on whether a property of origin certificate is still valid 11 days after you received it.

9. The ability of the Department to assess community expectations and its cultural capacity to respond, including the manner in which the Department engages with key stakeholders, including the live animal exports industry and supply chain, animal welfare organisations, other regulators, community stakeholders and international trading partners and governments.

The Department's role is to regulate and support the industry – not assess community expectations or “cultural capacity to respond”

If they regulate effectively, decisively and confidently, they will not need to react to community expectations.

10. Any related matter.

In undertaking the review, the reviewer should have regard to relevant Australian Government policies and guidelines on best practice regulation, compliance and investigation standards.