



24 October 2017

Export Legislation Taskforce
Trade and Market Access Division
Department of Agriculture and Water Resources
GPO Box 858
CANBERRA ACT 2601

email: exportlegislation@agriculture.gov.au

Dear Sir/Madam,

Draft Export Control Bill 2017

Thank you for the opportunity to comment on the draft Export Control Bill 2017.

I represent members of the Community and Public Sector Union who work in the Department of Agriculture and Water Resources (DAWR) including On-Plant Veterinarians (OPVs) and Commonwealth Meat Inspectors. Our submission is based on feedback from CPSU representatives of these two occupational groups.

We are concerned that elements of the proposed draft Bill will result in fewer safeguards in the food inspection process and what we believe is a misguided direction toward industry self-regulation. This could result in less stringent food inspection and certification of substandard product. This has the very real potential of damaging Australia's very good international food safety reputation and through that economic damage as overseas companies reassess their food import decisions.

Our specific concerns in relation to the draft Bill are:

1. The new requirement for OPVs to require the consent of an occupier or a warrant to enter registered premises may provide an avenue to impede their regulatory function. Specifically, the current Export Control Act (ECA) 1982 requires no consent to enter or search any premises. The draft Bill states:

*"Part 2 -Monitoring; Division 1- Introduction; 320 Simplified outline of this Part Authorised officers may enter a premises under a warrant or with consent of the occupier and exercise monitoring powers there.... for the purposes of determining:
(a) whether the Act is being complied with or*

(b) whether information given in compliance or purported compliance with this Act is correct."

In our opinion this will change the balance of power in favour of the occupier and has the clear potential to lead to a registered establishment deciding which authorised officer they allow on site and when.

This creates the opportunity for occupiers to deny entry to certain authorised officers, and to select the authorised officer that they prefer. This would undermine the On Plant Veterinarian (OPV) role and could lead to animal welfare and meat quality issues going unchecked. The CPSU recommends the current powers of OPVs contained in the ECA 1982 be retained in their entirety in the new legislation.

2. The draft legislation appears to allow establishments to produce prescribed goods such as meat for export without being registered. The draft bill outline states under the description of "Accredited Properties":

"The draft bill will enable the Secretary to accredit a property to carry out export operations in relation to a kind of prescribed goods or a kind of goods from which prescribed goods are derived (e.g. cows that will be slaughtered for beef), and may specify the places to which the goods can be exported."

The CPSU believes that the current safeguard of registration needs to be maintained to protect Australia's high standard and reputation for meat export.

3. The draft Bill outline appears to allow under Part 4 "Authorised Officers" (which may include vets) to be employed directly by companies. It states third party (i.e. non-government) authorised officers employed by a registered establishment or engaged on an individual basis to be authorised officers under the proposed legislation where agreed by trading partners.

This seems to be enshrining the provision that authorised officers can be employed by companies, if allowed by importing countries. This means that the authorised officer would be employed directly by the registered establishment. This could compromise the regulatory function of these officers and potentially lead to animal welfare issues and sub-standard meat export. The CPSU submits that the current requirements and safeguards for Authorised officers be maintained.

4. The draft Bill at page 243 is too lax on the critical question of who can notify intent to export. Without clearly identifying the responsible party of an export consignment it makes it more difficult to prosecute. The CPSU recommends this requirement needs to be tightened to ensure the notifier of intent to export is clear.

5. The draft Bill at page 267 appears to allow third party auditors as well as third party authorised persons to conduct inspections. This proposed change could lead to a situation where there was no Commonwealth oversight at any stage of the food inspection process. The CPSU believes this potential lack of regulatory oversight will lead to a lessening of food inspection standards and potentially damaging results to Australia's international reputation and potential economic damage. CPSU recommends this change be reconsidered.

6. The draft Bill at pages 270 – 276 deals with official marks. In the previous amendment to the export Bill, allowances were made for authorised persons to conduct inspections but specified certification would need to be stamped by a government officer. The CPSU believe this has led to

certificates being stamped for substandard inspections and this has led to reduced confidence in Australian Government certification.

The CPSU believes it is confidence in the quality of Australian Government certification that exporters rely on to maintain and increase overseas markets (meat, grain and other horticultural commodities). The CPSU recommends the inspection process is conducted by Government officials to ensure certification is not compromised.

The CPSU is happy to provide information on the matters raised in this submission. Please contact Karen Atherton, CPSU National Political Coordinator at Karen.atherton@cpsu.org.au or 08 8150 8400 for further information.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Brooke Muscat', written in a cursive style.

Brooke Muscat
Acting Deputy Secretary
Community and Public Sector Union