

s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii)
Sent: Tuesday, 13 September 2022 12:20 PM
To: s. 47F(1) pmc.gov.au
Cc: helpdesk-obpr@pmc.gov.au; s. 22(1)(a)(ii) ; s. 22(1)(a)(ii) s. 22(1)(a)(ii)
 Mackett, Joffrid
Subject: RE: OBPR - ESCAS framework review project - suitable contact [SEC=OFFICIAL]
Attachments: 20220913 ESCAS Review summary and scoping.docx

Hi s. 47F(1)

As Joff has foreshadowed below, we have now sent our cleared ESCAS Review summary and scoping document to ALEC. I've attached a copy of the version sent out for your records.

Thanks

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

A/g Director

Regulatory Performance | Live Animal Export Branch | Plant and Live Animal Exports Division

Phone s. 22(1)(a)(ii)

Mobile

Department of Agriculture, Fisheries and Forestry
 18 Marcus Clarke St, Canberra ACT 2601 Australia
 GPO Box 858 Canberra ACT 2601 Australia

From: Mackett, Joffrid <Joffrid.Mackett@agriculture.gov.au>
Sent: Wednesday, 7 September 2022 11:38 AM
To: s. 47F(1) pmc.gov.au
Cc: helpdesk-obpr@pmc.gov.au; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) @agriculture.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)agriculture.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: RE: OBPR - ESCAS framework review project - suitable contact [SEC=OFFICIAL]

Hi s. 47F(1)

Thanks for your time this morning, was good talking to you.

As discussed, we will be keen to engage early with you and to keep you up to date on progress with the review so that we can hopefully minimise any last minute work at the back end of the review – it will also be great if in the end our review report can actually be used to meet the RIS requirements (my poor language, but you know what I mean).

I have copied s. 22(1)(a)s. 22(1)(a)(ii) and s. 22(1)(a)(ii) into this email so you can include them in the meeting with ALEC (I will fill them in).

Here is the link to the Inspector General's review of ESCAS that I mentioned – you can see where we have indicated we would consider recommendations in our ESCAS review: [Review of the Exporter Supply Chain Assurance System \(iglae.gov.au\)](#)

Finally, we will send you a copy of our ESCAS Review Summary and Scoping document once it has been cleared and provided to ALEC.

Cheers

Joff

Joffrid Mackett
Assistant Secretary
Live Animal Export Branch | Plant and Live Animal Export Division
Phone +61 2 6272 5435
Mobile **s. 47F(1)**
Department of Agriculture, Fisheries and Forestry
18 Marcus Clarke St, Canberra ACT 2601 Australia
GPO Box 858 Canberra ACT 2601 Australia
Web: agriculture.gov.au

From: **s. 22(1)(a)(ii)** <**s. 22(1)(a)(ii)** @agriculture.gov.au>
Sent: Tuesday, 6 September 2022 5:49 PM
To: Mackett, Joffrid <Joffrid.Mackett@agriculture.gov.au>
Cc: helpdesk-obpr@pmc.gov.au; **s. 47F(1)** pmc.gov.au
Subject: OBPR - ESCAS framework review project - suitable contact [SEC=OFFICIAL]

Hi Joff,

s. 47F(1) from OBPR called me earlier today to talk live sheep phase out. They are also looking for someone in your branch to talk about the ESCAS framework review. Would you please get the appropriate person in your team to reach out to **s. 47F(1)** (details below) to discuss.

s. 47F(1) | Adviser
Office of Best Practice Regulation
Economic Division | Department of the Prime Minister and Cabinet
p. **s. 47F(1)** | e. **s. 47F(1)** pmc.gov.au | w. www.pmc.gov.au
One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600

Cheers,
s. 22(1)(a)(ii)



Agricultural
Trade Reform

s. 22(1)(a)(ii)
Director | **s. 22(1)(a)(ii)** os. **s. 22(1)(a)(ii)**
Unclassified email: **s. 22(1)(a)(ii)** @agriculture.gov.au
Protected email: **s. 22(1)(a)(ii)** @protected.agriculture.gov.au

Department of Agriculture, Fisheries and Forestry
Business Reform Branch | Trade Reform Division
GPO Box 858 Canberra ACT 2601 Australia
agriculture.gov.au
Learn more about [trade reform projects here](#).
Contact trade.modernisation@agriculture.gov.au



ESCAS Review Summary and Scoping

Purpose: To review specific elements of the ESCAS framework, policies and processes to ensure ESCAS continues to be fit for purpose; to integrate improvements identified throughout its implementation; and to include, where appropriate, findings of reviews, including by the Inspector-General of Live Animal Exports. The review will also identify and address gaps and consolidate ESCAS policy. The outcome of the review will support consistent risk-based and proportionate regulation and provide a single documented source of truth for stakeholders and departmental staff.

Scope: The scope of the review includes specific elements of the framework, guidelines, policies, instructional material, independent auditing, and the department's assurance activities in relation to ESCAS. The *Biosecurity guideline for management of non-compliance* will also be reviewed. The key focus of the review is:

- Closing the inter-audit gap (ongoing monitoring and verification activities)
- Developing control and traceability standards
- Updating of the *Biosecurity guideline for management of non-compliance* to incorporate a proportionate escalating non-compliance framework which considers aggravating and mitigating factors
- Streamlining and improving internal administrative processes
- Recommendations from the Inspector General Live Animal Export (IGLAE) review of ESCAS conducted in 2021

Out of scope: The review will not consider expansion of ESCAS to breeders. The review will not consider the effectiveness or appropriateness of the legislative basis for ESCAS however opportunities for improvements to the Export Control (Animals) Rules 2021 may be identified for consideration following the review. The review will not develop a detailed quality assurance system. It will be up to exporters to ensure their ESCAS arrangements continue to meet the standards.

Related projects:

- Outcomes of the ESCAS review will feed into the performance and compliance project.

Process: The review will be conducted in three parts:

1. Current state and problem identification

The current state of ESCAS with areas for improvement and issues for resolution will be identified through a review of:

- a. Data – including number of exporters with approved ESCAS, markets and volume of livestock that move through the system
- b. Current legislation, policies and procedures in the framework, including Export Advisory Notices relevant to ESCAS
- c. Recommendations from the IGLAE report into ESCAS (which included views from stakeholders)
- d. Outcomes of ESCAS investigations
- e. Correspondence and media from exporters and animal welfare organisations in relation to ESCAS
- f. Issues that have been identified and noted for consideration by LAE ESCAS team
- g. Comparison with OIE and other relevant standards



Engagement at stage 1 will be limited to exporters with an existing approved ESCAS supply chain, Exporter Supply Chain Assurance Operations providers with an approved arrangement, ALEC, MLA, LiveCorp, Cattle Council Australia, Sheep Producers Australia, the Australian Industry Buffalo Council and the Goat Industry Council of Australia. These stakeholders will be invited to provide any matters they would like considered as part of the review that fall within the determined scope of the review.

2. Develop recommendations

Following step 1, recommendations will be developed to revise relevant parts of the ESCAS framework. A refreshed model will be proposed for approval.

The recommendations will clearly articulate options for addressing the issues identified in the review and justification for recommending options.

Engagement at stage 2 is anticipated to be extensive. It may involve interviews, workshops and use of the department's 'Have your say' engagement platform. An engagement plan will be developed at the start of stage 2, defining the scope of engagement and articulating how a broader group of stakeholders, including animal welfare groups, producers and exporters will be engaged on each of the issues requiring resolution. Not all groups will be engaged in the same way on all issues. This will be the final stage of engagement where comment and feedback on the technical components will be invited and considered in finalising the revised ESCAS framework.

3. Refresh and production of new materials

Following approval of any proposed revisions to the ESCAS framework, guidelines, policies, procedures and instructions will be refreshed to ensure that the documents clearly articulate the reviewed arrangements.

Engagement at stage 3 will include public consultation with relevant stakeholders including animal welfare groups, and engagement with industry on the readability and design of materials for industry.

Any changes arising from the review will be rolled out in 2023, (date or tranche dates to be determined). We will focus on change management and provide industry and the department with a preparation period prior to implementation.

s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii)
Sent: Friday, 4 November 2022 5:17 PM
To: s. 47F(1)
Cc: s. 22(1)(a)(ii)
Subject: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]
Attachments: 20221102-project-plan-scg.xlsx; Attachment 1 - ESCAS Review summary and scoping.docx

Good afternoon s. 47F(1)

I hope this finds you well.

You might recall that we spoke some weeks ago about the Exporter Supply Chain Assurance System (ESCAS) Review. As discussed, it would be good to get an indication from you about when we should engage with the OBPR as this project progresses.

On this note, please find attached:

- The ESCAS Review project plan, and
- The ESCAS Review scoping and summary document, which outlines focus areas and specific framework components we will be reviewing as part of this project.

We look forward to hearing back from you.

Thanks and have a great weekend!

Kind regards,

s. 22(1)(a)(ii)

Senior Veterinary Officer

Regulatory Performance | Live Animal Export Branch | Plant and Live Animal Exports Division

Phone: s. 22(1)(a)(ii)

Department of Agriculture, Fisheries and Forestry
18 Marcus Clarke Street, Canberra ACT 2601 Australia
GPO Box 858 Canberra ACT 2601 Australia

agriculture.gov.au



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Any changes arising from the review will be rolled out in 2023, (date or tranche dates to be determined). We will focus on change management and provide industry and the department with a preparation period prior to implementation.

s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>
Sent: Monday, 14 November 2022 5:07 PM
To: s. 22(1)(a)(ii)
Cc: s. 47F(1) s. 22(1)(a)(ii)
Subject: RE: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

OFFICIAL

Good afternoon ^{s. 22(1)(a)(ii)}

Thanks very much for providing these documents for OBPR's review. ^{s. 47F(1)} and I have discussed the documents and in order to meet the requirements to be certified in lieu of a RIS, the following will need to be considered and included in the development of the review:

- When presenting recommendations to address identified problems in stages 2 and 3, there should be a range of options considered, including at least one non-regulatory option.
- In order to meet the requirements, the final document will need to analyse the costs and benefits of each option. We suggest consultation in stage 2 should include questions to draw out expected costs and benefits from stakeholders. Stakeholders should be encouraged to provide any evidence, data or statistics of the quantitative impact various options may have on themselves, the community or other groups. Where quantification is not possible, stakeholders should be encouraged to be specific in qualitative assessments of likely impacts.

We're happy to discuss these points further if you would like.

Kind regards,

s. 47F(1) | Adviser

Office of Best Practice Regulation

Economic Division | Department of the Prime Minister and Cabinet

p. s. 47F(1) | e. s. 47F(1) pmc.gov.au | w. www.pmc.gov.au

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From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) awe.gov.au>
Sent: Friday, 4 November 2022 5:17 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

Good afternoon ^{s. 47F(1)}

I hope this finds you well.

You might recall that we spoke some weeks ago about the Exporter Supply Chain Assurance System (ESCAS) Review. As discussed, it would be good to get an indication from you about when we should engage with the OBPR as this project progresses.

On this note, please find attached:

- The ESCAS Review project plan, and
- The ESCAS Review scoping and summary document, which outlines focus areas and specific framework components we will be reviewing as part of this project.

We look forward to hearing back from you.

Thanks and have a great weekend!

Kind regards,

s. 22(1)(a)(ii)

Senior Veterinary Officer

Regulatory Performance | Live Animal Export Branch | Plant and Live Animal Exports Division

Phone: **s. 22(1)(a)(ii)**

Department of Agriculture, Fisheries and Forestry
18 Marcus Clarke Street, Canberra ACT 2601 Australia
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s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii)
Sent: Monday, 28 November 2022 6:52 PM
To: s. 47F(1)
Cc: s. 47F(1) s. 22(1)(a)(ii)
Subject: RE: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]
Attachments: 20221124 ESCAS Review summary and scoping v2.pdf

Hi s. 47F(1)

I'm just reaching out from our team with an update on the ESCAS Review and upcoming stakeholder consultation, to keep you in the loop.

We have released a revised summary and scoping document (attached), to reflect our updated approach to stakeholder engagement. We intend to include a wider group of stakeholders at stage 1 for challenge identification/proposal of solutions, then a more targeted group later on for the testing of recommendations.

We have completed the stage 1 desktop review, and are about to commence stage 1 consultation. As previously discussed, we have contracted a team for their technical expertise to assist with our review, and they have developed draft material for stakeholder consultation. We are reviewing this material internally, prior to publication on the department's engagement platform 'Have Your Say'.

Any feedback or comments on how our current approach may impact the RIS process would be greatly appreciated.

Kind regards,

s. 22(1)(a)(ii)
Senior Technical Officer | Regulatory Performance | s. 22(1)(a)(ii)
Live Animal Exports Branch | Plant & Live Animal Exports Division

Department of Agriculture, Fisheries and Forestry
GPO Box 858 Canberra ACT 2601
awe.gov.au

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@agriculture.gov.au>
Sent: Monday, 14 November 2022 4:32 PM
To: s. 47F(1) <s. 47F(1)@pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1)@pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@agriculture.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

Thanks very much for getting back to us, s. 47F(1)

I'll be in touch again leading up our second consultation stage, to seek your thoughts on our approach at the time.

Kind regards
s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1)@pmc.gov.au>
Sent: Monday, 14 November 2022 5:07 PM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@agriculture.gov.au>
Cc: s. 47F(1) <s. 47F(1)@pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@agriculture.gov.au>
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We're happy to discuss these points further if you would like.

Kind regards,

^{s. 47F(1)} | Adviser

Office of Best Practice Regulation

Economic Division | Department of the Prime Minister and Cabinet

p. ^{s. 47F(1)} | e. ^{s. 47F(1)} pmc.gov.au | w. www.pmc.gov.au

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From: ^{s. 22(1)(a)(ii)} <^{s. 22(1)(a)(ii)} awe.gov.au>

Sent: Friday, 4 November 2022 5:17 PM

To: ^{s. 47F(1)} <^{s. 47F(1)} pmc.gov.au>

Cc: ^{s. 22(1)(a)(ii)} <^{s. 22(1)(a)(ii)} agriculture.gov.au>

Subject: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

Good afternoon ^{s. 47F(1)}

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We look forward to hearing back from you.

Thanks and have a great weekend!

Kind regards,

^{s. 22(1)(a)(ii)}

Senior Veterinary Officer

Regulatory Performance | Live Animal Export Branch | Plant and Live Animal Exports Division

Phone: ^{s. 22(1)(a)(ii)}

Department of Agriculture, Fisheries and Forestry
18 Marcus Clarke Street, Canberra ACT 2601 Australia
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ESCAS Review Summary and Scoping

Purpose: To review specific elements of the ESCAS framework, policies and processes to ensure ESCAS continues to be fit for purpose; to integrate improvements identified throughout its implementation; and to include, where appropriate, findings of reviews, including by the Inspector-General of Live Animal Exports (IGLAE). The review will also identify and address gaps and consolidate ESCAS policy. The outcome of the review will support consistent risk-based and proportionate regulation and provide a single documented source of truth for stakeholders and departmental staff.

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- Closing the inter-audit gap (ongoing monitoring and verification activities),
- Developing a control and traceability standard,
- Updating of the *Biosecurity guideline for management of non-compliance* to incorporate a proportionate escalating non-compliance framework which considers aggravating and mitigating factors,
- Streamlining and improving internal administrative processes, and
- Addressing the recommendations from the IGLAE review of ESCAS conducted in 2021.

Out of scope: The review will not consider expansion of ESCAS to breeders. The review will not consider the effectiveness or appropriateness of the legislative basis for ESCAS; however, opportunities for improvements to the Export Control (Animals) Rules 2021 may be identified for consideration following the review. The review will not develop a detailed quality assurance system. It will be up to exporters to ensure their ESCAS arrangements continue to meet the standards.

Related projects:

- Outcomes of the ESCAS review will feed into the performance and compliance project.

Process: The review will be conducted in three parts:

1. Current state and challenge identification

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- c. Recommendations from the IGLAE report into ESCAS (which included views from stakeholders)
- d. Outcomes of ESCAS investigations
- e. Correspondence and media from exporters and animal welfare organisations in relation to ESCAS
- f. Issues that have been identified and noted for consideration by the LAE ESCAS team
- g. Comparison with WOH standards



Engagement at stage 1 will encompass a wide range of stakeholders. It will include exporters with an existing approved ESCAS supply chain, ALEC, MLA, LiveCorp, Cattle Council of Australia, Sheep Producers Australia, the Australian Buffalo Industry Council, the Goat Industry Council of Australia, Exporter Supply Chain Assurance Operations (ESCAO) providers with an approved arrangement, and animal welfare organisations. These stakeholders will be invited to provide feedback and comment on matters they would like considered as part of the review that fall within the determined scope. Feedback will be received through the department's 'Have Your Say' platform. A stage 1 engagement plan will define the scope of engagement and articulate how the broad group of stakeholders can provide relevant, specific and actionable feedback.

2. Develop recommendations

Following stage 1, recommendations will be developed to revise relevant parts of the ESCAS framework. A refreshed model will be proposed for approval.

The recommendations will clearly articulate options for addressing the issues identified in the review and justification for recommending options.

Engagement at stage 2 will test the recommendations on a targeted range of stakeholders and may include the use of workshops and interviews. Not all groups will be engaged in the same way on all issues. In this stage of engagement, comment and feedback on the technical components will be invited and considered in finalising the revised ESCAS framework.

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s. 22(1)(a)(ii)

From: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Sent: Wednesday, 7 December 2022 12:30 PM
To: s. 22(1)(a)(ii)
Cc: s. 22(1)(a)(ii) s. 47F(1)
Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259
[SEC=OFFICIAL]

Good afternoon s. 22(1)(a)(ii)

Thanks very much for sending this through, and apologies for the delay in my response. I've reviewed the summary and scoping document and have no major concerns. It's good to hear that consultation will be expanded. Seeking quantitative evidence of how proposed solutions will impact various stakeholder groups will assist in providing a more detailed outline of the anticipated costs and benefits.

I am happy to talk through the changes to the Impact Analysis framework once they are settled and am keen to ensure OIA supports you through this impact analysis process.

Kind regards,

s. 47F(1) (she/her) | Adviser
Office of Impact Analysis
Department of the Prime Minister and Cabinet
p. s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) awe.gov.au>
Sent: Monday, 28 November 2022 6:52 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
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Live Animal Exports Branch | Plant & Live Animal Exports Division

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Cc: s. 22(1)(a)(ii) s. 47F(1)
Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

Thanks for reviewing that, it is much appreciated. We do note that costs and benefits in livestock exports are typically difficult to quantify, but recognise it is a concern of stakeholders as it is raised often. We are thinking this might be a good opportunity to encourage industry to quantify their concerns to us, so we can use them to inform the Impact Analysis process.

Looking forward to discussing details of the framework and how they relate to the ESCAS review as we progress.

Kind regards,
s. 22(1)(a)(ii)

From: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
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Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]
Attachments: ESCAS Review - Stage 1 Discussion Paper_Final as at 12012023.pdf

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I am reaching out with a status update on the ESCAS Review.

We recently concluded the first of 3 stakeholder consultation stages, which was launched as a survey on the *Have Your Say* platform from 10 January to 21 February 2023. Targeted stakeholders were invited to provide constructive feedback on specific technical challenges to the ESCAS framework. Survey questions are reflected in the Discussion paper, attached for your interest. We are now collating and analysing feedback received and will use it to inform recommendations for improvements to ESCAS in stage 2 of this project.

We would greatly appreciate your advice/confirmation that our processes remain aligned with a RIS-like process, and if there are any relevant considerations from your perspective, on how feedback is handled and analysed, noting that some submissions have been marked as confidential.

Happy to meet to discuss if easier.

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Exporter Supply Chain Assurance System (ESCAS) Review – stage 1

Discussion paper: current state
challenge identification

December 2022



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Acknowledgement of Country

We acknowledge the Traditional Custodians of Australia and their continuing connection to land and sea, waters, environment and community. We pay our respects to the Traditional Custodians of the lands we live and work on, their culture, and their Elders past and present.

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Overview

The Exporter Supply Chain Assurance System (ESCAS) was introduced in 2011, following the suspension of export of feeder and slaughter cattle to Indonesia due to mistreatment of Australian cattle in some Indonesian abattoirs. ESCAS is a set of regulatory conditions placed on exporters. It requires them to have arrangements in the importing country to ensure humane treatment and handling of livestock from the time the animals arrive up to and including the point of slaughter. Australia is the only country in the world, out of over 100 livestock exporting nations, with such a regulatory system in operation. Since the implementation of ESCAS, 0.21% of exported feeder and slaughter livestock have been involved in non-compliance with ESCAS. Since 2019, the proportion of feeder and slaughter livestock involved in non-compliance has been below 0.1%.

The department has commenced a targeted review of ESCAS. This is the first review by the department of ESCAS since the framework was first implemented in 2011. The review will ensure the existing ESCAS framework remains robust, functional, and effective in ensuring that animal welfare, control and traceability outcomes continue to be met for exported feeder and slaughter livestock in importing countries, up until and including the point of slaughter.

The ESCAS Review is being conducted in a staged manner according to a specific scope (**Appendix 1: summary and scoping document**) that identifies areas of focus that can be summarised as:

- Monitoring and verification activities – for example:
 - closing the inter-audit gap and
 - ongoing monitoring and verification activities.
- Control and traceability – for example:
 - developing a control and traceability standard.
- Noncompliance management – for example:
 - Updating the *Biosecurity guideline for management of non-compliance* to incorporate a proportionate escalating noncompliance framework which considers aggravating and mitigating factors.
- Administration – for example:
 - streamlining and improving internal administrative processes.
- The ESCAS Animal Welfare Standards – for example:
 - comparison with the World Organisation for Animal Health (WOAH) Terrestrial Animal Health Code (2022) and
 - updating the Standards where relevant.

In particular, the review considers recommendations from the Inspector-General of Live Animal Exports' (IGLAE) review of ESCAS conducted in 2021. This review recognised that ESCAS has largely achieved its broad objectives and has lifted the standards and practices that Australian livestock are subjected to in importing countries. However, it identified a range of issues that need to be

addressed to ensure that all Australian livestock exported for slaughter are treated in accordance with ESCAS requirements and that ESCAS is operating as effectively and efficiently as possible.

Approach

The review is being done iteratively in 3 stages with 3 opportunities for stakeholder feedback.

For stage 1, a review of documentation was undertaken to identify challenges with the current state of ESCAS based on the areas of focus. In addition, a range of publicly available information, reports and presentations that relate to ESCAS were reviewed. This included the WOH Code, compliance reports and research and development project reports.

Challenges identified through this desktop review have been documented in this paper and represent components of ESCAS that may be considered through the review process and in forming recommendations for changes to ESCAS. The challenges identified do not indicate that the situation is occurring but rather there is a risk of occurrence. Further, the challenges do not pre-empt an outcome or propose solutions; rather, this discussion paper presents an opportunity to identify possible challenges and gather feedback from stakeholders on possible constructive solutions.

The list of documented challenges is not exhaustive and further challenges may be identified as the review progresses, in particular as a result of stakeholder feedback.

It is recognised that processes and procedures for approaching ESCAS administration and compliance have evolved over time and have been documented to various degrees. Therefore, some challenges identified may have been resolved through agreed norms or procedures but documentation of these may not be evident. All procedures and processes for approaching ESCAS administration and compliance will be documented at the conclusion of this review.

Stakeholder feedback – stage 1

Stakeholders have an opportunity to provide constructive feedback on the challenges identified in stage 1, noting the scope of the project (**Appendix 1: summary and scoping document**).

The timeframe for submission of feedback is from 10 January to 21 February 2023.

For each challenge, stakeholders should indicate whether they agree that the challenge exists, disagree if they believe it does not, or agree if the challenge exists but with clarification or amendments. Such clarification or amendments should then be provided. If stakeholders do not believe the challenges exists, they should provide a rationale as to why this is the case. Stakeholders are also asked to provide their views on possible solutions to the challenges they agree exist.

There is also an opportunity for stakeholders to submit further challenges, along with references or evidence to support the submission as well as possible solutions.

Information provided in the format and timeframe specified will be considered and the challenges finalised. The finalised challenges from stage 1 will inform recommendations that will be the subject of further stakeholder consultation (stage 2).

Stage 2 will commence once feedback from stage 1 has been considered.

Current state challenge identification

The following sections contain the identified challenges in the current state of ESCAS.

1 Monitoring and verification activities

1.1 Requirements for audit company accreditation and auditor rotation

The criteria that audit companies must be accredited against is not identified in Export Advisory Notice (EAN) 2015-06.

The most commonly provided example of an international standard exporters should ensure audit companies are accredited against is ISO/IEC 17021. This is not appropriately specified in the documentation and may not be the optimal ISO standard for auditing the complex system, processes and outcomes related to animal welfare, traceability and control.

For example, auditing based on ISO/IEC 17021 will focus on the intent only, typically through an assessment of documentation, whereas ISO/IEC 17065 will consider the intent, the method and the result, and considers much more than documentation (such as observations, sampling etc.).

There is currently no standard departmental process to regularly verify and monitor the accreditation and performance of audit companies and their auditors who are engaged by exporters to conduct ESCAS audits.

Further, it is preferable to rotate auditors so that they only conduct a certain number of consecutive audits, to reduce familiarity and potential lack of observance. This limitation on consecutive auditing is not addressed under ESCAS.

These challenges pose risks, particularly when combined with the model under ESCAS for direct engagement of auditors by exporters. These risks may include:

- the use of unsuitably accredited audit companies
- a potential conflict of interest where repeat engagement fosters familiarity and creates an environment where auditors become less observant
- auditors may be compelled to offer lower audit fees and less rigorous audits in competition with other providers to generate business
- alternative audit findings may be sought from competitive audit companies in instances where unsatisfactory results are reported
- noncompliance may go undetected or unresolved.

1.2 Specific standard/s for auditor competency to conduct ESCAS audits

There are currently no specific standard/s for auditor competency to conduct ESCAS audits. Auditor competency relates to the skills and experience required to effectively audit animal welfare, traceability and control outcomes.

An international standard for auditor competency and scope for the ESCAS audit is not formally defined. This could result in auditor competency and approach to auditing not being suitable to arrangements relating to live animals, traceability, control and processes. For example, the competency and/or approach to auditing management systems differs from that needed to effectively conduct an observational audit of animal handling and welfare outcomes and to undertake track and trace activities.

1.3 Interpretation of requirements by auditors

Requirements under ESCAS are not always well articulated, creating potential for ambiguity and misinterpretation in some instances. Ambiguity in requirements can result in variation between auditors in their approach to ESCAS auditing. Further, without clear requirements and guidance, auditors may take their direction from on-site personnel who may be equally unclear in relation to requirements.

This may result in inconsistent monitoring and verification activities as well as outcomes.

1.4 Audit sharing and allocation of noncompliance responsibility

Exporters may collaborate in the auditing of facilities to reduce audit duplication.

Demonstrating if a noncompliance identified during an audit is unique to a supply chain or a single exporter may be a challenge, as well as identifying who is responsible for correcting a noncompliance if it is identified during a shared audit.

1.5 Sample sizes for audits

Sample sizes for minimum number of animals to be observed in feedlots during an audit are unclear.

1.6 Inter-audit gap

There is a risk that a facility's compliance on the day of audit might not reflect their compliance during the period between audits (inter-audit gap). For example, on the day of the audit animals may not be observed to slip, but there is no mechanism to verify this does not happen at other times.

Mechanisms do not exist under ESCAS to effectively provide assurances that facilities remain consistently compliant during the inter-audit gap.

1.7 Use of other surveillance methods

The primary method of determining compliance is through an audit based on a frequency set by a risk rating.

ESCAS audit requirements do not currently incorporate the utilisation of other surveillance methods, and different timeframes are commonly used in other audited systems such as desktop audits, random audits, unannounced audits, audits of varying scope and frequency and targeted audits.

2 Control and traceability

2.1 Overall standard or detailed requirements

No overall standard with detailed requirements for control and traceability exists under ESCAS as it does for animal welfare. A market-specific standard for Vietnam was released in 2015.

Despite this, several control and traceability stipulations appear across various Exporter Advisory Notices (EANs) and in guidance materials.

Under ESCAS, declarations are made that control and traceability arrangements are in place. The declarations must be supported by evidence of ongoing conduct and compliance with these arrangements throughout the supply chain; however, without specific requirements, there is nothing to consistently review and verify the evidence against.

The lack of specific requirements has resulted in variability in interpretation, application and enforcement.

2.2 Expectation of 100% compliance

The expectation of no acceptable level of leakage means there must be 100% compliance. The practicality of tracing animals means there are genuine failures with technology as well as human error, making 100% compliance an unachievable standard.

2.3 Use of indicator events

ESCAS does not require the monitoring and analysis of information that may indicate a possible leak or issue with traceability, for example feedlot over capacity, journey times longer than expected, or unusually high deaths, losses, transfer to breeding livestock or replacement NLIS tags.

2.4 Critical control points for traceability

ESCAS does not clearly articulate requirements for critical control points where traceability issues may occur to be monitored. For example in some cases livestock may be scanned out of a facility but not in, or vice versa, or traceability equipment may not be present when needed.

This creates a risk where, for a period of time, an animal may be in one facility on paper but is actually in transit, in another facility, or deceased. For example, there may be a delay between scanning out of a feedlot and confirmation of death.

2.5 Timely provision of data

The concept of traceability under ESCAS infers being able to trace animals at all times, rather than typical traceability approaches which relate to being able to trace animals within a timeframe.

Timeframes for when information is provided to an exporter by their supply chain partners are highly variable.

As a result, issues relating to the control and tracing of livestock may not be immediately identified, nor able to be actioned due to the length of time taken to obtain and assess data.

This may also impact on the ability of exporters to respond to investigations by the department in a timely manner.

2.6 Variability in approaches

2.6.1 Varying systems and sophistication

The systems, technology and human resources used for control and traceability may vary between supply chains. There may be varying degrees of sophistication between these systems, with some being highly automated and others being manual.

Data exchange is often manual, basic and involves the transfer of data in a format which may pose a risk of tampering, inaccuracies and human error. This is compounded if data is transferred using a method such as email.

2.6.2 Varying oversight and verification

There may be variation in the levels of oversight, verification and reconciliation that individual exporters perform on their own or using third-party control and traceability systems, as relevant requirements are not clearly articulated under the current ESCAS framework.

The types of activities may range from no verification to internal quality assurance processes such as internal audits, human resources in-market, use of imagery etc.

2.6.3 Varying data custodianship

There may be varying approaches to data custodianship, for example in some cases importers rather than exporters are the primary custodians of traceability data for facilities in the supply chain.

2.7 Methods to verify traceability

2.7.1 Use of imagery

Where relevant, the use of imagery to verify traceability, in particular at the point of slaughter, may present a series of challenges related to:

- image quality
- timeliness
- framing and focus
- GPS referencing
- location verification
- metadata

2.7.2 Use of visual recording and fixed radio frequency identification (RFID) scanning

Where relevant, the use of visual recording (such as CCTV) combined with fixed tag scanning points to verify traceability activities can be hindered by connectivity challenges, cost and possible legal issues associated with surveillance and data localisation in the different export markets.

2.7.3 Transfer and storage of evidence

Where relevant, the use of imagery (including GPS information that may be associated with such imagery and visual recordings) to verify compliance under ESCAS could potentially be diminished if the transfer of data occurs through unsecured channels that may be at risk of tampering, or are not adequately protected from improper access.

In addition, storage of such evidence in a format and timeframe that allows for auditing and investigations requires consideration.

2.7.4 Reliance on technology

There may be a risk that technology is considered the single solution to traceability. Effective traceability has been stated to be “multifaceted and relies on a balanced combination of on-ground resourcing to verify events, an effective management system and readily and rapidly accessible data. Where any one of these factors is diminished, so too is the reliability of the process, thereby increasing the risk of noncompliance.” (MLA/LiveCorp 2021).

2.7.5 Availability of traceability data

There is a potential risk that traceability data may not be made available to those who undertake verification activities, for example to auditors by importers, facilities or third-party system providers.

2.8 Accuracy of traceability data

2.8.1 Accuracy of counting livestock

Counting of livestock, regardless of individual identification, may be subject to human error.

2.8.2 Technology as the ‘solution’ to accurate sheep and goat counting

There is a commitment for a national implementation of electronic identification (EID) for sheep and goats which presents an opportunity for the use of EID for sheep and goats rather than mob-based recording. Current mob-based identification for sheep and goats could present challenges with the accurate counting of these livestock species.

2.9 Third-party traceability providers

In some cases, third parties relied upon by exporters to undertake traceability services may also be responsible for monitoring the traceability system, creating a potential conflict of interest.

Further, there is a potential risk that third-party traceability system providers may be hesitant to report leakage to their clients as it may be perceived to detract from their service.

2.10 Attribution of noncompliance

Where supply chain entities are approved in multiple supply chains, it can be difficult to attribute a noncompliance to a specific exporter. In such cases, a noncompliance may be attributed to all exporters that use that supply chain entity, which may act as a disincentive to improve compliance.

2.11 Proportionate noncompliance

The lack of tolerance of leakage may result in a noncompliance being applied that may be disproportionate to the number of livestock involved. For example the leakage of one animal may result in the same noncompliance category or regulatory action as if a much larger number of animals leaked.

3 Noncompliance management

3.1 Framework for noncompliance

3.1.1 Noncompliance categorisation

The noncompliance categorisation in the *Biosecurity guidelines for management of non-compliance* is not exhaustive and may be difficult to interpret and implement.

There does not appear to be consideration given to the impact of the noncompliance in combination with the prevalence of the noncompliance in the categorisation.

3.1.2 Consideration of noncompliance

In the *Biosecurity guidelines for management of non-compliance*, it is not clear if a distinction is made between a noncompliance identified:

- during an audit
- through self-reporting
- through a third-party report

and how these are treated, managed, closed out or escalated.

3.1.3 Consideration of cumulative noncompliance

The severity of an individual noncompliance appears to be considered in isolation from other factors.

A track record of noncompliance, especially repeated noncompliance against the same requirements, does not appear to result in proportionate escalation in subsequent regulatory responses. This approach risks not correcting underlying or systemic causes of noncompliance and limits the department's ability to take appropriate regulatory action in proportion to exporter performance history.

3.1.4 Escalation pathway for noncompliance

The existing *Biosecurity guidelines for management of non-compliance*:

- appears to lack clarity and granularity in relation to how noncompliances:
 - may be escalated through categories
 - relate to the application of compliance measures and regulatory action
 - are affected by mitigating and aggravating factors
- may not reflect the full range of powers available under the *Export Control Act 2020* and the terminology is confused with terms used interchangeably
- may not consider broader compliance measures that could be applied, for example requiring greater oversight of the facility while animals are on site, use of internal monitoring and reporting and visual recording.

3.2 Corrective action and timeframes for correction

When a noncompliance is identified, there could be more clarity around actions required to rectify the noncompliance, the evidence that will satisfy the department that the action has been

completed, the timeframe in which such correction must occur and a mechanism for the department to formally close out the noncompliance and advise the noncomplying party in a timely manner.

3.3 Process for managing allegations of noncompliances

When allegations of noncompliance are made outside of an audit (for example through third-party reporting), a staged investigative approach is taken by the department.

The staged approach, as well as any regulatory action that may be applied to mitigate the risk of further noncompliance while an allegation is being investigated, may not be documented appropriately in the *Biosecurity guidelines for management of non-compliance*.

3.4 Utilisation of auditors in noncompliance management

ESCAS may not currently be consistent with the generally accepted methods of auditing and compliance verification to which auditors are accustomed.

Typically, in audits other than for ESCAS, auditors identify and raise noncompliances against specific requirements and assign a category for severity (like minor, major or critical).

Auditors are then responsible for checking that corrective action has been undertaken and that such action is sufficient to rectify the root cause of the noncompliance. Once satisfied, the auditors then close the noncompliance.

The approach to noncompliance under ESCAS requires the department's involvement in all levels of noncompliance categorisation and management, which under-utilises auditors and potentially over-burdens the department resources internally. This also impacts continual improvement by removing the mechanism through which auditors would normally oversee and verify positive change.

3.5 Effective framework for analysing noncompliances

ESCAS appears to lack an effective, continuous reporting framework that would allow the department to record and analyse data relating to noncompliance and observations to identify compliance trends, accurately report compliance outcomes, moderate surveillance activities and analyse the performance of an exporter over time or of a market.

3.6 Incentives for performing higher than a minimum standard

ESCAS is currently based on a minimum standard with no mechanism to encourage and incentivise performance above the minimum, for example through reducing surveillance activities and type for exporters demonstrating a good compliance history.

3.7 Consideration of risk factors in risk rating

The existing method for determining a facility or supply chain's risk rating considers minimal criteria (like previous noncompliance, time approved, slaughter lines) and does not consider the full breadth of risks and control mechanisms that impact compliance outcomes.

3.8 Timeframe for compliance information exchange

The current timeframe for submitting audit reports is one month after the audit.

This may present a risk that noncompliance identified during an audit is not reported to the department for up to a month. It is acknowledged that there is a standard condition in all ESCAS instruments requiring exporters to notify the department in writing as soon as practicable and within 5 days of becoming aware of an incident. However, the timeframe between auditing and provision of the audit report to an exporter is not articulated under ESCAS, meaning exporters may not be aware of noncompliance identified at audit within their own supply chains in a reasonable timeframe.

4 Administration

4.1 Facility risk ratings

Risk ratings for facilities are calculated based on a range of variables including date of approval. Typically, a facility will remain approved in at least one supply chain; however, the approval date reflects when a facility was first approved in any supply chain and does not account for any following time spent unapproved.

This results in facilities potentially being re-added to a supply chain and automatically assigned a low risk rating despite not being audited recently.

4.1.1 Naming conventions and premises identification

In some instances, it can be difficult for the department to accurately verify the identity of facilities, particularly those that may be used in multiple supply chains.

This could lead to duplication of facilities in department records, or some facilities not being removed from supply chains in response to non-compliance.

4.2 Consolidation of ESCAS requirements

ESCAS is based on the 4 principles of animal welfare, control, traceability and independent auditing. Animal welfare requirements under ESCAS are contained in the ESCAS Animal Welfare Standards, which are in place to ensure that animal handling and slaughter processes meet the relevant WOAHP animal welfare standards.

Understanding all of the requirements and rules related to ESCAS requires access to, and familiarity with, numerous individual documents found in different locations. For example EANs, auditor materials and additional requirements for some countries, and so on.

This potentially makes it difficult to consistently interpret and apply ESCAS requirements.

4.3 Mechanism for continual improvement in ESCAS

Changes to the WOAHP recommendations, changes in markets, improvements in handling techniques and equipment, updated scientific research into animal welfare, and changes in traceability technology mean the ESCAS framework and approaches to demonstrating compliance with it should evolve over time.

Standards are typically considered 'living documents' and should be subject to regular review. There is currently no inbuilt mechanism within ESCAS for the regular review of all requirements and an ongoing appraisal of its fitness for purpose.

5 ESCAS Animal Welfare Standards

5.1 Consistency of ESCAS Animal Welfare (AW) Standards with WOAH recommendations

5.1.1 Use of goads

WOAH Article 7.5.2 requires that electric goads be used only in extreme cases.

ESCAS AW Standard 2 does not identify the routine use of electric goads as inappropriate use.

5.1.2 Facility design

WOAH Article 7.5.3 contains specific recommendations for facility design.

The ESCAS AW Standards do not address design elements relating to passageways and races including stopping animals from turning around, waiting pens and adequate ventilation.

5.1.3 Tethering

WOAH Article 7.5.4 provides that animals that are tied should be able to stand up and lie down.

The ESCAS AW Standards do not address tethering and tying of animals.

5.1.4 Protection

WOAH Article 7.5.4 provides that livestock should be kept securely and protected from predators.

The ESCAS AW Standards do not address the security and predator protection recommendation noting that security of animals is inferred, as escaped animals are considered a noncompliance.

5.1.5 Foetus management

WOAH Article 7.5.5 requires the euthanasia of a foetus that shows signs of consciousness to avoid suffering.

The ESCAS AW Standards do not permit foetal rescue; however, they do not address foetal euthanasia where a foetus shows signs of consciousness.

5.1.6 Back-up stunning device

WOAH Article 7.5.7 specifies the availability of a back-up stunning device for immediate use if the primary method of stunning fails.

ESCAS AW Standard 17 requires a “back-up stunning procedure” which can be interpreted to mean:

- reusing the original stunning method
- having a back-up device
- stopping the operation until the issue is resolved
- in circumstances where a facility is approved for non-stun slaughter, animals may be slaughtered in this manner until the issue is resolved.

5.1.7 Consolidation of list of unacceptable practices

While the list of unacceptable practices and inappropriate handling under ESCAS AW Standard 2, 4 and 15 aligns to aspects of WOAHA recommendations, it does not list all practices identified throughout the relevant parts of the WOAHA Code (for example Chapter 7.1, 7.3 and 7.5) that are unacceptable. It also does not reflect practices that industry has had to clarify as being unacceptable over time.

For example:

- mechanical clamping of the legs or feet of the animals as the sole method of restraint
- forcing water into an animal's stomach by placing a hose down the throat
- forcing water into an animal's mouth or up its nose in an attempt to make it stand or move.

Further, these types of inappropriate or unacceptable practices are distributed throughout the Standards but are relevant across the Standards. This spread may result in the misinterpretation that such practices are only unacceptable in relation to a particular activity.

5.1.8 Specification of competencies

WOAHA Article 7.5.1 includes recommendations that relate to number of personnel, competence and familiarity with requirements.

There are some references to personnel competencies in the ESCAS AW Standards; however, there are other critical control points the Standards address where competent personnel are essential to ensure an appropriate outcome, for example stunning and slaughter. It is noted that Standard 29 includes requirements related to Standard Operating Procedures (SOPs); however, it does not clearly address the level of competency needed to work in accordance with a SOP at all times.

5.2 Differentiating between signs of unconsciousness and signs of death

There may be ambiguity around signs of unconsciousness and signs of death in the ESCAS AW Standards as well as when each applies (for example stunned vs non-stunned slaughter).

There is also a lack of clearly defined checks for when animals may be transitioning back to consciousness during stunning and slaughter procedures, as well as appropriate courses of action that should be taken in these situations.

5.3 Method for throat cut

There may be ambiguity around how to interpret ESCAS AW Standard 22 in relation to appropriate throat cutting technique. For example:

- sawing motion vs single stroke of the knife
- use of a second cut in the event of pseudoaneurysms/false aneurysms.

5.4 Requirements for landing sites or physical transportation

It is not clear how landing sites that animals transit through, such as ports (air or sea) or physical transportation from the point of disembarkation to a facility and between facilities, is managed on an ongoing basis.

There is currently no mechanism referenced to verify the ongoing compliance or suitability in these situations.

There are accepted norms that have developed for how this is managed but they are not reflected in the documentation.

5.5 Specificity in the Standards

WOAH recommendations are currently referenced rather than specified in the ESCAS AW Standard, which may mean that facilities and auditors have to access different sources of information to understand the complete requirements. There are also inferences and historical norms that exist that are not well documented.

5.6 Consistency of structure and nomenclature of requirements under ESCAS with best practice standards design

The ESCAS AW Standards include a “Standard” along with “Evidence of compliance” and “Guidance” for each Standard. There is also the “Animal Welfare Performance Targets and Measurements” in the audit report which includes outcomes, performance checklists and measures and targets. In some cases, a “Standard” under ESCAS includes one or 2 requirements.

The use of the term “Standard” under ESCAS may be misleading. A Standard is a documented collection of requirements and auditors expect requirements to be well articulated in a Standard. Requirements themselves are generally singular in nature, with each requirement specified separately.

Auditors may be inclined to use the Animal Welfare Performance Targets and Measurements in the audit report which reflect the Evidence of compliance and Guidance as requirements for auditing; however, facilities interpret the Standards to be the requirements.

These issues with documentation structure and nomenclature create a disconnect between what auditors perceive to be requirements and what facilities perceive to be requirements, which may lead to confusion and inconsistent interpretation, implementation and evaluation. It also creates further challenges when assigning noncompliances.

5.7 Interpretation of Standard 29

Standard 29 requires “each facility in the ESCAS supply chain must have Standard Operating Procedures (SOPs) that outline the appropriate procedures for each element of handling and slaughter of livestock, consistent with the ESCAS animal welfare standards.”

This requirement is open to interpretation particularly in relation to the use of the word “appropriate”. What is appropriate will vary from person to person, facility to facility, and supply chain to supply chain.

Often in compliance programs, procedures are required to be in place at critical control points and these points and procedures are identified clearly in the requirements.

5.8 Requirement to keep records of outcomes of processes

There is no encompassing requirement in ESCAS for facilities to maintain records of outcomes of processes, for example records showing that on a day-to-day basis, the limits under ESCAS are not exceeded for slips, falls, vocalisations and restraint-to-slaughter time intervals.

These records would be useful should, during audit, auditors observe that limits were exceeded; however, the facility could provide evidence to demonstrate that historically they were operating within ESCAS parameters.

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7 Appendix 1: summary and scoping document

7.1 Purpose

To review specific elements of the ESCAS framework, policies and processes to ensure ESCAS continues to be fit for purpose; to integrate improvements identified throughout its implementation; and to include, where appropriate, findings of reviews, including by the Inspector-General of Live Animal Exports (IGLAE). The review will also identify and address gaps and consolidate ESCAS policy. The outcome of the review will support consistent risk-based and proportionate regulation and provide a single documented source of truth for stakeholders and departmental staff.

7.2 Scope

The scope of the review includes specific elements of the framework, guidelines, policies, instructional material, independent auditing, and the department's assurance activities in relation to ESCAS. The *Biosecurity guideline for management of non-compliance* will also be reviewed. The key focus of the review is:

- Closing the inter-audit gap (ongoing monitoring and verification activities)
- Developing a control and traceability standard
- Updating of the *Biosecurity guideline for management of non-compliance* to incorporate a proportionate escalating non-compliance framework which considers aggravating and mitigating factors
- Streamlining and improving internal administrative processes
- Addressing the recommendations from the IGLAE review of ESCAS conducted in 2021.

7.3 Out of scope

The review will not consider expansion of ESCAS to breeders. The review will not consider the effectiveness or appropriateness of the legislative basis for ESCAS; however, opportunities for improvements to the Export Control (Animals) Rules 2021 may be identified for consideration following the review. The review will not develop a detailed quality assurance system. It will be up to exporters to ensure their ESCAS arrangements continue to meet the standards.

7.4 Related projects

Outcomes of the ESCAS review will feed into the performance and compliance project.

7.5 Process

7.5.1 Current state and challenge identification

The current state of ESCAS with areas for improvement and issues for resolution will be identified through a review of:

- 1) Data – including number of exporters with approved ESCAS supply chains, markets and volume of livestock that move through the system
- 2) Current legislation, policies and procedures in the framework, including Export Advisory Notices relevant to ESCAS
- 3) Recommendations from the IGLAE report into ESCAS (which included views from stakeholders)
- 4) Outcomes of ESCAS investigations
- 5) Correspondence and media from exporters and animal welfare organisations in relation to ESCAS
- 6) Issues that have been identified and noted for consideration by the LAE ESCAS team
- 7) Comparison with WOH standards

Engagement at stage 1 will encompass a wide range of stakeholders. It will include exporters with an existing approved ESCAS supply chain, ALEC, MLA, LiveCorp, Cattle Council of Australia, Sheep Producers Australia, the Australian Buffalo Industry Council, the Goat Industry Council of Australia, Exporter Supply Chain Assurance Operations (ESCAO) providers with an approved arrangement, and animal welfare organisations. These stakeholders will be invited to provide feedback and comment on matters they would like considered as part of the review that fall within the determined scope. Feedback will be received through the department's 'Have Your Say' platform. A stage 1 engagement plan will define the scope of engagement and articulate how the broad group of stakeholders can provide relevant, specific and actionable feedback.

7.5.2 Develop recommendations

Following stage 1, recommendations will be developed to revise relevant parts of the ESCAS framework. A refreshed model will be proposed for approval.

The recommendations will clearly articulate options for addressing the issues identified in the review and justification for recommending options.

Engagement at stage 2 will test the recommendations on a targeted range of stakeholders and may include the use of workshops and interviews. Not all groups will be engaged in the same way on all issues. In this stage of engagement, comment and feedback on the technical components will be invited and considered in finalising the revised ESCAS framework.

7.5.3 Refresh and production of new materials

Following approval of any proposed revisions to the ESCAS framework, guidelines, policies, procedures and instructions will be refreshed to ensure that the documents clearly articulate the reviewed arrangements.

Engagement at stage 3 will include public consultation with relevant stakeholders and engagement with exporters and industry groups on the readability and design of materials for industry.

Any changes arising from the review will be rolled out in 2023 (date or tranche dates to be determined). We will focus on change management and provide industry and the department with a preparation period prior to implementation.

s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii)
Sent: Monday, 27 February 2023 11:01 PM
To: s. 47F(1)
Cc: s. 22(1)(a)(ii)
Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]
Attachments: 20221124 ESCAS Review summary and scoping v2.pdf; ESCAS Review - Stage 1 Discussion Paper_Final as at 19122022.pdf

Dear s. 47F(1)

Thank you for taking the time to chat about the ESCAS Review this morning, and apologies for missing your call on Friday.

Allow me to introduce s. 22(1)(a)(ii) (copied) who is working with me on this project.

As discussed, here is some relevant background on:

The Exporter Supply Chain Assurance System (ESCAS)

- ESCAS is a regulatory framework that seeks to ensure animal welfare, control and traceability outcomes for feeder and slaughter livestock from the point of arrival in importing countries up until and including the point of slaughter.
- Livestock exporters are the regulated entities under ESCAS. They are responsible for establishing and managing arrangements with supply chain partners (i.e. importers, feedlots and abattoirs) in importing countries to ensure that ESCAS requirements are met.
- ESCAS was developed in 2011 in response to public outrage following the release of footage on *Four Corners* depicting poor animal handling and slaughter practices at Indonesian abattoirs, and progressively rolled out to all countries importing Australian feeder and slaughter livestock during 2012.
 - Currently there are around 90 approved ESCAS supply chains across 17 countries.
- ESCAS has since been largely effective in delivering against its intended outcomes.
- Alleged ESCAS non-compliances are investigated by the department and regulatory action taken as indicated and as soon as practically possible.
 - Since 2013, less than 0.20% of exported livestock covered by ESCAS have been involved with confirmed ESCAS non-compliances.
 - Reports of alleged ESCAS non-compliance are received from exporters (self-reports – 55%), third-parties (animal welfare organisations or private citizens in importing countries – 35%), industry groups, included in independent audit reports submitted by exporters or identified by the department.

The ESCAS Review

- The department is reviewing components of the ESCAS framework to ensure that it remains fit-for-purpose and supports consistent, risk-based regulation.
- The review is being conducted in 3 stages, with stakeholder engagement at the end of each stage. A **Summary and scoping document** setting out focus areas for the project, work at each stage, our stakeholder engagement approach and key review outcomes is attached for your reference.
- Key outcomes of this review include the production of a consolidated, single source reference of ESCAS for departmental staff and stakeholders, and to follow-through with the department's commitment to address recommendations in the [Inspector-General Review of ESCAS \(2021\)](#).
- We have just concluded stage 1 of the review, including associated stakeholder engagement. This stage was a gap analysis, with possible areas for improvement to the current ESCAS framework identified as 'challenges'.

- Targeted stakeholder groups (i.e., livestock exporters and their peak industry bodies, industry groups and animal welfare organisations) were invited to provide constructive feedback on, and propose practical solutions to these specific technical challenges. There was also the opportunity to present challenges that they felt had not been identified.
- This consultation stage was launched as a survey on the *Have Your Say* platform on 10 January and closed on 21 February 2023.
- The attached **Discussion Paper** sets out identified challenges and is the exhaustive basis on which the *Have Your Say* survey was built.
- We are now in stage 2 of the ESCAS Review, and are reviewing and analysing submissions from our recent consultation stage.
 - The aim of this stage is to use feedback from the first consultation stage to inform recommendations for improvements to ESCAS.
 - These recommendations will be tested with livestock exporters at the stage 2 stakeholder consultation phase.
- Then, stage 3 of the project will follow, where recommendations are used to review and update ESCAS policies, with the final output being a consolidated document on all aspects of the framework.
 - The plan is to consult publicly at this stage of the review.

Interactions with OIA to date

- We met with the OIA (^{s. 47F(1)} and ^{s. 47F(1)}) and a industry peak body representative last year, following finalisation of the first version of our *Summary and scoping document* and prior to the commencement of the review, to discuss views on stakeholder engagement and whether the review can be conducted in a manner consistent with a RIS-like process, so that a full RIS might not be required at its conclusion and prior to implementation.
 - A focus of this meeting was to discuss strong exporter concerns about the department engaging with animal welfare organisations during the review process. Additionally, industry remains opined that animal welfare organisations, being opposed to the livestock export trade and not being directly affected by regulatory decisions, might distort/bias engagement results, and therefore should not be considered key stakeholders for the purpose of engagement.
 - We disagree and consider wide engagement necessary to capture the myriad and nuanced views on livestock exports – a highly scrutinised industry that continues to polarise. It is important that our process and decisions reflect regulatory best practice and considers contemporary social views on the subject. Animal welfare organisations are a key stakeholder, reflected in their interest in the trade and continued role in reporting alleged ESCAS breaches.
- To date, feedback has been positive and we committed to keep the OIA informed as we progress, to ensure our processes continued to be consistent with a RIS-like process (see email exchange with ^{s. 47F(1)} below).

To recap our conversation

- I understand that to you knowledge, no formal assessment of our project and approach has been conducted by the OIA and this will need to happen for any definitive advise on whether our approach constitutes a RIS-like process or equivalent.
- Pending your review and assessment, the *Inspector-General Review of ESCAS (2021)* might qualify as a RIS-like process equivalent. The basis for this is the extensive consultation that was undertaken as part of the review, and that a primary focus of the ESCAS Review is to address its recommendations. If this is a possibility, the decision needs to be endorsed at a Deputy Secretary level.
- Integral to an impact analysis is a determination of the magnitude of change and the affected stakeholders. This may be qualitative and subjective, but must be defensible.
 - **s. 47E(d)**

- Given that the magnitude of changes will depend on recommendations made as a result of feedback currently being analysed, it might be difficult to determine this until stage 3 of the review (when the outcome of the review is being drafted). However, any assessment on the impacts on industry would be useful.

As discussed, I'd be very grateful for your advice on:

- Anything we need to consider/reconsider about our approach so that our process is consistent with a RIS-like process.
- If you think we might be able to rely on the *Inspector-General Review of ESCAS (2021)* as a RIS-like equivalent.
- If we should be incorporating into our engagement strategy, a request for industry to quantify the impact of proposed changes to them/the trade, particularly where best practice regulation might be resisted on the basis of burden.

I realise this is a lot of information, but I hope it makes sense and trust that it informs you sufficiently to be able to offer the advice we are seeking.

Please let me know if I have missed or misinterpreted anything, and if you have any questions.

I look forward to further discussions.

Kind regards,

s. 22(1)(a)(ii)

Senior Veterinary Officer

Regulatory Performance | Live Animal Export Branch | Plant and Live Animal Exports Division

Phone: s. 22(1)(a)(ii)

Department of Agriculture, Fisheries and Forestry

GPO Box 858 Canberra ACT 2601 Australia

aff.gov.au

From: s. 47F(1) <s. 47F(1) pmc.gov.au>

Sent: Friday, 24 February 2023 4:02 PM

To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Hi s. 22(1)(a)(ii)

I left a message for you but I'm not sure if my landline is working so here is my mobile number below. If you could contact me, that would be great.

Regards

s. 47F(1) | Advisor

Office of Impact Analysis | Economic Division

Department of the Prime Minister and Cabinet

p. s. 47F(1) s. 47F(1)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>

Sent: Thursday, 23 February 2023 6:32 PM

To: s. 47F(1) <s. 47F(1) pmc.gov.au>

Subject: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Can you get in touch with ^{s. 22(1)(a)(ii)} and let her know you're the new lead on this pls?

We will need to give them some advice about how to meet the independent review requirements (noting this commenced under the former arrangements)

s. 47F(1)

s. 47F(1) Senior Adviser

Office of Impact Analysis

p. s. 47F(1) | m. s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Sent: Thursday, 23 February 2023 6:26 PM

To: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>

Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Good afternoon ^{s. 47F(1)}

I hope 2023 has started off well for you and your team.

I am reaching out with a status update on the ESCAS Review.

We recently concluded the first of 3 stakeholder consultation stages, which was launched as a survey on the *Have Your Say* platform from 10 January to 21 February 2023. Targeted stakeholders were invited to provide constructive feedback on specific technical challenges to the ESCAS framework. Survey questions are reflected in the Discussion paper, attached for your interest. We are now collating and analysing feedback received and will use it to inform recommendations for improvements to ESCAS in stage 2 of this project.

We would greatly appreciate your advice/confirmation that our processes remain aligned with a RIS-like process, and if there are any relevant considerations from your perspective, on how feedback is handled and analysed, noting that some submissions have been marked as confidential.

Happy to meet to discuss if easier.

Kind regards,

s. 22(1)(a)(ii)

Senior Veterinary Officer

Regulatory Performance | Live Animal Export Branch | Plant and Live Animal Exports Division

Phone: s. 22(1)(a)(ii)

Department of Agriculture, Fisheries and Forestry

GPO Box 858 Canberra ACT 2601 Australia

aff.gov.au

From: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>

Sent: Wednesday, 7 December 2022 12:30 PM

To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>
Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Good afternoon ^{s. 22(1)(a)(ii)}

Thanks very much for sending this through, and apologies for the delay in my response. I've reviewed the summary and scoping document and have no major concerns. It's good to hear that consultation will be expanded. Seeking quantitative evidence of how proposed solutions will impact various stakeholder groups will assist in providing a more detailed outline of the anticipated costs and benefits.

I am happy to talk through the changes to the Impact Analysis framework once they are settled and am keen to ensure OIA supports you through this impact analysis process.

Kind regards,

s. 47F(1) (she/her) | Adviser
Office of Impact Analysis
Department of the Prime Minister and Cabinet
p. s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) awe.gov.au>
Sent: Monday, 28 November 2022 6:52 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

Hi ^{s. 47F(1)}

I'm just reaching out from our team with an update on the ESCAS Review and upcoming stakeholder consultation, to keep you in the loop.

We have released a revised summary and scoping document (attached), to reflect our updated approach to stakeholder engagement. We intend to include a wider group of stakeholders at stage 1 for challenge identification/proposal of solutions, then a more targeted group later on for the testing of recommendations.

We have completed the stage 1 desktop review, and are about to commence stage 1 consultation. As previously discussed, we have contracted a team for their technical expertise to assist with our review, and they have developed draft material for stakeholder consultation. We are reviewing this material internally, prior to publication on the department's engagement platform 'Have Your Say'.

Any feedback or comments on how our current approach may impact the RIS process would be greatly appreciated.

Kind regards,

s. 22(1)(a)(ii)

Senior Technical Officer | Regulatory Performance | s. 22(1)(a)(ii)

Live Animal Exports Branch | Plant & Live Animal Exports Division

Department of Agriculture, Fisheries and Forestry

GPO Box 858 Canberra ACT 2601

awe.gov.au

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Sent: Monday, 14 November 2022 4:32 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

Thanks very much for getting back to us, s. 47F(1)

I'll be in touch again leading up our second consultation stage, to seek your thoughts on our approach at the time.

Kind regards

s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>
Sent: Monday, 14 November 2022 5:07 PM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

OFFICIAL

Good afternoon s. 22(1)(a)(ii)

Thanks very much for providing these documents for OBPR's review. s. 47F(1) and I have discussed the documents and in order to meet the requirements to be certified in lieu of a RIS, the following will need to be considered and included in the development of the review:

- When presenting recommendations to address identified problems in stages 2 and 3, there should be a range of options considered, including at least one non-regulatory option.
- In order to meet the requirements, the final document will need to analyse the costs and benefits of each option. We suggest consultation in stage 2 should include questions to draw out expected costs and benefits from stakeholders. Stakeholders should be encouraged to provide any evidence, data or statistics of the quantitative impact various options may have on themselves, the community or other groups. Where quantification is not possible, stakeholders should be encouraged to be specific in qualitative assessments of likely impacts.

We're happy to discuss these points further if you would like.

Kind regards,

s. 47F(1) | Adviser

Office of Best Practice Regulation

Economic Division | Department of the Prime Minister and Cabinet

p. s. 47F(1) | e. s. 47F(1) pmc.gov.au | w. www.pmc.gov.au

One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) awe.gov.au>

Sent: Friday, 4 November 2022 5:17 PM

To: s. 47F(1) <s. 47F(1) pmc.gov.au>

Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>

Subject: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

Good afternoon s. 47F(1)

I hope this finds you well.

You might recall that we spoke some weeks ago about the Exporter Supply Chain Assurance System (ESCAS) Review.

As discussed, it would be good to get an indication from you about when we should engage with the OBPR as this project progresses.

On this note, please find attached:

- The ESCAS Review project plan, and
- The ESCAS Review scoping and summary document, which outlines focus areas and specific framework components we will be reviewing as part of this project.

We look forward to hearing back from you.

Thanks and have a great weekend!

Kind regards,

s. 22(1)(a)(ii)

Senior Veterinary Officer

Regulatory Performance | Live Animal Export Branch | Plant and Live Animal Exports Division

Phone: [s. 22\(1\)\(a\)\(ii\)](tel:0293893200)

Department of Agriculture, Fisheries and Forestry

18 Marcus Clarke Street, Canberra ACT 2601 Australia

GPO Box 858 Canberra ACT 2601 Australia

agriculture.gov.au

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ESCAS Review Summary and Scoping

Purpose: To review specific elements of the ESCAS framework, policies and processes to ensure ESCAS continues to be fit for purpose; to integrate improvements identified throughout its implementation; and to include, where appropriate, findings of reviews, including by the Inspector-General of Live Animal Exports (IGLAE). The review will also identify and address gaps and consolidate ESCAS policy. The outcome of the review will support consistent risk-based and proportionate regulation and provide a single documented source of truth for stakeholders and departmental staff.

Scope: The scope of the review includes specific elements of the framework, guidelines, policies, instructional material, independent auditing, and the department's assurance activities in relation to ESCAS. The *Biosecurity guideline for management of non-compliance* will also be reviewed. The key focus of the review is:

- Closing the inter-audit gap (ongoing monitoring and verification activities),
- Developing a control and traceability standard,
- Updating of the *Biosecurity guideline for management of non-compliance* to incorporate a proportionate escalating non-compliance framework which considers aggravating and mitigating factors,
- Streamlining and improving internal administrative processes, and
- Addressing the recommendations from the IGLAE review of ESCAS conducted in 2021.

Out of scope: The review will not consider expansion of ESCAS to breeders. The review will not consider the effectiveness or appropriateness of the legislative basis for ESCAS; however, opportunities for improvements to the Export Control (Animals) Rules 2021 may be identified for consideration following the review. The review will not develop a detailed quality assurance system. It will be up to exporters to ensure their ESCAS arrangements continue to meet the standards.

Related projects:

- Outcomes of the ESCAS review will feed into the performance and compliance project.

Process: The review will be conducted in three parts:

1. Current state and challenge identification

The current state of ESCAS with areas for improvement and issues for resolution will be identified through a review of:

- a. Data – including number of exporters with approved ESCAS supply chains, markets and volume of livestock that move through the system
- b. Current legislation, policies and procedures in the framework, including Export Advisory Notices relevant to ESCAS
- c. Recommendations from the IGLAE report into ESCAS (which included views from stakeholders)
- d. Outcomes of ESCAS investigations
- e. Correspondence and media from exporters and animal welfare organisations in relation to ESCAS
- f. Issues that have been identified and noted for consideration by the LAE ESCAS team
- g. Comparison with WOH standards



Engagement at stage 1 will encompass a wide range of stakeholders. It will include exporters with an existing approved ESCAS supply chain, ALEC, MLA, LiveCorp, Cattle Council of Australia, Sheep Producers Australia, the Australian Buffalo Industry Council, the Goat Industry Council of Australia, Exporter Supply Chain Assurance Operations (ESCAO) providers with an approved arrangement, and animal welfare organisations. These stakeholders will be invited to provide feedback and comment on matters they would like considered as part of the review that fall within the determined scope. Feedback will be received through the department's 'Have Your Say' platform. A stage 1 engagement plan will define the scope of engagement and articulate how the broad group of stakeholders can provide relevant, specific and actionable feedback.

2. Develop recommendations

Following stage 1, recommendations will be developed to revise relevant parts of the ESCAS framework. A refreshed model will be proposed for approval.

The recommendations will clearly articulate options for addressing the issues identified in the review and justification for recommending options.

Engagement at stage 2 will test the recommendations on a targeted range of stakeholders and may include the use of workshops and interviews. Not all groups will be engaged in the same way on all issues. In this stage of engagement, comment and feedback on the technical components will be invited and considered in finalising the revised ESCAS framework.

3. Refresh and production of new materials

Following approval of any proposed revisions to the ESCAS framework, guidelines, policies, procedures and instructions will be refreshed to ensure that the documents clearly articulate the reviewed arrangements.

Engagement at stage 3 will include public consultation with relevant stakeholders and engagement with exporters and industry groups on the readability and design of materials for industry.

Any changes arising from the review will be rolled out in 2023 (date or tranche dates to be determined). We will focus on change management and provide industry and the department with a preparation period prior to implementation.



Exporter Supply Chain Assurance System (ESCAS) Review – stage 1

Discussion paper: current state
challenge identification

December 2022



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Department of Agriculture, Fisheries and Forestry

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Acknowledgements

Thank you to Schuster Consulting Group and Angela Schuster, Managing Director at Schuster Consulting Group, for assistance in preparing this report.

Acknowledgement of Country

We acknowledge the Traditional Custodians of Australia and their continuing connection to land and sea, waters, environment and community. We pay our respects to the Traditional Custodians of the lands we live and work on, their culture, and their Elders past and present.

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Overview

The Exporter Supply Chain Assurance System (ESCAS) was introduced in 2011, following the suspension of export of feeder and slaughter cattle to Indonesia due to mistreatment of Australian cattle in some Indonesian abattoirs. ESCAS is a set of regulatory conditions placed on exporters. It requires them to have arrangements in the importing country to ensure humane treatment and handling of livestock from the time the animals arrive up to and including the point of slaughter. Australia is the only country in the world, out of over 100 livestock exporting nations, with such a regulatory system in operation. Since the implementation of ESCAS, 0.21% of exported feeder and slaughter livestock have been involved in non-compliance with ESCAS. Since 2019, the proportion of feeder and slaughter livestock involved in non-compliance has been below 0.1%.

The department has commenced a targeted review of ESCAS. This is the first review by the department of ESCAS since the framework was first implemented in 2011. The review will ensure the existing ESCAS framework remains robust, functional, and effective in ensuring that animal welfare, control and traceability outcomes continue to be met for exported feeder and slaughter livestock in importing countries, up until and including the point of slaughter.

The ESCAS Review is being conducted in a staged manner according to a specific scope (**Appendix 1: summary and scoping document**) that identifies areas of focus that can be summarised as:

- Monitoring and verification activities – for example:
 - closing the inter-audit gap and
 - ongoing monitoring and verification activities.
- Control and traceability – for example:
 - developing a control and traceability standard.
- Noncompliance management – for example:
 - Updating the *Biosecurity guideline for management of non-compliance* to incorporate a proportionate escalating noncompliance framework which considers aggravating and mitigating factors.
- Administration – for example:
 - streamlining and improving internal administrative processes.
- The ESCAS Animal Welfare Standards – for example:
 - comparison with the World Organisation for Animal Health (WOAH) Terrestrial Animal Health Code (2022) and
 - updating the Standards where relevant.

In particular, the review considers recommendations from the Inspector-General of Live Animal Exports' (IGLAE) review of ESCAS conducted in 2021. This review recognised that ESCAS has largely achieved its broad objectives and has lifted the standards and practices that Australian livestock are subjected to in importing countries. However, it identified a range of issues that need to be

addressed to ensure that all Australian livestock exported for slaughter are treated in accordance with ESCAS requirements and that ESCAS is operating as effectively and efficiently as possible.

Approach

The review is being done iteratively in 3 stages with 3 opportunities for stakeholder feedback.

For stage 1, a review of documentation was undertaken to identify challenges with the current state of ESCAS based on the areas of focus. In addition, a range of publicly available information, reports and presentations that relate to ESCAS were reviewed. This included the WOH Code, compliance reports and research and development project reports.

Challenges identified through this desktop review have been documented in this paper and represent components of ESCAS that may be considered through the review process and in forming recommendations for changes to ESCAS. The challenges identified do not indicate that the situation is occurring but rather there is a risk of occurrence. Further, the challenges do not pre-empt an outcome or propose solutions; rather, this discussion paper presents an opportunity to identify possible challenges and gather feedback from stakeholders on possible constructive solutions.

The list of documented challenges is not exhaustive and further challenges may be identified as the review progresses, in particular as a result of stakeholder feedback.

It is recognised that processes and procedures for approaching ESCAS administration and compliance have evolved over time and have been documented to various degrees. Therefore, some challenges identified may have been resolved through agreed norms or procedures but documentation of these may not be evident. All procedures and processes for approaching ESCAS administration and compliance will be documented at the conclusion of this review.

Stakeholder feedback – stage 1

Stakeholders have an opportunity to provide constructive feedback on the challenges identified in stage 1, noting the scope of the project (**Appendix 1: summary and scoping document**).

The timeframe for submission of feedback is from 10 January to 21 February 2023.

For each challenge, stakeholders should indicate whether they agree that the challenge exists, disagree if they believe it does not, or agree if the challenge exists but with clarification or amendments. Such clarification or amendments should then be provided. If stakeholders do not believe the challenges exists, they should provide a rationale as to why this is the case. Stakeholders are also asked to provide their views on possible solutions to the challenges they agree exist.

There is also an opportunity for stakeholders to submit further challenges, along with references or evidence to support the submission as well as possible solutions.

Information provided in the format and timeframe specified will be considered and the challenges finalised. The finalised challenges from stage 1 will inform recommendations that will be the subject of further stakeholder consultation (stage 2).

Stage 2 will commence once feedback from stage 1 has been considered.

Current state challenge identification

The following sections contain the identified challenges in the current state of ESCAS.

1 Monitoring and verification activities

1.1 Requirements for audit company accreditation and auditor rotation

The criteria that audit companies must be accredited against is not identified in Export Advisory Notice (EAN) 2015-06.

The most commonly provided example of an international standard exporters should ensure audit companies are accredited against is ISO/IEC 17021. This is not appropriately specified in the documentation and may not be the optimal ISO standard for auditing the complex system, processes and outcomes related to animal welfare, traceability and control.

For example, auditing based on ISO/IEC 17021 will focus on the intent only, typically through an assessment of documentation, whereas ISO/IEC 17065 will consider the intent, the method and the result, and considers much more than documentation (such as observations, sampling etc.).

There is currently no standard departmental process to regularly verify and monitor the accreditation and performance of audit companies and their auditors who are engaged by exporters to conduct ESCAS audits.

Further, it is preferable to rotate auditors so that they only conduct a certain number of consecutive audits, to reduce familiarity and potential lack of observance. This limitation on consecutive auditing is not addressed under ESCAS.

These challenges pose risks, particularly when combined with the model under ESCAS for direct engagement of auditors by exporters. These risks may include:

- the use of unsuitably accredited audit companies
- a potential conflict of interest where repeat engagement fosters familiarity and creates an environment where auditors become less observant
- auditors may be compelled to offer lower audit fees and less rigorous audits in competition with other providers to generate business
- alternative audit findings may be sought from competitive audit companies in instances where unsatisfactory results are reported
- noncompliance may go undetected or unresolved.

1.2 Specific standard/s for auditor competency to conduct ESCAS audits

There are currently no specific standard/s for auditor competency to conduct ESCAS audits. Auditor competency relates to the skills and experience required to effectively audit animal welfare, traceability and control outcomes.

An international standard for auditor competency and scope for the ESCAS audit is not formally defined. This could result in auditor competency and approach to auditing not being suitable to arrangements relating to live animals, traceability, control and processes. For example, the competency and/or approach to auditing management systems differs from that needed to effectively conduct an observational audit of animal handling and welfare outcomes and to undertake track and trace activities.

1.3 Interpretation of requirements by auditors

Requirements under ESCAS are not always well articulated, creating potential for ambiguity and misinterpretation in some instances. Ambiguity in requirements can result in variation between auditors in their approach to ESCAS auditing. Further, without clear requirements and guidance, auditors may take their direction from on-site personnel who may be equally unclear in relation to requirements.

This may result in inconsistent monitoring and verification activities as well as outcomes.

1.4 Audit sharing and allocation of noncompliance responsibility

Exporters may collaborate in the auditing of facilities to reduce audit duplication.

Demonstrating if a noncompliance identified during an audit is unique to a supply chain or a single exporter may be a challenge, as well as identifying who is responsible for correcting a noncompliance if it is identified during a shared audit.

1.5 Sample sizes for audits

Sample sizes for minimum number of animals to be observed in feedlots during an audit are unclear.

1.6 Inter-audit gap

There is a risk that a facility's compliance on the day of audit might not reflect their compliance during the period between audits (inter-audit gap). For example, on the day of the audit animals may not be observed to slip, but there is no mechanism to verify this does not happen at other times.

Mechanisms do not exist under ESCAS to effectively provide assurances that facilities remain consistently compliant during the inter-audit gap.

1.7 Use of other surveillance methods

The primary method of determining compliance is through an audit based on a frequency set by a risk rating.

ESCAS audit requirements do not currently incorporate the utilisation of other surveillance methods, and different timeframes are commonly used in other audited systems such as desktop audits, random audits, unannounced audits, audits of varying scope and frequency and targeted audits.

2 Control and traceability

2.1 Overall standard or detailed requirements

No overall standard with detailed requirements for control and traceability exists under ESCAS as it does for animal welfare. A market-specific standard for Vietnam was released in 2015.

Despite this, several control and traceability stipulations appear across various Exporter Advisory Notices (EANs) and in guidance materials.

Under ESCAS, declarations are made that control and traceability arrangements are in place. The declarations must be supported by evidence of ongoing conduct and compliance with these arrangements throughout the supply chain; however, without specific requirements, there is nothing to consistently review and verify the evidence against.

The lack of specific requirements has resulted in variability in interpretation, application and enforcement.

2.2 Expectation of 100% compliance

The expectation of no acceptable level of leakage means there must be 100% compliance. The practicality of tracing animals means there are genuine failures with technology as well as human error, making 100% compliance an unachievable standard.

2.3 Use of indicator events

ESCAS does not require the monitoring and analysis of information that may indicate a possible leak or issue with traceability, for example feedlot over capacity, journey times longer than expected, or unusually high deaths, losses, transfer to breeding livestock or replacement NLIS tags.

2.4 Critical control points for traceability

ESCAS does not clearly articulate requirements for critical control points where traceability issues may occur to be monitored. For example in some cases livestock may be scanned out of a facility but not in, or vice versa, or traceability equipment may not be present when needed.

This creates a risk where, for a period of time, an animal may be in one facility on paper but is actually in transit, in another facility, or deceased. For example, there may be a delay between scanning out of a feedlot and confirmation of death.

2.5 Timely provision of data

The concept of traceability under ESCAS infers being able to trace animals at all times, rather than typical traceability approaches which relate to being able to trace animals within a timeframe.

Timeframes for when information is provided to an exporter by their supply chain partners are highly variable.

As a result, issues relating to the control and tracing of livestock may not be immediately identified, nor able to be actioned due to the length of time taken to obtain and assess data.

This may also impact on the ability of exporters to respond to investigations by the department in a timely manner.

2.6 Variability in approaches

2.6.1 Varying systems and sophistication

The systems, technology and human resources used for control and traceability may vary between supply chains. There may be varying degrees of sophistication between these systems, with some being highly automated and others being manual.

Data exchange is often manual, basic and involves the transfer of data in a format which may pose a risk of tampering, inaccuracies and human error. This is compounded if data is transferred using a method such as email.

2.6.2 Varying oversight and verification

There may be variation in the levels of oversight, verification and reconciliation that individual exporters perform on their own or using third-party control and traceability systems, as relevant requirements are not clearly articulated under the current ESCAS framework.

The types of activities may range from no verification to internal quality assurance processes such as internal audits, human resources in-market, use of imagery etc.

2.6.3 Varying data custodianship

There may be varying approaches to data custodianship, for example in some cases importers rather than exporters are the primary custodians of traceability data for facilities in the supply chain.

2.7 Methods to verify traceability

2.7.1 Use of imagery

Where relevant, the use of imagery to verify traceability, in particular at the point of slaughter, may present a series of challenges related to:

- image quality
- timeliness
- framing and focus
- GPS referencing
- location verification
- metadata

2.7.2 Use of visual recording and fixed radio frequency identification (RFID) scanning

Where relevant, the use of visual recording (such as CCTV) combined with fixed tag scanning points to verify traceability activities can be hindered by connectivity challenges, cost and possible legal issues associated with surveillance and data localisation in the different export markets.

2.7.3 Transfer and storage of evidence

Where relevant, the use of imagery (including GPS information that may be associated with such imagery and visual recordings) to verify compliance under ESCAS could potentially be diminished if the transfer of data occurs through unsecured channels that may be at risk of tampering, or are not adequately protected from improper access.

In addition, storage of such evidence in a format and timeframe that allows for auditing and investigations requires consideration.

2.7.4 Reliance on technology

There may be a risk that technology is considered the single solution to traceability. Effective traceability has been stated to be “multifaceted and relies on a balanced combination of on-ground resourcing to verify events, an effective management system and readily and rapidly accessible data. Where any one of these factors is diminished, so too is the reliability of the process, thereby increasing the risk of noncompliance.” (MLA/LiveCorp 2021).

2.7.5 Availability of traceability data

There is a potential risk that traceability data may not be made available to those who undertake verification activities, for example to auditors by importers, facilities or third-party system providers.

2.8 Accuracy of traceability data

2.8.1 Accuracy of counting livestock

Counting of livestock, regardless of individual identification, may be subject to human error.

2.8.2 Technology as the ‘solution’ to accurate sheep and goat counting

There is a commitment for a national implementation of electronic identification (EID) for sheep and goats which presents an opportunity for the use of EID for sheep and goats rather than mob-based recording.

NLIS does have issues, such as non-reading ear tags, duplicate RFID numbers, missing tags etc. Further, there are occurrences where livestock (even those individually identified) have been mixed or one supplier’s livestock have been reported as another supplier’s livestock, impacting the reliability of the data. These issues demonstrate that the system is not faultless and a lack of adequate controls in place (like protocol for tag replacement), can result in counting inaccuracies.

2.9 Third-party traceability providers

In some cases, third parties relied upon by exporters to undertake traceability services may also be responsible for monitoring the traceability system, creating a potential conflict of interest.

Further, there is a potential risk that third-party traceability system providers may be hesitant to report leakage to their clients as it may be perceived to detract from their service.

2.10 Attribution of noncompliance

Where supply chain entities are approved in multiple supply chains, it can be difficult to attribute a noncompliance to a specific exporter. In such cases, a noncompliance may be attributed to all exporters that use that supply chain entity, which may act as a disincentive to improve compliance.

2.11 Proportionate noncompliance

The lack of tolerance of leakage may result in a noncompliance being applied that may be disproportionate to the number of livestock involved. For example the leakage of one animal may result in the same noncompliance category or regulatory action as if a much larger number of animals leaked.

3 Noncompliance management

3.1 Framework for noncompliance

3.1.1 Noncompliance categorisation

The noncompliance categorisation in the *Biosecurity guidelines for management of non-compliance* is not exhaustive and may be difficult to interpret and implement.

There does not appear to be consideration given to the impact of the noncompliance in combination with the prevalence of the noncompliance in the categorisation.

3.1.2 Consideration of noncompliance

In the *Biosecurity guidelines for management of non-compliance*, it is not clear if a distinction is made between a noncompliance identified:

- during an audit
- through self-reporting
- through a third-party report

and how these are treated, managed, closed out or escalated.

3.1.3 Consideration of cumulative noncompliance

The severity of an individual noncompliance appears to be considered in isolation from other factors.

A track record of noncompliance, especially repeated noncompliance against the same requirements, does not appear to result in proportionate escalation in subsequent regulatory responses. This approach risks not correcting underlying or systemic causes of noncompliance and limits the department's ability to take appropriate regulatory action in proportion to exporter performance history.

3.1.4 Escalation pathway for noncompliance

The existing *Biosecurity guidelines for management of non-compliance*:

- appears to lack clarity and granularity in relation to how noncompliances:
 - may be escalated through categories
 - relate to the application of compliance measures and regulatory action
 - are affected by mitigating and aggravating factors
- may not reflect the full range of powers available under the *Export Control Act 2020* and the terminology is confused with terms used interchangeably
- may not consider broader compliance measures that could be applied, for example requiring greater oversight of the facility while animals are on site, use of internal monitoring and reporting and visual recording.

3.2 Corrective action and timeframes for correction

When a noncompliance is identified, there could be more clarity around actions required to rectify the noncompliance, the evidence that will satisfy the department that the action has been

completed, the timeframe in which such correction must occur and a mechanism for the department to formally close out the noncompliance and advise the noncomplying party in a timely manner.

3.3 Process for managing allegations of noncompliances

When allegations of noncompliance are made outside of an audit (for example through third-party reporting), a staged investigative approach is taken by the department.

The staged approach, as well as any regulatory action that may be applied to mitigate the risk of further noncompliance while an allegation is being investigated, may not be documented appropriately in the *Biosecurity guidelines for management of non-compliance*.

3.4 Utilisation of auditors in noncompliance management

ESCAS may not currently be consistent with the generally accepted methods of auditing and compliance verification to which auditors are accustomed.

Typically, in audits other than for ESCAS, auditors identify and raise noncompliances against specific requirements and assign a category for severity (like minor, major or critical).

Auditors are then responsible for checking that corrective action has been undertaken and that such action is sufficient to rectify the root cause of the noncompliance. Once satisfied, the auditors then close the noncompliance.

The approach to noncompliance under ESCAS requires the department's involvement in all levels of noncompliance categorisation and management, which under-utilises auditors and potentially over-burdens the department resources internally. This also impacts continual improvement by removing the mechanism through which auditors would normally oversee and verify positive change.

3.5 Effective framework for analysing noncompliances

ESCAS appears to lack an effective, continuous reporting framework that would allow the department to record and analyse data relating to noncompliance and observations to identify compliance trends, accurately report compliance outcomes, moderate surveillance activities and analyse the performance of an exporter over time or of a market.

3.6 Incentives for performing higher than a minimum standard

ESCAS is currently based on a minimum standard with no mechanism to encourage and incentivise performance above the minimum, for example through reducing surveillance activities and type for exporters demonstrating a good compliance history.

3.7 Consideration of risk factors in risk rating

The existing method for determining a facility or supply chain's risk rating considers minimal criteria (like previous noncompliance, time approved, slaughter lines) and does not consider the full breadth of risks and control mechanisms that impact compliance outcomes.

3.8 Timeframe for compliance information exchange

The current timeframe for submitting audit reports is one month after the audit.

This may present a risk that noncompliance identified during an audit is not reported to the department for up to a month. It is acknowledged that there is a standard condition in all ESCAS instruments requiring exporters to notify the department in writing as soon as practicable and within 5 days of becoming aware of an incident. However, the timeframe between auditing and provision of the audit report to an exporter is not articulated under ESCAS, meaning exporters may not be aware of noncompliance identified at audit within their own supply chains in a reasonable timeframe.

4 Administration

4.1 Facility risk ratings

Risk ratings for facilities are calculated based on a range of variables including date of approval. Typically, a facility will remain approved in at least one supply chain; however, the approval date reflects when a facility was first approved in any supply chain and does not account for any following time spent unapproved.

This results in facilities potentially being re-added to a supply chain and automatically assigned a low risk rating despite not being audited recently.

4.1.1 Naming conventions and premises identification

In some instances, it can be difficult for the department to accurately verify the identity of facilities, particularly those that may be used in multiple supply chains.

This could lead to duplication of facilities in department records, or some facilities not being removed from supply chains in response to non-compliance.

4.2 Consolidation of ESCAS requirements

ESCAS is based on the 4 principles of animal welfare, control, traceability and independent auditing. Animal welfare requirements under ESCAS are contained in the ESCAS Animal Welfare Standards, which are in place to ensure that animal handling and slaughter processes meet the relevant WOAHP animal welfare standards.

Understanding all of the requirements and rules related to ESCAS requires access to, and familiarity with, numerous individual documents found in different locations. For example EANs, auditor materials and additional requirements for some countries, and so on.

This potentially makes it difficult to consistently interpret and apply ESCAS requirements.

4.3 Mechanism for continual improvement in ESCAS

Changes to the WOAHP recommendations, changes in markets, improvements in handling techniques and equipment, updated scientific research into animal welfare, and changes in traceability technology mean the ESCAS framework and approaches to demonstrating compliance with it should evolve over time.

Standards are typically considered 'living documents' and should be subject to regular review. There is currently no inbuilt mechanism within ESCAS for the regular review of all requirements and an ongoing appraisal of its fitness for purpose.

5 ESCAS Animal Welfare Standards

5.1 Consistency of ESCAS Animal Welfare (AW) Standards with WOAH recommendations

5.1.1 Use of goads

WOAH Article 7.5.2 requires that electric goads be used only in extreme cases.

ESCAS AW Standard 2 does not identify the routine use of electric goads as inappropriate use.

5.1.2 Facility design

WOAH Article 7.5.3 contains specific recommendations for facility design.

The ESCAS AW Standards do not address design elements relating to passageways and races including stopping animals from turning around, waiting pens and adequate ventilation.

5.1.3 Tethering

WOAH Article 7.5.4 provides that animals that are tied should be able to stand up and lie down.

The ESCAS AW Standards do not address tethering and tying of animals.

5.1.4 Protection

WOAH Article 7.5.4 provides that livestock should be kept securely and protected from predators.

The ESCAS AW Standards do not address the security and predator protection recommendation noting that security of animals is inferred, as escaped animals are considered a noncompliance.

5.1.5 Foetus management

WOAH Article 7.5.5 requires the euthanasia of a foetus that shows signs of consciousness to avoid suffering.

The ESCAS AW Standards do not permit foetal rescue; however, they do not address foetal euthanasia where a foetus shows signs of consciousness.

5.1.6 Back-up stunning device

WOAH Article 7.5.7 specifies the availability of a back-up stunning device for immediate use if the primary method of stunning fails.

ESCAS AW Standard 17 requires a “back-up stunning procedure” which can be interpreted to mean:

- reusing the original stunning method
- having a back-up device
- stopping the operation until the issue is resolved
- in circumstances where a facility is approved for non-stun slaughter, animals may be slaughtered in this manner until the issue is resolved.

5.1.7 Consolidation of list of unacceptable practices

While the list of unacceptable practices and inappropriate handling under ESCAS AW Standard 2, 4 and 15 aligns to aspects of WOAHA recommendations, it does not list all practices identified throughout the relevant parts of the WOAHA Code (for example Chapter 7.1, 7.3 and 7.5) that are unacceptable. It also does not reflect practices that industry has had to clarify as being unacceptable over time.

For example:

- mechanical clamping of the legs or feet of the animals as the sole method of restraint
- forcing water into an animal's stomach by placing a hose down the throat
- forcing water into an animal's mouth or up its nose in an attempt to make it stand or move.

Further, these types of inappropriate or unacceptable practices are distributed throughout the Standards but are relevant across the Standards. This spread may result in the misinterpretation that such practices are only unacceptable in relation to a particular activity.

5.1.8 Specification of competencies

WOAHA Article 7.5.1 includes recommendations that relate to number of personnel, competence and familiarity with requirements.

There are some references to personnel competencies in the ESCAS AW Standards; however, there are other critical control points the Standards address where competent personnel are essential to ensure an appropriate outcome, for example stunning and slaughter. It is noted that Standard 29 includes requirements related to Standard Operating Procedures (SOPs); however, it does not clearly address the level of competency needed to work in accordance with a SOP at all times.

5.2 Differentiating between signs of unconsciousness and signs of death

There may be ambiguity around signs of unconsciousness and signs of death in the ESCAS AW Standards as well as when each applies (for example stunned vs non-stunned slaughter).

There is also a lack of clearly defined checks for when animals may be transitioning back to consciousness during stunning and slaughter procedures, as well as appropriate courses of action that should be taken in these situations.

5.3 Method for throat cut

There may be ambiguity around how to interpret ESCAS AW Standard 22 in relation to appropriate throat cutting technique. For example:

- sawing motion vs single stroke of the knife
- use of a second cut in the event of pseudoaneurysms/false aneurysms.

5.4 Requirements for landing sites or physical transportation

It is not clear how landing sites that animals transit through, such as ports (air or sea) or physical transportation from the point of disembarkation to a facility and between facilities, is managed on an ongoing basis.

There is currently no mechanism referenced to verify the ongoing compliance or suitability in these situations.

There are accepted norms that have developed for how this is managed but they are not reflected in the documentation.

5.5 Specificity in the Standards

WOAH recommendations are currently referenced rather than specified in the ESCAS AW Standard, which may mean that facilities and auditors have to access different sources of information to understand the complete requirements. There are also inferences and historical norms that exist that are not well documented.

5.6 Consistency of structure and nomenclature of requirements under ESCAS with best practice standards design

The ESCAS AW Standards include a “Standard” along with “Evidence of compliance” and “Guidance” for each Standard. There is also the “Animal Welfare Performance Targets and Measurements” in the audit report which includes outcomes, performance checklists and measures and targets. In some cases, a “Standard” under ESCAS includes one or 2 requirements.

The use of the term “Standard” under ESCAS may be misleading. A Standard is a documented collection of requirements and auditors expect requirements to be well articulated in a Standard. Requirements themselves are generally singular in nature, with each requirement specified separately.

Auditors may be inclined to use the Animal Welfare Performance Targets and Measurements in the audit report which reflect the Evidence of compliance and Guidance as requirements for auditing; however, facilities interpret the Standards to be the requirements.

These issues with documentation structure and nomenclature create a disconnect between what auditors perceive to be requirements and what facilities perceive to be requirements, which may lead to confusion and inconsistent interpretation, implementation and evaluation. It also creates further challenges when assigning noncompliances.

5.7 Interpretation of Standard 29

Standard 29 requires “each facility in the ESCAS supply chain must have Standard Operating Procedures (SOPs) that outline the appropriate procedures for each element of handling and slaughter of livestock, consistent with the ESCAS animal welfare standards.”

This requirement is open to interpretation particularly in relation to the use of the word “appropriate”. What is appropriate will vary from person to person, facility to facility, and supply chain to supply chain.

Often in compliance programs, procedures are required to be in place at critical control points and these points and procedures are identified clearly in the requirements.

5.8 Requirement to keep records of outcomes of processes

There is no encompassing requirement in ESCAS for facilities to maintain records of outcomes of processes, for example records showing that on a day-to-day basis, the limits under ESCAS are not exceeded for slips, falls, vocalisations and restraint-to-slaughter time intervals.

These records would be useful should, during audit, auditors observe that limits were exceeded; however, the facility could provide evidence to demonstrate that historically they were operating within ESCAS parameters.

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7 Appendix 1: summary and scoping document

7.1 Purpose

To review specific elements of the ESCAS framework, policies and processes to ensure ESCAS continues to be fit for purpose; to integrate improvements identified throughout its implementation; and to include, where appropriate, findings of reviews, including by the Inspector-General of Live Animal Exports (IGLAE). The review will also identify and address gaps and consolidate ESCAS policy. The outcome of the review will support consistent risk-based and proportionate regulation and provide a single documented source of truth for stakeholders and departmental staff.

7.2 Scope

The scope of the review includes specific elements of the framework, guidelines, policies, instructional material, independent auditing, and the department's assurance activities in relation to ESCAS. The *Biosecurity guideline for management of non-compliance* will also be reviewed. The key focus of the review is:

- Closing the inter-audit gap (ongoing monitoring and verification activities)
- Developing a control and traceability standard
- Updating of the *Biosecurity guideline for management of non-compliance* to incorporate a proportionate escalating non-compliance framework which considers aggravating and mitigating factors
- Streamlining and improving internal administrative processes
- Addressing the recommendations from the IGLAE review of ESCAS conducted in 2021.

7.3 Out of scope

The review will not consider expansion of ESCAS to breeders. The review will not consider the effectiveness or appropriateness of the legislative basis for ESCAS; however, opportunities for improvements to the Export Control (Animals) Rules 2021 may be identified for consideration following the review. The review will not develop a detailed quality assurance system. It will be up to exporters to ensure their ESCAS arrangements continue to meet the standards.

7.4 Related projects

Outcomes of the ESCAS review will feed into the performance and compliance project.

7.5 Process

7.5.1 Current state and challenge identification

The current state of ESCAS with areas for improvement and issues for resolution will be identified through a review of:

- 1) Data – including number of exporters with approved ESCAS supply chains, markets and volume of livestock that move through the system
- 2) Current legislation, policies and procedures in the framework, including Export Advisory Notices relevant to ESCAS
- 3) Recommendations from the IGLAE report into ESCAS (which included views from stakeholders)
- 4) Outcomes of ESCAS investigations
- 5) Correspondence and media from exporters and animal welfare organisations in relation to ESCAS
- 6) Issues that have been identified and noted for consideration by the LAE ESCAS team
- 7) Comparison with WOH standards

Engagement at stage 1 will encompass a wide range of stakeholders. It will include exporters with an existing approved ESCAS supply chain, ALEC, MLA, LiveCorp, Cattle Council of Australia, Sheep Producers Australia, the Australian Buffalo Industry Council, the Goat Industry Council of Australia, Exporter Supply Chain Assurance Operations (ESCAO) providers with an approved arrangement, and animal welfare organisations. These stakeholders will be invited to provide feedback and comment on matters they would like considered as part of the review that fall within the determined scope. Feedback will be received through the department's 'Have Your Say' platform. A stage 1 engagement plan will define the scope of engagement and articulate how the broad group of stakeholders can provide relevant, specific and actionable feedback.

7.5.2 Develop recommendations

Following stage 1, recommendations will be developed to revise relevant parts of the ESCAS framework. A refreshed model will be proposed for approval.

The recommendations will clearly articulate options for addressing the issues identified in the review and justification for recommending options.

Engagement at stage 2 will test the recommendations on a targeted range of stakeholders and may include the use of workshops and interviews. Not all groups will be engaged in the same way on all issues. In this stage of engagement, comment and feedback on the technical components will be invited and considered in finalising the revised ESCAS framework.

7.5.3 Refresh and production of new materials

Following approval of any proposed revisions to the ESCAS framework, guidelines, policies, procedures and instructions will be refreshed to ensure that the documents clearly articulate the reviewed arrangements.

Engagement at stage 3 will include public consultation with relevant stakeholders and engagement with exporters and industry groups on the readability and design of materials for industry.

Any changes arising from the review will be rolled out in 2023 (date or tranche dates to be determined). We will focus on change management and provide industry and the department with a preparation period prior to implementation.

s. 22(1)(a)(ii)

From: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Sent: Thursday, 2 March 2023 3:43 PM
To: s. 22(1)(a)(ii)
Cc: s. 22(1)(a)(ii) s. 47F(1) s. 47F(1)
Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 22(1)(a)(ii)

Thanks for the email on 27 February, the discussion paper and for the discussion on the phone today.

It is not clear at this stage whether the changes proposed are likely to result in 'more than a minor' regulatory impact. This is partly because the ESCAS framework is fundamentally remaining intact and many of the changes proposed would appear incremental or of a programmatic nature. I note your advice that some industry participants are claiming that the changes might have a significant impact on their commercial viability.

I therefore agree with your proposal that we hold our assessment at this stage and assess the significance of the ESCAS reforms as Stage 2 progresses (about April/May 2023). This will give you an opportunity to assess the claims of those industry participants.

If we determine that the proposal is more than minor, an Impact Analysis will need to be required to be prepared for Stage 3 to inform the decision, consistent with Government requirements.

We look forward to further discussions at this time. In the interim, feel free to contact me (or s. 47F^{s. 47F(1)}) to discuss any other issues that might assist with your consultation and policy development process.

regards

s. 47F(1) | Advisor
Office of Impact Analysis | Economic Division
Department of the Prime Minister and Cabinet
p. s. 47F(1) s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@aff.gov.au>
Sent: Monday, 27 February 2023 11:01 PM
To: s. 47F(1) <s. 47F(1)@pmc.gov.au>
Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@aff.gov.au>
Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Dear s. 47F(1)

Thank you for taking the time to chat about the ESCAS Review this morning, and apologies for missing your call on Friday.

Allow me to introduce s. 22(1)(a)(ii) (copied) who is working with me on this project.

As discussed, here is some relevant background on:

The Exporter Supply Chain Assurance System (ESCAS)

- ESCAS is a regulatory framework that seeks to ensure animal welfare, control and traceability outcomes for feeder and slaughter livestock from the point of arrival in importing countries up until and including the point of slaughter.
- Livestock exporters are the regulated entities under ESCAS. They are responsible for establishing and managing arrangements with supply chain partners (i.e. importers, feedlots and abattoirs) in importing countries to ensure that ESCAS requirements are met.
- ESCAS was developed in 2011 in response to public outrage following the release of footage on *Four Corners* depicting poor animal handling and slaughter practices at Indonesian abattoirs, and progressively rolled out to all countries importing Australian feeder and slaughter livestock during 2012.
 - Currently there are around 90 approved ESCAS supply chains across 17 countries.
- ESCAS has since been largely effective in delivering against its intended outcomes.
- Alleged ESCAS non-compliances are investigated by the department and regulatory action taken as indicated and as soon as practically possible.
 - Since 2013, less than 0.20% of exported livestock covered by ESCAS have been involved with confirmed ESCAS non-compliances.
 - Reports of alleged ESCAS non-compliance are received from exporters (self-reports – 55%), third-parties (animal welfare organisations or private citizens in importing countries – 35%), industry groups, included in independent audit reports submitted by exporters or identified by the department.

The ESCAS Review

- The department is reviewing components of the ESCAS framework to ensure that it remains fit-for-purpose and supports consistent, risk-based regulation.
- The review is being conducted in 3 stages, with stakeholder engagement at the end of each stage. A **Summary and scoping document** setting out focus areas for the project, work at each stage, our stakeholder engagement approach and key review outcomes is attached for your reference.
- Key outcomes of this review include the production of a consolidated, single source reference of ESCAS for departmental staff and stakeholders, and to follow-through with the department's commitment to address recommendations in the [Inspector-General Review of ESCAS \(2021\)](#).
- We have just concluded stage 1 of the review, including associated stakeholder engagement. This stage was a gap analysis, with possible areas for improvement to the current ESCAS framework identified as 'challenges'.
 - Targeted stakeholder groups (i.e., livestock exporters and their peak industry bodies, industry groups and animal welfare organisations) were invited to provide constructive feedback on, and propose practical solutions to these specific technical challenges. There was also the opportunity to present challenges that they felt had not been identified.
 - This consultation stage was launched as a survey on the *Have Your Say* platform on 10 January and closed on 21 February 2023.
 - The attached **Discussion Paper** sets out identified challenges and is the exhaustive basis on which the *Have Your Say* survey was built.
- We are now in stage 2 of the ESCAS Review, and are reviewing and analysing submissions from our recent consultation stage.
 - The aim of this stage is to use feedback from the first consultation stage to inform recommendations for improvements to ESCAS.
 - These recommendations will be tested with livestock exporters at the stage 2 stakeholder consultation phase.
- Then, stage 3 of the project will follow, where recommendations are used to review and update ESCAS policies, with the final output being a consolidated document on all aspects of the framework.
 - The plan is to consult publicly at this stage of the review.

Interactions with OIA to date

- We met with the OIA (^{s. 47F(1)} and ^{s. 47F(1)}) and a industry peak body representative last year, following finalisation of the first version of our **Summary and scoping document** and prior to the commencement of the review, to discuss views on stakeholder engagement and whether the review can be conducted in a manner consistent with a RIS-like process, so that a full RIS might not be required at its conclusion and prior to implementation.
 - A focus of this meeting was to discuss strong exporter concerns about the department engaging with animal welfare organisations during the review process. Additionally, industry remains opined that animal welfare organisations, being opposed to the livestock export trade and not being directly affected by regulatory decisions, might distort/bias engagement results, and therefore should not be considered key stakeholders for the purpose of engagement.
 - We disagree and consider wide engagement necessary to capture the myriad and nuanced views on livestock exports – a highly scrutinised industry that continues to polarise. It is important that our process and decisions reflect regulatory best practice and considers contemporary social views on the subject. Animal welfare organisations are a key stakeholder, reflected in their interest in the trade and continued role in reporting alleged ESCAS breaches.
- To date, feedback has been positive and we committed to keep the OIA informed as we progress, to ensure our processes continued to be consistent with a RIS-like process (see email exchange with ^{s. 47F(1)} below).

To recap our conversation

- I understand that to your knowledge, no formal assessment of our project and approach has been conducted by the OIA and this will need to happen for any definitive advice on whether our approach constitutes a RIS-like process or equivalent.
 - Pending your review and assessment, the *Inspector-General Review of ESCAS (2021)* might qualify as a RIS-like process equivalent. The basis for this is the extensive consultation that was undertaken as part of the review, and that a primary focus of the ESCAS Review is to address its recommendations. If this is a possibility, the decision needs to be endorsed at a Deputy Secretary level.
 - Integral to an impact analysis is a determination of the magnitude of change and the affected stakeholders. This may be qualitative and subjective, but must be defensible.
 - s. 47E(d)
-
- Given that the magnitude of changes will depend on recommendations made as a result of feedback currently being analysed, it might be difficult to determine this until stage 3 of the review (when the outcome of the review is being drafted). However, any assessment on the impacts on industry would be useful.

As discussed, I'd be very grateful for your advice on:

- Anything we need to consider/reconsider about our approach so that our process is consistent with a RIS-like process.
- If you think we might be able to rely on the *Inspector-General Review of ESCAS (2021)* as a RIS-like equivalent.
- If we should be incorporating into our engagement strategy, a request for industry to quantify the impact of proposed changes to them/the trade, particularly where best practice regulation might be resisted on the basis of burden.

I realise this is a lot of information, but I hope it makes sense and trust that it informs you sufficiently to be able to offer the advice we are seeking.

Please let me know if I have missed or misinterpreted anything, and if you have any questions.

I look forward to further discussions.

Kind regards,

s. 22(1)(a)(ii)

Senior Veterinary Officer

Regulatory Performance | Live Animal Export Branch | Plant and Live Animal Exports Division

Phone: s. 22(1)(a)(ii)

Department of Agriculture, Fisheries and Forestry

GPO Box 858 Canberra ACT 2601 Australia

aff.gov.au

From: s. 47F(1) <s. 47F(1) pmc.gov.au>
Sent: Friday, 24 February 2023 4:02 PM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Hi ^{s. 22(1)(a)(ii)}

I left a message for you but I'm not sure if my landline is working so here is my mobile number below. If you could contact me, that would be great.

Regards

s. 47F(1) | Advisor

Office of Impact Analysis | Economic Division

Department of the Prime Minister and Cabinet

p. s. 47F(1) s. 47F(1)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>
Sent: Thursday, 23 February 2023 6:32 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Subject: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Can you get in touch with ^{s. 22(1)(a)(ii)} and let her know you're the new lead on this pls?

We will need to give them some advice about how to meet the independent review requirements (noting this commenced under the former arrangements)

s. 47F(1)

s. 47F(1) Senior Adviser

Office of Impact Analysis

p. s. 47F(1) | m. s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Sent: Thursday, 23 February 2023 6:26 PM

To: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>

Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Good afternoon s. 47F(1)

I hope 2023 has started off well for you and your team.

I am reaching out with a status update on the ESCAS Review.

We recently concluded the first of 3 stakeholder consultation stages, which was launched as a survey on the *Have Your Say* platform from 10 January to 21 February 2023. Targeted stakeholders were invited to provide constructive feedback on specific technical challenges to the ESCAS framework. Survey questions are reflected in the Discussion paper, attached for your interest. We are now collating and analysing feedback received and will use it to inform recommendations for improvements to ESCAS in stage 2 of this project.

We would greatly appreciate your advice/confirmation that our processes remain aligned with a RIS-like process, and if there are any relevant considerations from your perspective, on how feedback is handled and analysed, noting that some submissions have been marked as confidential.

Happy to meet to discuss if easier.

Kind regards,

s. 22(1)(a)(ii)

Senior Veterinary Officer

Regulatory Performance | Live Animal Export Branch | Plant and Live Animal Exports Division

Phone: s. 22(1)(a)(ii)

Department of Agriculture, Fisheries and Forestry

GPO Box 858 Canberra ACT 2601 Australia

aff.gov.au

From: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Sent: Wednesday, 7 December 2022 12:30 PM
To: [s. 22\(1\)\(a\)\(ii\)](#) <[s. 22\(1\)\(a\)\(ii\)](#) aff.gov.au>
Cc: [s. 22\(1\)\(a\)\(ii\)](#) <[s. 22\(1\)\(a\)\(ii\)](#) aff.gov.au>; [s. 47F\(1\)](#) <[s. 47F\(1\)](#) pmc.gov.au>
Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Good afternoon [s. 22\(1\)\(a\)\(ii\)](#)

Thanks very much for sending this through, and apologies for the delay in my response. I've reviewed the summary and scoping document and have no major concerns. It's good to hear that consultation will be expanded. Seeking quantitative evidence of how proposed solutions will impact various stakeholder groups will assist in providing a more detailed outline of the anticipated costs and benefits.

I am happy to talk through the changes to the Impact Analysis framework once they are settled and am keen to ensure OIA supports you through this impact analysis process.

Kind regards,

[s. 47F\(1\)](#) (she/her) | Adviser
Office of Impact Analysis
Department of the Prime Minister and Cabinet
p. [s. 47F\(1\)](#)

From: [s. 22\(1\)\(a\)\(ii\)](#) <[s. 22\(1\)\(a\)\(ii\)](#) awe.gov.au>
Sent: Monday, 28 November 2022 6:52 PM
To: [s. 47F\(1\)](#) <[s. 47F\(1\)](#) pmc.gov.au>
Cc: [s. 47F\(1\)](#) <[s. 47F\(1\)](#) pmc.gov.au>; [s. 22\(1\)\(a\)\(ii\)](#) <[s. 22\(1\)\(a\)\(ii\)](#) agriculture.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

Hi [s. 47F\(1\)](#)

I'm just reaching out from our team with an update on the ESCAS Review and upcoming stakeholder consultation, to keep you in the loop.

We have released a revised summary and scoping document (attached), to reflect our updated approach to stakeholder engagement. We intend to include a wider group of stakeholders at stage 1 for challenge identification/proposal of solutions, then a more targeted group later on for the testing of recommendations.

We have completed the stage 1 desktop review, and are about to commence stage 1 consultation. As previously discussed, we have contracted a team for their technical expertise to assist with our review, and they have developed draft material for stakeholder consultation. We are reviewing this material internally, prior to publication on the department's engagement platform 'Have Your Say'.

Any feedback or comments on how our current approach may impact the RIS process would be greatly appreciated.

Kind regards,

s. 22(1)(a)(ii)

Senior Technical Officer | Regulatory Performance | s. 22(1)(a)(ii)

Live Animal Exports Branch | Plant & Live Animal Exports Division

Department of Agriculture, Fisheries and Forestry

GPO Box 858 Canberra ACT 2601

awe.gov.au

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Sent: Monday, 14 November 2022 4:32 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

Thanks very much for getting back to us, s. 47F(1)

I'll be in touch again leading up our second consultation stage, to seek your thoughts on our approach at the time.

Kind regards

s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>
Sent: Monday, 14 November 2022 5:07 PM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

OFFICIAL

Good afternoon s. 22(1)(a)(ii)

Thanks very much for providing these documents for OBPR's review. [s. 47F\(1\)](#) and I have discussed the documents and in order to meet the requirements to be certified in lieu of a RIS, the following will need to be considered and included in the development of the review:

- When presenting recommendations to address identified problems in stages 2 and 3, there should be a range of options considered, including at least one non-regulatory option.
- In order to meet the requirements, the final document will need to analyse the costs and benefits of each option. We suggest consultation in stage 2 should include questions to draw out expected costs and benefits from stakeholders. Stakeholders should be encouraged to provide any evidence, data or statistics of the quantitative impact various options may have on themselves, the community or other groups. Where quantification is not possible, stakeholders should be encouraged to be specific in qualitative assessments of likely impacts.

We're happy to discuss these points further if you would like.

Kind regards,

[s. 47F\(1\)](#) | Adviser

Office of Best Practice Regulation

Economic Division | Department of the Prime Minister and Cabinet

p. [s. 47F\(1\)](#) | e. [s. 47F\(1\)](#) | [pmc.gov.au](#) | w. [www.pmc.gov.au](#)

One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600

From: [s. 22\(1\)\(a\)\(ii\)](#) <[s. 22\(1\)\(a\)\(ii\)](#) [awe.gov.au](#)>

Sent: Friday, 4 November 2022 5:17 PM

To: [s. 47F\(1\)](#) <[s. 47F\(1\)](#) [pmc.gov.au](#)>

Cc: [s. 22\(1\)\(a\)\(ii\)](#) <[s. 22\(1\)\(a\)\(ii\)](#) [agriculture.gov.au](#)>

Subject: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

Good afternoon [s. 47F\(1\)](#)

I hope this finds you well.

You might recall that we spoke some weeks ago about the Exporter Supply Chain Assurance System (ESCAS) Review.

As discussed, it would be good to get an indication from you about when we should engage with the OBPR as this project progresses.

On this note, please find attached:

- The ESCAS Review project plan, and
- The ESCAS Review scoping and summary document, which outlines focus areas and specific framework components we will be reviewing as part of this project.

We look forward to hearing back from you.

Thanks and have a great weekend!

Kind regards,

s. 22(1)(a)(ii)

Senior Veterinary Officer

Regulatory Performance | Live Animal Export Branch | Plant and Live Animal Exports Division

Phone: s. 22(1)(a)(ii)

Department of Agriculture, Fisheries and Forestry

18 Marcus Clarke Street, Canberra ACT 2601 Australia

GPO Box 858 Canberra ACT 2601 Australia

agriculture.gov.au

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IMPORTANT: This message, and any attachments to it, contains information that is confidential and may also be the subject of legal professional or other privilege. If you are not the intended recipient of this message, you must not review, copy, disseminate or disclose its contents to any other party or take action in reliance of any material contained within it. If you have received this message in error, please notify the sender immediately by return email informing them of the mistake and delete all copies of the message from your computer system.

s. 47F(1)

Advisor, Office of Impact Analysis

s. 47F(1) or **s. 47F(1)**

s. 47F(1) pmc.gov.au

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s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii)
Sent: Wednesday, 19 April 2023 11:12 AM
To: Helpdesk-OIA
Cc: s. 47F(1) s. 47F(1) s. 22(1)(a)(ii)
Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

I work in s. 22(1)(a)(ii) team and am just reaching out on her behalf – she's acting in another role for 6 weeks, and I am the current point of contact for the ESCAS review.

I wanted to provide an update on our progress in stage 2, particularly as we have extended our timeframe (stage 2 anticipated to conclude in August) and refined various aspects of our approach, including:

- We have published all non-confidential submissions received during stage 1 on the departmental platform [Have Your Say](#)
- We will be drafting an aggregated report in response to the submissions, i.e., outlining feedback received and the department's response and consideration of this feedback (est. May)
- We will be engaging with stakeholders in a facilitated session mid-stage 2 (est. early June) to discuss overall themes in the aggregated report and the development of draft recommendations, and
- Once draft recommendations are released for review and consultation, offering informal 1-on-1 sessions with stakeholders (in combination with a formal submission process) to ensure all voices are heard independently prior to finalisation of recommendations.

Considering past feedback from the OIA, going forward would it be beneficial to integrate specific questions on stakeholder impacts into upcoming consultation? E.g., Being deliberate during the consultation on draft recommendations during stage 2 in asking questions of stakeholders, particularly industry, on impact, cost and benefit, etc.

Grateful if you had any comments or recommendations on this, as well as our general approach. I understand the difficulty in commenting, while the perceived impact is still in large part unknown; however, happy to send/discuss the aggregated report on stage 1 analysis of feedback once finalised, if this gives a better indication on the tone of feedback received thus far and general direction the department is considering in response.

Kind regards,

s. 22(1)(a)(ii)

A/g Assistant Director | Regulatory Performance and Compliance | s. 22(1)(a)(ii)
Live Animal Export Branch | Traceability, Plant and Live Animal Exports Division

Department of Agriculture, Fisheries and Forestry
GPO Box 858 Canberra ACT 2601
agriculture.gov.au

From: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Sent: Thursday, 2 March 2023 2:43 PM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@aff.gov.au>
Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@aff.gov.au>; s. 47F(1) <s. 47F(1)@pmc.gov.au>; s. 47F(1) <s. 47F(1)@pmc.gov.au>
Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 22(1)(a)(ii)

Thanks for the email on 27 February, the discussion paper and for the discussion on the phone today.

It is not clear at this stage whether the changes proposed are likely to result in 'more than a minor' regulatory impact. This is partly because the ESCAS framework is fundamentally remaining intact and many of the changes proposed would appear incremental or of a programmatic nature. I note your advice that some industry participants are claiming that the changes might have a significant impact on their commercial viability.

I therefore agree with your proposal that we hold our assessment at this stage and assess the significance of the ESCAS reforms as Stage 2 progresses (about April/May 2023). This will give you an opportunity to assess the claims of those industry participants.

If we determine that the proposal is more than minor, an Impact Analysis will need to be required to be prepared for Stage 3 to inform the decision, consistent with Government requirements.

We look forward to further discussions at this time. In the interim, feel free to contact me (or [s. 47F\(1\)](#) [s. 47F\(1\)](#)) to discuss any other issues that might assist with your consultation and policy development process.

regards

[s. 47F\(1\)](#) | Advisor
Office of Impact Analysis | Economic Division
Department of the Prime Minister and Cabinet
[p. s. 47F\(1\)](#) [s. 47F\(1\)](#)

From: [s. 22\(1\)\(a\)\(ii\)](#) <[s. 22\(1\)\(a\)\(ii\)](#) [aff.gov.au](#)>
Sent: Monday, 27 February 2023 11:01 PM
To: [s. 47F\(1\)](#) <[s. 47F\(1\)](#) [pmc.gov.au](#)>
Cc: [s. 22\(1\)\(a\)\(ii\)](#) <[s. 22\(1\)\(a\)\(ii\)](#) [aff.gov.au](#)>
Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Dear [s. 47F\(1\)](#)

Thank you for taking the time to chat about the ESCAS Review this morning, and apologies for missing your call on Friday.

Allow me to introduce [s. 22\(1\)\(a\)\(ii\)](#) (copied) who is working with me on this project.

As discussed, here is some relevant background on:

The Exporter Supply Chain Assurance System (ESCAS)

- ESCAS is a regulatory framework that seeks to ensure animal welfare, control and traceability outcomes for feeder and slaughter livestock from the point of arrival in importing countries up until and including the point of slaughter.
- Livestock exporters are the regulated entities under ESCAS. They are responsible for establishing and managing arrangements with supply chain partners (i.e. importers, feedlots and abattoirs) in importing countries to ensure that ESCAS requirements are met.
- ESCAS was developed in 2011 in response to public outrage following the release of footage on *Four Corners* depicting poor animal handling and slaughter practices at Indonesian abattoirs, and progressively rolled out to all countries importing Australian feeder and slaughter livestock during 2012.
 - Currently there are around 90 approved ESCAS supply chains across 17 countries.

- ESCAS has since been largely effective in delivering against its intended outcomes.
- Alleged ESCAS non-compliances are investigated by the department and regulatory action taken as indicated and as soon as practically possible.
 - Since 2013, less than 0.20% of exported livestock covered by ESCAS have been involved with confirmed ESCAS non-compliances.
 - Reports of alleged ESCAS non-compliance are received from exporters (self-reports – 55%), third-parties (animal welfare organisations or private citizens in importing countries – 35%), industry groups, included in independent audit reports submitted by exporters or identified by the department.

The ESCAS Review

- The department is reviewing components of the ESCAS framework to ensure that it remains fit-for-purpose and supports consistent, risk-based regulation.
- The review is being conducted in 3 stages, with stakeholder engagement at the end of each stage. A **Summary and scoping document** setting out focus areas for the project, work at each stage, our stakeholder engagement approach and key review outcomes is attached for your reference.
- Key outcomes of this review include the production of a consolidated, single source reference of ESCAS for departmental staff and stakeholders, and to follow-through with the department’s commitment to address recommendations in the [Inspector-General Review of ESCAS \(2021\)](#).
- We have just concluded stage 1 of the review, including associated stakeholder engagement. This stage was a gap analysis, with possible areas for improvement to the current ESCAS framework identified as ‘challenges’.
 - Targeted stakeholder groups (i.e., livestock exporters and their peak industry bodies, industry groups and animal welfare organisations) were invited to provide constructive feedback on, and propose practical solutions to these specific technical challenges. There was also the opportunity to present challenges that they felt had not been identified.
 - This consultation stage was launched as a survey on the *Have Your Say* platform on 10 January and closed on 21 February 2023.
 - The attached **Discussion Paper** sets out identified challenges and is the exhaustive basis on which the *Have Your Say* survey was built.
- We are now in stage 2 of the ESCAS Review, and are reviewing and analysing submissions from our recent consultation stage.
 - The aim of this stage is to use feedback from the first consultation stage to inform recommendations for improvements to ESCAS.
 - These recommendations will be tested with livestock exporters at the stage 2 stakeholder consultation phase.
- Then, stage 3 of the project will follow, where recommendations are used to review and update ESCAS policies, with the final output being a consolidated document on all aspects of the framework.
 - The plan is to consult publicly at this stage of the review.

Interactions with OIA to date

- We met with the OIA (^{s. 47F(1)} and ^{s. 47F(1)}) and a industry peak body representative last year, following finalisation of the first version of our *Summary and scoping document* and prior to the commencement of the review, to discuss views on stakeholder engagement and whether the review can be conducted in a manner consistent with a RIS-like process, so that a full RIS might not be required at its conclusion and prior to implementation.
 - A focus of this meeting was to discuss strong exporter concerns about the department engaging with animal welfare organisations during the review process. Additionally, industry remains opined that animal welfare organisations, being opposed to the livestock export trade and not being directly affected by regulatory decisions, might distort/bias engagement results, and therefore should not be considered key stakeholders for the purpose of engagement.
 - We disagree and consider wide engagement necessary to capture the myriad and nuanced views on livestock exports – a highly scrutinised industry that continues to polarise. It is important that our process and decisions reflect regulatory best practice and considers contemporary social views on the subject. Animal welfare organisations are a key stakeholder, reflected in their interest in the trade and continued role in reporting alleged ESCAS breaches.
- To date, feedback has been positive and we committed to keep the OIA informed as we progress, to ensure our processes continued to be consistent with a RIS-like process (see email exchange with ^{s. 47F(1)} below).

To recap our conversation

- I understand that to you knowledge, no formal assessment of our project and approach has been conducted by the OIA and this will need to happen for any definitive advise on whether our approach constitutes a RIS-like process or equivalent.
- Pending your review and assessment, the *Inspector-General Review of ESCAS (2021)* might qualify as a RIS-like process equivalent. The basis for this is the extensive consultation that was undertaken as part of the review, and that a primary focus of the ESCAS Review is to address its recommendations. If this is a possibility, the decision needs to be endorsed at a Deputy Secretary level.
- Integral to an impact analysis is a determination of the magnitude of change and the affected stakeholders. This may be qualitative and subjective, but must be defensible.
 - **s. 47E(d)**

- s. 47E(d)

- Given that the magnitude of changes will depend on recommendations made as a result of feedback currently being analysed, it might be difficult to determine this until stage 3 of the review (when the outcome of the review is being drafted). However, any assessment on the impacts on industry would be useful.

As discussed, I'd be very grateful for your advice on:

- Anything we need to consider/reconsider about our approach so that our process is consistent with a RIS-like process.
- If you think we might be able to rely on the *Inspector-General Review of ESCAS (2021)* as a RIS-like equivalent.
- If we should be incorporating into our engagement strategy, a request for industry to quantify the impact of proposed changes to them/the trade, particularly where best practice regulation might be resisted on the basis of burden.

I realise this is a lot of information, but I hope it makes sense and trust that it informs you sufficiently to be able to offer the advice we are seeking.

Please let me know if I have missed or misinterpreted anything, and if you have any questions.

I look forward to further discussions.

Kind regards,

s. 22(1)(a)(ii)

Senior Veterinary Officer

Regulatory Performance | Live Animal Export Branch | Plant and Live Animal Exports Division

Phone: s. 22(1)(a)(ii)

Department of Agriculture, Fisheries and Forestry

GPO Box 858 Canberra ACT 2601 Australia

aff.gov.au

From: s. 47F(1) <s. 47F(1) pmc.gov.au>

Sent: Friday, 24 February 2023 4:02 PM

To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Hi ^{s. 22(1)(a)(ii)}

I left a message for you but I'm not sure if my landline is working so here is my mobile number below. If you could contact me, that would be great.

Regards

s. 47F(1) | Advisor

Office of Impact Analysis | Economic Division

Department of the Prime Minister and Cabinet

p. s. 47F(1) s. 47F(1)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>

Sent: Thursday, 23 February 2023 6:32 PM

To: s. 47F(1) <s. 47F(1) pmc.gov.au>

Subject: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Can you get in touch with ^{s. 22(1)(a)(ii)} and let her know you're the new lead on this pls?

We will need to give them some advice about how to meet the independent review requirements (noting this commenced under the former arrangements)

s. 47F(1)

s. 47F(1) Senior Adviser

Office of Impact Analysis

p. s. 47F(1) | m. s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Sent: Thursday, 23 February 2023 6:26 PM
To: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Good afternoon s. 47F(1)

I hope 2023 has started off well for you and your team.

I am reaching out with a status update on the ESCAS Review.

We recently concluded the first of 3 stakeholder consultation stages, which was launched as a survey on the *Have Your Say* platform from 10 January to 21 February 2023. Targeted stakeholders were invited to provide constructive feedback on specific technical challenges to the ESCAS framework. Survey questions are reflected in the Discussion paper, attached for your interest. We are now collating and analysing feedback received and will use it to inform recommendations for improvements to ESCAS in stage 2 of this project.

We would greatly appreciate your advice/confirmation that our processes remain aligned with a RIS-like process, and if there are any relevant considerations from your perspective, on how feedback is handled and analysed, noting that some submissions have been marked as confidential.

Happy to meet to discuss if easier.

Kind regards,

s. 22(1)(a)(ii)

Senior Veterinary Officer

Regulatory Performance | Live Animal Export Branch | Plant and Live Animal Exports Division

Phone: s. 22(1)(a)(ii)

Department of Agriculture, Fisheries and Forestry

GPO Box 858 Canberra ACT 2601 Australia

aff.gov.au

From: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Sent: Wednesday, 7 December 2022 12:30 PM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>
Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Good afternoon s. 22(1)(a)(ii)

Thanks very much for sending this through, and apologies for the delay in my response. I've reviewed the summary and scoping document and have no major concerns. It's good to hear that consultation will be expanded. Seeking quantitative evidence of how proposed solutions will impact various stakeholder groups will assist in providing a more detailed outline of the anticipated costs and benefits.

I am happy to talk through the changes to the Impact Analysis framework once they are settled and am keen to ensure OIA supports you through this impact analysis process.

Kind regards,

s. 47F(1) (she/her) | Adviser
Office of Impact Analysis
Department of the Prime Minister and Cabinet
p. s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) awe.gov.au>
Sent: Monday, 28 November 2022 6:52 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

Hi s. 47F(1)

I'm just reaching out from our team with an update on the ESCAS Review and upcoming stakeholder consultation, to keep you in the loop.

We have released a revised summary and scoping document (attached), to reflect our updated approach to stakeholder engagement. We intend to include a wider group of stakeholders at stage 1 for challenge identification/proposal of solutions, then a more targeted group later on for the testing of recommendations.

We have completed the stage 1 desktop review, and are about to commence stage 1 consultation. As previously discussed, we have contracted a team for their technical expertise to assist with our review, and they have developed draft material for stakeholder consultation. We are reviewing this material internally, prior to publication on the department's engagement platform 'Have Your Say'.

Any feedback or comments on how our current approach may impact the RIS process would be greatly appreciated.

Kind regards,

s. 22(1)(a)(ii)

Senior Technical Officer | Regulatory Performance | s. 22(1)(a)(ii)

Live Animal Exports Branch | Plant & Live Animal Exports Division

Department of Agriculture, Fisheries and Forestry

GPO Box 858 Canberra ACT 2601

awe.gov.au

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Sent: Monday, 14 November 2022 4:32 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

Thanks very much for getting back to us, s. 47F(1)

I'll be in touch again leading up our second consultation stage, to seek your thoughts on our approach at the time.

Kind regards

s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>
Sent: Monday, 14 November 2022 5:07 PM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

OFFICIAL

Good afternoon s. 22(1)(a)(ii)

Thanks very much for providing these documents for OBPR's review. s. 47F(1) and I have discussed the documents and in order to meet the requirements to be certified in lieu of a RIS, the following will need to be considered and included in the development of the review:

- When presenting recommendations to address identified problems in stages 2 and 3, there should be a range of options considered, including at least one non-regulatory option.
- In order to meet the requirements, the final document will need to analyse the costs and benefits of each option. We suggest consultation in stage 2 should include questions to draw out expected costs and benefits from stakeholders. Stakeholders should be encouraged to provide

any evidence, data or statistics of the quantitative impact various options may have on themselves, the community or other groups. Where quantification is not possible, stakeholders should be encouraged to be specific in qualitative assessments of likely impacts.

We're happy to discuss these points further if you would like.

Kind regards,

s. 47F(1) | Adviser

Office of Best Practice Regulation

Economic Division | Department of the Prime Minister and Cabinet

p. s. 47F(1) | e. s. 47F(1) pmc.gov.au | w. www.pmc.gov.au

One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) awe.gov.au>
Sent: Friday, 4 November 2022 5:17 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

Good afternoon s. 47F(1)

I hope this finds you well.

You might recall that we spoke some weeks ago about the Exporter Supply Chain Assurance System (ESCAS) Review.

As discussed, it would be good to get an indication from you about when we should engage with the OBPR as this project progresses.

On this note, please find attached:

- The ESCAS Review project plan, and
- The ESCAS Review scoping and summary document, which outlines focus areas and specific framework components we will be reviewing as part of this project.

We look forward to hearing back from you.

Thanks and have a great weekend!

Kind regards,

s. 22(1)(a)(ii)

Senior Veterinary Officer

Regulatory Performance | Live Animal Export Branch | Plant and Live Animal Exports Division

Phone: s. 22(1)(a)(ii)

Department of Agriculture, Fisheries and Forestry

18 Marcus Clarke Street, Canberra ACT 2601 Australia

GPO Box 858 Canberra ACT 2601 Australia

agriculture.gov.au

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s. 47F(1)

Advisor, Office of Impact Analysis

s. 47F(1) or s. 47F(1)

s. 47F(1) pmc.gov.au

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s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>
Sent: Friday, 21 April 2023 8:32 AM
To: s. 22(1)(a)(ii) Helpdesk-OIA
Cc: s. 47F(1) s. 22(1)(a)(ii) s. 47F(1)
Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Follow Up Flag: Follow up
Flag Status: Completed

OFFICIAL

Hi s. 22(1)(a)(ii)

Thanks for your email and the progress update. I agree that it would be good to target some of your questions towards issues that might arise in an Impact Analysis. However, it may be opportune to have a discussion about impacts following the feedback from consultation including issues identified through the confidential submissions (to the extent that you can share this) so as to determine whether you're in IA territory. That is, are we in a position to assess whether the proposals arising from the ESCAS review are likely to result in more than a minor regulatory impact? Or do we need more time for Stage 2 to progress further? Perhaps a meeting to discuss would be worthwhile?

Regards

s. 47F(1) | Advisor
 Office of Impact Analysis | Economic Division
 Department of the Prime Minister and Cabinet
 p. s. 47F(1) s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Sent: Wednesday, 19 April 2023 11:12 AM
To: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

I work in s. 22(1)(a)(ii) team and am just reaching out on her behalf – she's acting in another role for 6 weeks, and I am the current point of contact for the ESCAS review.

I wanted to provide an update on our progress in stage 2, particularly as we have extended our timeframe (stage 2 anticipated to conclude in August) and refined various aspects of our approach, including:

- We have published all non-confidential submissions received during stage 1 on the departmental platform [Have Your Say](#)
- We will be drafting an aggregated report in response to the submissions, i.e., outlining feedback received and the department's response and consideration of this feedback (est. May)
- We will be engaging with stakeholders in a facilitated session mid-stage 2 (est. early June) to discuss overall themes in the aggregated report and the development of draft recommendations, and

- Once draft recommendations are released for review and consultation, offering informal 1-on-1 sessions with stakeholders (in combination with a formal submission process) to ensure all voices are heard independently prior to finalisation of recommendations.

Considering past feedback from the OIA, going forward would it be beneficial to integrate specific questions on stakeholder impacts into upcoming consultation? E.g., Being deliberate during the consultation on draft recommendations during stage 2 in asking questions of stakeholders, particularly industry, on impact, cost and benefit, etc.

Grateful if you had any comments or recommendations on this, as well as our general approach. I understand the difficulty in commenting, while the perceived impact is still in large part unknown; however, happy to send/discuss the aggregated report on stage 1 analysis of feedback once finalised, if this gives a better indication on the tone of feedback received thus far and general direction the department is considering in response.

Kind regards,

s. 22(1)(a)(ii)

A/g Assistant Director | Regulatory Performance and Compliance | **s. 22(1)(a)(ii)**
Live Animal Export Branch | Traceability, Plant and Live Animal Exports Division

Department of Agriculture, Fisheries and Forestry
GPO Box 858 Canberra ACT 2601
agriculture.gov.au

From: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>

Sent: Thursday, 2 March 2023 2:43 PM

To: **s. 22(1)(a)(ii)** <**s. 22(1)(a)(ii)** aff.gov.au>

Cc: **s. 22(1)(a)(ii)** <**s. 22(1)(a)(ii)** aff.gov.au>; **s. 47F(1)** <**s. 47F(1)** pmc.gov.au>; **s. 47F(1)** <**s. 47F(1)** pmc.gov.au>

Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi **s. 22(1)(a)(ii)**

Thanks for the email on 27 February, the discussion paper and for the discussion on the phone today.

It is not clear at this stage whether the changes proposed are likely to result in 'more than a minor' regulatory impact. This is partly because the ESCAS framework is fundamentally remaining intact and many of the changes proposed would appear incremental or of a programmatic nature. I note your advice that some industry participants are claiming that the changes might have a significant impact on their commercial viability.

I therefore agree with your proposal that we hold our assessment at this stage and assess the significance of the ESCAS reforms as Stage 2 progresses (about April/May 2023). This will give you an opportunity to assess the claims of those industry participants.

If we determine that the proposal is more than minor, an Impact Analysis will need to be required to be prepared for Stage 3 to inform the decision, consistent with Government requirements.

We look forward to further discussions at this time. In the interim, feel free to contact me (or **s. 47F^{s. 47F(1)}**) to discuss any other issues that might assist with your consultation and policy development process.

regards

s. 47F(1) | Advisor

Office of Impact Analysis | Economic Division
Department of the Prime Minister and Cabinet
p. **s. 47F(1)** **s. 47F(1)**

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Sent: Monday, 27 February 2023 11:01 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Dear s. 47F(1)

Thank you for taking the time to chat about the ESCAS Review this morning, and apologies for missing your call on Friday.

Allow me to introduce ^{s. 22(1)(a)(ii)} (copied) who is working with me on this project.

As discussed, here is some relevant background on:

The Exporter Supply Chain Assurance System (ESCAS)

- ESCAS is a regulatory framework that seeks to ensure animal welfare, control and traceability outcomes for feeder and slaughter livestock from the point of arrival in importing countries up until and including the point of slaughter.
- Livestock exporters are the regulated entities under ESCAS. They are responsible for establishing and managing arrangements with supply chain partners (i.e. importers, feedlots and abattoirs) in importing countries to ensure that ESCAS requirements are met.
- ESCAS was developed in 2011 in response to public outrage following the release of footage on *Four Corners* depicting poor animal handling and slaughter practices at Indonesian abattoirs, and progressively rolled out to all countries importing Australian feeder and slaughter livestock during 2012.
 - Currently there are around 90 approved ESCAS supply chains across 17 countries.
- ESCAS has since been largely effective in delivering against its intended outcomes.
- Alleged ESCAS non-compliances are investigated by the department and regulatory action taken as indicated and as soon as practically possible.
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The ESCAS Review

- The department is reviewing components of the ESCAS framework to ensure that it remains fit-for-purpose and supports consistent, risk-based regulation.
- The review is being conducted in 3 stages, with stakeholder engagement at the end of each stage. A **Summary and scoping document** setting out focus areas for the project, work at each stage, our stakeholder engagement approach and key review outcomes is attached for your reference.
- Key outcomes of this review include the production of a consolidated, single source reference of ESCAS for departmental staff and stakeholders, and to follow-through with the department's commitment to address recommendations in the [Inspector-General Review of ESCAS \(2021\)](#).
- We have just concluded stage 1 of the review, including associated stakeholder engagement. This stage was a gap analysis, with possible areas for improvement to the current ESCAS framework identified as 'challenges'.
 - Targeted stakeholder groups (i.e., livestock exporters and their peak industry bodies, industry groups and animal welfare organisations) were invited to provide constructive feedback on, and propose practical solutions to these specific technical challenges. There was also the opportunity to present challenges that they felt had not been identified.
 - This consultation stage was launched as a survey on the *Have Your Say* platform on 10 January and closed on 21 February 2023.
 - The attached **Discussion Paper** sets out identified challenges and is the exhaustive basis on which the *Have Your Say* survey was built.
- We are now in stage 2 of the ESCAS Review, and are reviewing and analysing submissions from our recent consultation stage.

- The aim of this stage is to use feedback from the first consultation stage to inform recommendations for improvements to ESCAS.
- These recommendations will be tested with livestock exporters at the stage 2 stakeholder consultation phase.
- Then, stage 3 of the project will follow, where recommendations are used to review and update ESCAS policies, with the final output being a consolidated document on all aspects of the framework.
 - The plan is to consult publicly at this stage of the review.

Interactions with OIA to date

- We met with the OIA (s. 47F(1) and s. 47F(1)) and a industry peak body representative last year, following finalisation of the first version of our *Summary and scoping document* and prior to the commencement of the review, to discuss views on stakeholder engagement and whether the review can be conducted in a manner consistent with a RIS-like process, so that a full RIS might not be required at its conclusion and prior to implementation.
 - A focus of this meeting was to discuss strong exporter concerns about the department engaging with animal welfare organisations during the review process. Additionally, industry remains opined that animal welfare organisations, being opposed to the livestock export trade and not being directly affected by regulatory decisions, might distort/bias engagement results, and therefore should not be considered key stakeholders for the purpose of engagement.
 - We disagree and consider wide engagement necessary to capture the myriad and nuanced views on livestock exports – a highly scrutinised industry that continues to polarise. It is important that our process and decisions reflect regulatory best practice and considers contemporary social views on the subject. Animal welfare organisations are a key stakeholder, reflected in their interest in the trade and continued role in reporting alleged ESCAS breaches.
- To date, feedback has been positive and we committed to keep the OIA informed as we progress, to ensure our processes continued to be consistent with a RIS-like process (see email exchange with s. 47F(1) below).

To recap our conversation

- I understand that to you knowledge, no formal assessment of our project and approach has been conducted by the OIA and this will need to happen for any definitive advise on whether our approach constitutes a RIS-like process or equivalent.
- Pending your review and assessment, the *Inspector-General Review of ESCAS (2021)* might qualify as a RIS-like process equivalent. The basis for this is the extensive consultation that was undertaken as part of the review, and that a primary focus of the ESCAS Review is to address its recommendations. If this is a possibility, the decision needs to be endorsed at a Deputy Secretary level.
- Integral to an impact analysis is a determination of the magnitude of change and the affected stakeholders. This may be qualitative and subjective, but must be defensible.
 - s. 47E(d)
- Given that the magnitude of changes will depend on recommendations made as a result of feedback currently being analysed, it might be difficult to determine this until stage 3 of the review (when the outcome of the review is being drafted). However, any assessment on the impacts on industry would be useful.

As discussed, I'd be very grateful for your advice on:

- Anything we need to consider/reconsider about our approach so that our process is consistent with a RIS-like process.
- If you think we might be able to rely on the *Inspector-General Review of ESCAS (2021)* as a RIS-like equivalent.
- If we should be incorporating into our engagement strategy, a request for industry to quantify the impact of proposed changes to them/the trade, particularly where best practice regulation might be resisted on the basis of burden.

I realise this is a lot of information, but I hope it makes sense and trust that it informs you sufficiently to be able to offer the advice we are seeking.

Please let me know if I have missed or misinterpreted anything, and if you have any questions.

I look forward to further discussions.

Kind regards,

s. 22(1)(a)(ii)

Senior Veterinary Officer

Regulatory Performance | Live Animal Export Branch | Plant and Live Animal Exports Division

Phone: s. 22(1)(a)(ii)

Department of Agriculture, Fisheries and Forestry

GPO Box 858 Canberra ACT 2601 Australia

aff.gov.au

From: s. 47F(1) <s. 47F(1) pmc.gov.au>

Sent: Friday, 24 February 2023 4:02 PM

To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Hi s. 22(1)(a)(ii)

I left a message for you but I'm not sure if my landline is working so here is my mobile number below. If you could contact me, that would be great.

Regards

s. 47F(1) | Advisor

Office of Impact Analysis | Economic Division

Department of the Prime Minister and Cabinet

p. s. 47F(1) s. 47F(1)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>
Sent: Thursday, 23 February 2023 6:32 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Subject: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Can you get in touch with [s. 22\(1\)\(a\)\(ii\)](#) and let her know you're the new lead on this pls?

We will need to give them some advice about how to meet the independent review requirements (noting this commenced under the former arrangements)

s. 47F(1)

s. 47F(1) Senior Adviser

Office of Impact Analysis

p. s. 47F(1) | m. s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Sent: Thursday, 23 February 2023 6:26 PM
To: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Good afternoon [s. 47F\(1\)](#)

I hope 2023 has started off well for you and your team.

I am reaching out with a status update on the ESCAS Review.

We recently concluded the first of 3 stakeholder consultation stages, which was launched as a survey on the *Have Your Say* platform from 10 January to 21 February 2023. Targeted stakeholders were invited to provide constructive feedback on specific technical challenges to the ESCAS framework. Survey questions are reflected in the Discussion paper, attached for your interest. We are now collating and analysing feedback received and will use it to inform recommendations for improvements to ESCAS in stage 2 of this project.

We would greatly appreciate your advice/confirmation that our processes remain aligned with a RIS-like process, and if there are any relevant considerations from your perspective, on how feedback is handled and analysed, noting that some submissions have been marked as confidential.

Happy to meet to discuss if easier.

Kind regards,

s. 22(1)(a)(ii)

Senior Veterinary Officer

Regulatory Performance | Live Animal Export Branch | Plant and Live Animal Exports Division

Phone: s. 22(1)(a)(ii)

Department of Agriculture, Fisheries and Forestry

GPO Box 858 Canberra ACT 2601 Australia

aff.gov.au

From: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>

Sent: Wednesday, 7 December 2022 12:30 PM

To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>

Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Good afternoon s. 22(1)(a)(ii)

Thanks very much for sending this through, and apologies for the delay in my response. I've reviewed the summary and scoping document and have no major concerns. It's good to hear that consultation will be expanded. Seeking quantitative evidence of how proposed solutions will impact various stakeholder groups will assist in providing a more detailed outline of the anticipated costs and benefits.

I am happy to talk through the changes to the Impact Analysis framework once they are settled and am keen to ensure OIA supports you through this impact analysis process.

Kind regards,

s. 47F(1) (she/her) | Adviser

Office of Impact Analysis

Department of the Prime Minister and Cabinet

p. s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) awe.gov.au>
Sent: Monday, 28 November 2022 6:52 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

Hi s. 47F(1)

I'm just reaching out from our team with an update on the ESCAS Review and upcoming stakeholder consultation, to keep you in the loop.

We have released a revised summary and scoping document (attached), to reflect our updated approach to stakeholder engagement. We intend to include a wider group of stakeholders at stage 1 for challenge identification/proposal of solutions, then a more targeted group later on for the testing of recommendations.

We have completed the stage 1 desktop review, and are about to commence stage 1 consultation. As previously discussed, we have contracted a team for their technical expertise to assist with our review, and they have developed draft material for stakeholder consultation. We are reviewing this material internally, prior to publication on the department's engagement platform 'Have Your Say'.

Any feedback or comments on how our current approach may impact the RIS process would be greatly appreciated.

Kind regards,

s. 22(1)(a)(ii)

Senior Technical Officer | Regulatory Performance | s. 22(1)(a)(ii)

Live Animal Exports Branch | Plant & Live Animal Exports Division

Department of Agriculture, Fisheries and Forestry

GPO Box 858 Canberra ACT 2601

awe.gov.au

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Sent: Monday, 14 November 2022 4:32 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

Thanks very much for getting back to us, s. 47F(1)

I'll be in touch again leading up our second consultation stage, to seek your thoughts on our approach at the time.

Kind regards

s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>
Sent: Monday, 14 November 2022 5:07 PM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

OFFICIAL

Good afternoon s. 22(1)(a)(ii)

Thanks very much for providing these documents for OBPR's review. s. 47F(1) and I have discussed the documents and in order to meet the requirements to be certified in lieu of a RIS, the following will need to be considered and included in the development of the review:

- When presenting recommendations to address identified problems in stages 2 and 3, there should be a range of options considered, including at least one non-regulatory option.
- In order to meet the requirements, the final document will need to analyse the costs and benefits of each option. We suggest consultation in stage 2 should include questions to draw out expected costs and benefits from stakeholders. Stakeholders should be encouraged to provide any evidence, data or statistics of the quantitative impact various options may have on themselves, the community or other groups. Where quantification is not possible, stakeholders should be encouraged to be specific in qualitative assessments of likely impacts.

We're happy to discuss these points further if you would like.

Kind regards,

s. 47F(1) | Adviser

Office of Best Practice Regulation

Economic Division | Department of the Prime Minister and Cabinet

p. s. 47F(1) | e. s. 47F(1) pmc.gov.au | w. www.pmc.gov.au

One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) awe.gov.au>
Sent: Friday, 4 November 2022 5:17 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

Good afternoon [s. 47F\(1\)](#)

I hope this finds you well.

You might recall that we spoke some weeks ago about the Exporter Supply Chain Assurance System (ESCAS) Review.

As discussed, it would be good to get an indication from you about when we should engage with the OBPR as this project progresses.

On this note, please find attached:

- The ESCAS Review project plan, and
- The ESCAS Review scoping and summary document, which outlines focus areas and specific framework components we will be reviewing as part of this project.

We look forward to hearing back from you.

Thanks and have a great weekend!

Kind regards,

[s. 22\(1\)\(a\)\(ii\)](#)

Senior Veterinary Officer

Regulatory Performance | Live Animal Export Branch | Plant and Live Animal Exports Division

Phone: [s. 22\(1\)\(a\)\(ii\)](#)

Department of Agriculture, Fisheries and Forestry

18 Marcus Clarke Street, Canberra ACT 2601 Australia

GPO Box 858 Canberra ACT 2601 Australia

agriculture.gov.au

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have received this message in error, please notify the sender immediately by

return email informing them of the mistake and delete all copies of the

message from your computer system.

s. 47F(1)

Advisor, Office of Impact Analysis

s. 47F(1) or s. 47F(1)**s. 47F(1)** pmc.gov.au

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s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii)
Sent: Monday, 24 April 2023 2:02 PM
To: s. 47F(1)
Cc: s. 47F(1) s. 22(1)(a)(ii) s. 47F(1) Helpdesk-OIA; s. 22(1)(a)(ii)
Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

Thanks for the response, more than happy to meet and discuss.

At this stage, I can provide detail on trends in feedback and some claims on regulatory burden *should* a change be implemented by the department, although there hasn't been commitment to implement specific changes as of yet (other than those described in the summary & scoping document/stage 1 discussion paper, for example the introduction of a control and traceability standard). We'll need more time for stage 2 to progress in terms of the development of the draft recommendations, which will constitute the specific proposed changes to the framework.

Happy to discuss further, my afternoons are generally pretty free. A few times this week are:

- Wednesday after 1pm (excluding 3-3:30pm)
- Thursday after 2pm
- Friday between 1-3:30pm

Kind regards,

s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>
Sent: Friday, 21 April 2023 8:32 AM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>
Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Hi s. 22(1)(a)(ii)

Thanks for your email and the progress update. I agree that it would be good to target some of your questions towards issues that might arise in an Impact Analysis. However, it may be opportune to have a discussion about impacts following the feedback from consultation including issues identified through the confidential submissions (to the extent that you can share this) so as to determine whether you're in IA territory. That is, are we in a position to assess whether the proposals arising from the ESCAS review are likely to result in more than a minor regulatory impact? Or do we need more time for Stage 2 to progress further? Perhaps a meeting to discuss would be worthwhile?

Regards

s. 47F(1) | Advisor
 Office of Impact Analysis | Economic Division
 Department of the Prime Minister and Cabinet
 p. s. 47F(1) s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Sent: Wednesday, 19 April 2023 11:12 AM
To: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

I work in s. 22(1)(a)(ii) team and am just reaching out on her behalf – she's acting in another role for 6 weeks, and I am the current point of contact for the ESCAS review.

I wanted to provide an update on our progress in stage 2, particularly as we have extended our timeframe (stage 2 anticipated to conclude in August) and refined various aspects of our approach, including:

- We have published all non-confidential submissions received during stage 1 on the departmental platform [Have Your Say](#)
- We will be drafting an aggregated report in response to the submissions, i.e., outlining feedback received and the department's response and consideration of this feedback (est. May)
- We will be engaging with stakeholders in a facilitated session mid-stage 2 (est. early June) to discuss overall themes in the aggregated report and the development of draft recommendations, and
- Once draft recommendations are released for review and consultation, offering informal 1-on-1 sessions with stakeholders (in combination with a formal submission process) to ensure all voices are heard independently prior to finalisation of recommendations.

Considering past feedback from the OIA, going forward would it be beneficial to integrate specific questions on stakeholder impacts into upcoming consultation? E.g., Being deliberate during the consultation on draft recommendations during stage 2 in asking questions of stakeholders, particularly industry, on impact, cost and benefit, etc.

Grateful if you had any comments or recommendations on this, as well as our general approach. I understand the difficulty in commenting, while the perceived impact is still in large part unknown; however, happy to send/discuss the aggregated report on stage 1 analysis of feedback once finalised, if this gives a better indication on the tone of feedback received thus far and general direction the department is considering in response.

Kind regards,

s. 22(1)(a)(ii)

A/g Assistant Director | Regulatory Performance and Compliance | s. 22(1)(a)(ii)
Live Animal Export Branch | Traceability, Plant and Live Animal Exports Division

Department of Agriculture, Fisheries and Forestry
GPO Box 858 Canberra ACT 2601
agriculture.gov.au

From: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Sent: Thursday, 2 March 2023 2:43 PM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>
Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 22(1)(a)(ii)

Thanks for the email on 27 February, the discussion paper and for the discussion on the phone today.

It is not clear at this stage whether the changes proposed are likely to result in 'more than a minor' regulatory impact. This is partly because the ESCAS framework is fundamentally remaining intact and many of the changes proposed would appear incremental or of a programmatic nature. I note your advice that some industry participants are claiming that the changes might have a significant impact on their commercial viability.

I therefore agree with your proposal that we hold our assessment at this stage and assess the significance of the ESCAS reforms as Stage 2 progresses (about April/May 2023). This will give you an opportunity to assess the claims of those industry participants.

If we determine that the proposal is more than minor, an Impact Analysis will need to be required to be prepared for Stage 3 to inform the decision, consistent with Government requirements.

We look forward to further discussions at this time. In the interim, feel free to contact me (or [s. 47F^{s. 47F\(1\)}](#)) to discuss any other issues that might assist with your consultation and policy development process.

regards

[s. 47F\(1\)](#) | Advisor
Office of Impact Analysis | Economic Division
Department of the Prime Minister and Cabinet
[p. s. 47F\(1\)](#) [s. 47F\(1\)](#)

From: [s. 22\(1\)\(a\)\(ii\)](#) <[s. 22\(1\)\(a\)\(ii\)@aff.gov.au](mailto:s.22(1)(a)(ii)@aff.gov.au)>
Sent: Monday, 27 February 2023 11:01 PM
To: [s. 47F\(1\)](#) <[s. 47F\(1\)@pmc.gov.au](mailto:s.47F(1)@pmc.gov.au)>
Cc: [s. 22\(1\)\(a\)\(ii\)](#) <[s. 22\(1\)\(a\)\(ii\)@aff.gov.au](mailto:s.22(1)(a)(ii)@aff.gov.au)>
Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Dear [s. 47F\(1\)](#)

Thank you for taking the time to chat about the ESCAS Review this morning, and apologies for missing your call on Friday.

Allow me to introduce [s. 22\(1\)\(a\)\(ii\)](#) (copied) who is working with me on this project.

As discussed, here is some relevant background on:

The Exporter Supply Chain Assurance System (ESCAS)

- ESCAS is a regulatory framework that seeks to ensure animal welfare, control and traceability outcomes for feeder and slaughter livestock from the point of arrival in importing countries up until and including the point of slaughter.
- Livestock exporters are the regulated entities under ESCAS. They are responsible for establishing and managing arrangements with supply chain partners (i.e. importers, feedlots and abattoirs) in importing countries to ensure that ESCAS requirements are met.
- ESCAS was developed in 2011 in response to public outrage following the release of footage on *Four Corners* depicting poor animal handling and slaughter practices at Indonesian abattoirs, and progressively rolled out to all countries importing Australian feeder and slaughter livestock during 2012.
 - Currently there are around 90 approved ESCAS supply chains across 17 countries.
- ESCAS has since been largely effective in delivering against its intended outcomes.

- Alleged ESCAS non-compliances are investigated by the department and regulatory action taken as indicated and as soon as practically possible.
 - Since 2013, less than 0.20% of exported livestock covered by ESCAS have been involved with confirmed ESCAS non-compliances.
 - Reports of alleged ESCAS non-compliance are received from exporters (self-reports – 55%), third-parties (animal welfare organisations or private citizens in importing countries – 35%), industry groups, included in independent audit reports submitted by exporters or identified by the department.

The ESCAS Review

- The department is reviewing components of the ESCAS framework to ensure that it remains fit-for-purpose and supports consistent, risk-based regulation.
- The review is being conducted in 3 stages, with stakeholder engagement at the end of each stage. A **Summary and scoping document** setting out focus areas for the project, work at each stage, our stakeholder engagement approach and key review outcomes is attached for your reference.
- Key outcomes of this review include the production of a consolidated, single source reference of ESCAS for departmental staff and stakeholders, and to follow-through with the department's commitment to address recommendations in the [Inspector-General Review of ESCAS \(2021\)](#).
- We have just concluded stage 1 of the review, including associated stakeholder engagement. This stage was a gap analysis, with possible areas for improvement to the current ESCAS framework identified as 'challenges'.
 - Targeted stakeholder groups (i.e., livestock exporters and their peak industry bodies, industry groups and animal welfare organisations) were invited to provide constructive feedback on, and propose practical solutions to these specific technical challenges. There was also the opportunity to present challenges that they felt had not been identified.
 - This consultation stage was launched as a survey on the *Have Your Say* platform on 10 January and closed on 21 February 2023.
 - The attached **Discussion Paper** sets out identified challenges and is the exhaustive basis on which the *Have Your Say* survey was built.
- We are now in stage 2 of the ESCAS Review, and are reviewing and analysing submissions from our recent consultation stage.
 - The aim of this stage is to use feedback from the first consultation stage to inform recommendations for improvements to ESCAS.
 - These recommendations will be tested with livestock exporters at the stage 2 stakeholder consultation phase.
- Then, stage 3 of the project will follow, where recommendations are used to review and update ESCAS policies, with the final output being a consolidated document on all aspects of the framework.
 - The plan is to consult publicly at this stage of the review.

Interactions with OIA to date

- We met with the OIA ([s. 47F\(1\)](#) and [s. 47F\(1\)](#)) and a industry peak body representative last year, following finalisation of the first version of our *Summary and scoping document* and prior to the commencement of the review, to discuss views on stakeholder engagement and whether the review can be conducted in a manner consistent with a RIS-like process, so that a full RIS might not be required at its conclusion and prior to implementation.
 - A focus of this meeting was to discuss strong exporter concerns about the department engaging with animal welfare organisations during the review process. Additionally, industry remains opined that animal welfare organisations, being opposed to the livestock export trade and not being directly affected by regulatory decisions, might distort/bias engagement results, and therefore should not be considered key stakeholders for the purpose of engagement.
 - We disagree and consider wide engagement necessary to capture the myriad and nuanced views on livestock exports – a highly scrutinised industry that continues to polarise. It is important that our process and decisions reflect regulatory best practice and considers contemporary social views on the subject. Animal welfare organisations are a key stakeholder, reflected in their interest in the trade and continued role in reporting alleged ESCAS breaches.
- To date, feedback has been positive and we committed to keep the OIA informed as we progress, to ensure our processes continued to be consistent with a RIS-like process (see email exchange with [s. 47F\(1\)](#) below).

To recap our conversation

- I understand that to you knowledge, no formal assessment of our project and approach has been conducted by the OIA and this will need to happen for any definitive advise on whether our approach constitutes a RIS-like process or equivalent.
- Pending your review and assessment, the *Inspector-General Review of ESCAS (2021)* might qualify as a RIS-like process equivalent. The basis for this is the extensive consultation that was undertaken as part of the review, and that a primary focus of the ESCAS Review is to address its recommendations. If this is a possibility, the decision needs to be endorsed at a Deputy Secretary level.
- Integral to an impact analysis is a determination of the magnitude of change and the affected stakeholders. This may be qualitative and subjective, but must be defensible.
 - [s. 47E\(d\)](#)

- s. 47E(d)

- Given that the magnitude of changes will depend on recommendations made as a result of feedback currently being analysed, it might be difficult to determine this until stage 3 of the review (when the outcome of the review is being drafted). However, any assessment on the impacts on industry would be useful.

As discussed, I'd be very grateful for your advice on:

- Anything we need to consider/reconsider about our approach so that our process is consistent with a RIS-like process.
- If you think we might be able to rely on the *Inspector-General Review of ESCAS (2021)* as a RIS-like equivalent.
- If we should be incorporating into our engagement strategy, a request for industry to quantify the impact of proposed changes to them/the trade, particularly where best practice regulation might be resisted on the basis of burden.

I realise this is a lot of information, but I hope it makes sense and trust that it informs you sufficiently to be able to offer the advice we are seeking.

Please let me know if I have missed or misinterpreted anything, and if you have any questions.

I look forward to further discussions.

Kind regards,

s. 22(1)(a)(ii)

Senior Veterinary Officer

Regulatory Performance | Live Animal Export Branch | Plant and Live Animal Exports Division

Phone: s. 22(1)(a)(ii)

Department of Agriculture, Fisheries and Forestry

GPO Box 858 Canberra ACT 2601 Australia

aff.gov.au

From: s. 47F(1) <s. 47F(1) pmc.gov.au>
Sent: Friday, 24 February 2023 4:02 PM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Hi ^{s. 22(1)(a)(ii)}

I left a message for you but I'm not sure if my landline is working so here is my mobile number below. If you could contact me, that would be great.

Regards

s. 47F(1) | Advisor

Office of Impact Analysis | Economic Division

Department of the Prime Minister and Cabinet

p. s. 47F(1) s. 47F(1)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>
Sent: Thursday, 23 February 2023 6:32 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Subject: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Can you get in touch with ^{s. 22(1)(a)(ii)} and let her know you're the new lead on this pls?

We will need to give them some advice about how to meet the independent review requirements (noting this commenced under the former arrangements)

s. 47F(1)

s. 47F(1) Senior Adviser

Office of Impact Analysis

p. s. 47F(1) | m. s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Sent: Thursday, 23 February 2023 6:26 PM
To: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Good afternoon s. 47F(1)

I hope 2023 has started off well for you and your team.

I am reaching out with a status update on the ESCAS Review.

We recently concluded the first of 3 stakeholder consultation stages, which was launched as a survey on the *Have Your Say* platform from 10 January to 21 February 2023. Targeted stakeholders were invited to provide constructive feedback on specific technical challenges to the ESCAS framework. Survey questions are reflected in the Discussion paper, attached for your interest. We are now collating and analysing feedback received and will use it to inform recommendations for improvements to ESCAS in stage 2 of this project.

We would greatly appreciate your advice/confirmation that our processes remain aligned with a RIS-like process, and if there are any relevant considerations from your perspective, on how feedback is handled and analysed, noting that some submissions have been marked as confidential.

Happy to meet to discuss if easier.

Kind regards,

s. 22(1)(a)(ii)

Senior Veterinary Officer

Regulatory Performance | Live Animal Export Branch | Plant and Live Animal Exports Division

Phone: s. 22(1)(a)(ii)

Department of Agriculture, Fisheries and Forestry

GPO Box 858 Canberra ACT 2601 Australia

aff.gov.au

From: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Sent: Wednesday, 7 December 2022 12:30 PM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>
Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Good afternoon s. 22(1)(a)(ii)

Thanks very much for sending this through, and apologies for the delay in my response. I've reviewed the summary and scoping document and have no major concerns. It's good to hear that consultation will be expanded. Seeking quantitative evidence of how proposed solutions will impact various stakeholder groups will assist in providing a more detailed outline of the anticipated costs and benefits.

I am happy to talk through the changes to the Impact Analysis framework once they are settled and am keen to ensure OIA supports you through this impact analysis process.

Kind regards,

s. 47F(1) (she/her) | Adviser
Office of Impact Analysis
Department of the Prime Minister and Cabinet
p. s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) awe.gov.au>
Sent: Monday, 28 November 2022 6:52 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

Hi s. 47F(1)

I'm just reaching out from our team with an update on the ESCAS Review and upcoming stakeholder consultation, to keep you in the loop.

We have released a revised summary and scoping document (attached), to reflect our updated approach to stakeholder engagement. We intend to include a wider group of stakeholders at stage 1 for challenge identification/proposal of solutions, then a more targeted group later on for the testing of recommendations.

We have completed the stage 1 desktop review, and are about to commence stage 1 consultation. As previously discussed, we have contracted a team for their technical expertise to assist with our review, and they have developed draft material for stakeholder consultation. We are reviewing this material internally, prior to publication on the department's engagement platform 'Have Your Say'.

Any feedback or comments on how our current approach may impact the RIS process would be greatly appreciated.

Kind regards,

s. 22(1)(a)(ii)

Senior Technical Officer | Regulatory Performance | s. 22(1)(a)(ii)

Live Animal Exports Branch | Plant & Live Animal Exports Division

Department of Agriculture, Fisheries and Forestry

GPO Box 858 Canberra ACT 2601

awe.gov.au

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Sent: Monday, 14 November 2022 4:32 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

Thanks very much for getting back to us, s. 47F(1)

I'll be in touch again leading up our second consultation stage, to seek your thoughts on our approach at the time.

Kind regards

s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>
Sent: Monday, 14 November 2022 5:07 PM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

OFFICIAL

Good afternoon s. 22(1)(a)(ii)

Thanks very much for providing these documents for OBPR's review. s. 47F(1) and I have discussed the documents and in order to meet the requirements to be certified in lieu of a RIS, the following will need to be considered and included in the development of the review:

- When presenting recommendations to address identified problems in stages 2 and 3, there should be a range of options considered, including at least one non-regulatory option.
- In order to meet the requirements, the final document will need to analyse the costs and benefits of each option. We suggest consultation in stage 2 should include questions to draw out expected costs and benefits from stakeholders. Stakeholders should be encouraged to provide

any evidence, data or statistics of the quantitative impact various options may have on themselves, the community or other groups. Where quantification is not possible, stakeholders should be encouraged to be specific in qualitative assessments of likely impacts.

We're happy to discuss these points further if you would like.

Kind regards,

s. 47F(1) | Adviser

Office of Best Practice Regulation

Economic Division | Department of the Prime Minister and Cabinet

p. s. 47F(1) | e. s. 47F(1) pmc.gov.au | w. www.pmc.gov.au

One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) awe.gov.au>
Sent: Friday, 4 November 2022 5:17 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

Good afternoon s. 47F(1)

I hope this finds you well.

You might recall that we spoke some weeks ago about the Exporter Supply Chain Assurance System (ESCAS) Review.

As discussed, it would be good to get an indication from you about when we should engage with the OBPR as this project progresses.

On this note, please find attached:

- The ESCAS Review project plan, and
- The ESCAS Review scoping and summary document, which outlines focus areas and specific framework components we will be reviewing as part of this project.

We look forward to hearing back from you.

Thanks and have a great weekend!

Kind regards,

s. 22(1)(a)(ii)

Senior Veterinary Officer

Regulatory Performance | Live Animal Export Branch | Plant and Live Animal Exports Division

Phone: s. 22(1)(a)(ii)

Department of Agriculture, Fisheries and Forestry

18 Marcus Clarke Street, Canberra ACT 2601 Australia

GPO Box 858 Canberra ACT 2601 Australia

agriculture.gov.au

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must not review, copy, disseminate or disclose its contents to any other party or take action in reliance of any material contained within it. If you have received this message in error, please notify the sender immediately by return email informing them of the mistake and delete all copies of the message from your computer system.

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s. 47F(1)

Advisor, Office of Impact Analysis

s. 47F(1) or **s. 47F(1)**

s. 47F(1) pmc.gov.au

IMPORTANT: This message, and any attachments to it, contains information that is confidential and may also be the subject of legal professional or other privilege. If you are not the intended recipient of this message, you must not review, copy, disseminate or disclose its contents to any other party or take action in reliance of any material contained within it. If you have received this message in error, please notify the sender immediately by return email informing them of the mistake and delete all copies of the message from your computer system.

IMPORTANT: This message, and any attachments to it, contains information that is confidential and may also be the subject of legal professional or other privilege. If you are not the intended recipient of this message, you must not review, copy, disseminate or disclose its contents to any other party or take action in reliance of any material contained within it. If you have received this message in error, please notify the sender immediately by return email informing them of the mistake and delete all copies of the message from your computer system.

s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii)
Sent: Monday, 24 April 2023 4:03 PM
To: s. 47F(1)
Cc: s. 22(1)(a)(ii) s. 47F(1) Helpdesk-OIA; s. 22(1)(a)(ii)
Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

Sounds great, I'll send through a meeting invite now.

Looking forward to chatting on Thursday!

Cheers,
s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>
Sent: Monday, 24 April 2023 3:58 PM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)aff.gov.au>
Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Hi s. 22(1)(a)(ii) let's go for 2pm on Thursday. Half hour should be fine. It would be me and s. 47F(1) from our end.

Regards
s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Sent: Monday, 24 April 2023 2:02 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)aff.gov.au>
Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

Thanks for the response, more than happy to meet and discuss.

At this stage, I can provide detail on trends in feedback and some claims on regulatory burden *should* a change be implemented by the department, although there hasn't been commitment to implement specific changes as of yet (other than those described in the summary & scoping document/stage 1 discussion paper, for example the introduction of a control and traceability standard). We'll need more time for stage 2 to progress in terms of the development of the draft recommendations, which will constitute the specific proposed changes to the framework.

Happy to discuss further, my afternoons are generally pretty free. A few times this week are:

- Wednesday after 1pm (excluding 3-3:30pm)
- Thursday after 2pm
- Friday between 1-3:30pm

Kind regards,
 s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>
Sent: Friday, 21 April 2023 8:32 AM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>
Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Hi s. 22(1)(a)(ii)

Thanks for your email and the progress update. I agree that it would be good to target some of your questions towards issues that might arise in an Impact Analysis. However, it may be opportune to have a discussion about impacts following the feedback from consultation including issues identified through the confidential submissions (to the extent that you can share this) so as to determine whether you're in IA territory. That is, are we in a position to assess whether the proposals arising from the ESCAS review are likely to result in more than a minor regulatory impact? Or do we need more time for Stage 2 to progress further? Perhaps a meeting to discuss would be worthwhile?

Regards

s. 47F(1) | Advisor
 Office of Impact Analysis | Economic Division
 Department of the Prime Minister and Cabinet
 p. s. 47F(1) s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Sent: Wednesday, 19 April 2023 11:12 AM
To: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

I work in s. 22(1)(a)(ii) team and am just reaching out on her behalf – she's acting in another role for 6 weeks, and I am the current point of contact for the ESCAS review.

I wanted to provide an update on our progress in stage 2, particularly as we have extended our timeframe (stage 2 anticipated to conclude in August) and refined various aspects of our approach, including:

- We have published all non-confidential submissions received during stage 1 on the departmental platform [Have Your Say](#)
- We will be drafting an aggregated report in response to the submissions, i.e., outlining feedback received and the department's response and consideration of this feedback (est. May)
- We will be engaging with stakeholders in a facilitated session mid-stage 2 (est. early June) to discuss overall themes in the aggregated report and the development of draft recommendations, and
- Once draft recommendations are released for review and consultation, offering informal 1-on-1 sessions with stakeholders (in combination with a formal submission process) to ensure all voices are heard independently prior to finalisation of recommendations.

Considering past feedback from the OIA, going forward would it be beneficial to integrate specific questions on stakeholder impacts into upcoming consultation? E.g., Being deliberate during the consultation on draft recommendations during stage 2 in asking questions of stakeholders, particularly industry, on impact, cost and benefit, etc.

Grateful if you had any comments or recommendations on this, as well as our general approach. I understand the difficulty in commenting, while the perceived impact is still in large part unknown; however, happy to send/discuss the aggregated report on stage 1 analysis of feedback once finalised, if this gives a better indication on the tone of feedback received thus far and general direction the department is considering in response.

Kind regards,

s. 22(1)(a)(ii)

A/g Assistant Director | Regulatory Performance and Compliance | s. 22(1)(a)(ii)
Live Animal Export Branch | Traceability, Plant and Live Animal Exports Division

Department of Agriculture, Fisheries and Forestry
GPO Box 858 Canberra ACT 2601
agriculture.gov.au

From: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>

Sent: Thursday, 2 March 2023 2:43 PM

To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>

Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi ^{s. 22(1)(a)(ii)}

Thanks for the email on 27 February, the discussion paper and for the discussion on the phone today.

It is not clear at this stage whether the changes proposed are likely to result in 'more than a minor' regulatory impact. This is partly because the ESCAS framework is fundamentally remaining intact and many of the changes proposed would appear incremental or of a programmatic nature. I note your advice that some industry participants are claiming that the changes might have a significant impact on their commercial viability.

I therefore agree with your proposal that we hold our assessment at this stage and assess the significance of the ESCAS reforms as Stage 2 progresses (about April/May 2023). This will give you an opportunity to assess the claims of those industry participants.

If we determine that the proposal is more than minor, an Impact Analysis will need to be required to be prepared for Stage 3 to inform the decision, consistent with Government requirements.

We look forward to further discussions at this time. In the interim, feel free to contact me (or s. 47F^{s. 47F(1)}) to discuss any other issues that might assist with your consultation and policy development process.

regards

s. 47F(1) | Advisor
Office of Impact Analysis | Economic Division
Department of the Prime Minister and Cabinet
p. s. 47F(1) s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Sent: Monday, 27 February 2023 11:01 PM

To: s. 47F(1) <s. 47F(1) pmc.gov.au>

Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Dear s. 47F(1)

Thank you for taking the time to chat about the ESCAS Review this morning, and apologies for missing your call on Friday.

Allow me to introduce ^{s. 22(1)(a)(ii)} (copied) who is working with me on this project.

As discussed, here is some relevant background on:

The Exporter Supply Chain Assurance System (ESCAS)

- ESCAS is a regulatory framework that seeks to ensure animal welfare, control and traceability outcomes for feeder and slaughter livestock from the point of arrival in importing countries up until and including the point of slaughter.
- Livestock exporters are the regulated entities under ESCAS. They are responsible for establishing and managing arrangements with supply chain partners (i.e. importers, feedlots and abattoirs) in importing countries to ensure that ESCAS requirements are met.
- ESCAS was developed in 2011 in response to public outrage following the release of footage on *Four Corners* depicting poor animal handling and slaughter practices at Indonesian abattoirs, and progressively rolled out to all countries importing Australian feeder and slaughter livestock during 2012.
 - Currently there are around 90 approved ESCAS supply chains across 17 countries.
- ESCAS has since been largely effective in delivering against its intended outcomes.
- Alleged ESCAS non-compliances are investigated by the department and regulatory action taken as indicated and as soon as practically possible.
 - Since 2013, less than 0.20% of exported livestock covered by ESCAS have been involved with confirmed ESCAS non-compliances.
 - Reports of alleged ESCAS non-compliance are received from exporters (self-reports – 55%), third-parties (animal welfare organisations or private citizens in importing countries – 35%), industry groups, included in independent audit reports submitted by exporters or identified by the department.

The ESCAS Review

- The department is reviewing components of the ESCAS framework to ensure that it remains fit-for-purpose and supports consistent, risk-based regulation.
- The review is being conducted in 3 stages, with stakeholder engagement at the end of each stage. A **Summary and scoping document** setting out focus areas for the project, work at each stage, our stakeholder engagement approach and key review outcomes is attached for your reference.
- Key outcomes of this review include the production of a consolidated, single source reference of ESCAS for departmental staff and stakeholders, and to follow-through with the department's commitment to address recommendations in the [Inspector-General Review of ESCAS \(2021\)](#).
- We have just concluded stage 1 of the review, including associated stakeholder engagement. This stage was a gap analysis, with possible areas for improvement to the current ESCAS framework identified as 'challenges'.
 - Targeted stakeholder groups (i.e., livestock exporters and their peak industry bodies, industry groups and animal welfare organisations) were invited to provide constructive feedback on, and propose practical solutions to these specific technical challenges. There was also the opportunity to present challenges that they felt had not been identified.
 - This consultation stage was launched as a survey on the *Have Your Say* platform on 10 January and closed on 21 February 2023.
 - The attached **Discussion Paper** sets out identified challenges and is the exhaustive basis on which the *Have Your Say* survey was built.
- We are now in stage 2 of the ESCAS Review, and are reviewing and analysing submissions from our recent consultation stage.
 - The aim of this stage is to use feedback from the first consultation stage to inform recommendations for improvements to ESCAS.
 - These recommendations will be tested with livestock exporters at the stage 2 stakeholder consultation phase.
- Then, stage 3 of the project will follow, where recommendations are used to review and update ESCAS policies, with the final output being a consolidated document on all aspects of the framework.
 - The plan is to consult publicly at this stage of the review.

Interactions with OIA to date

- We met with the OIA (s. 47F(1) and s. 47F(1)) and a industry peak body representative last year, following finalisation of the first version of our *Summary and scoping document* and prior to the commencement of the review, to discuss views on stakeholder engagement and whether the review can be conducted in a manner consistent with a RIS-like process, so that a full RIS might not be required at its conclusion and prior to implementation.
 - A focus of this meeting was to discuss strong exporter concerns about the department engaging with animal welfare organisations during the review process. Additionally, industry remains opined that animal welfare organisations, being opposed to the livestock export trade and not being directly affected by regulatory decisions, might distort/bias engagement results, and therefore should not be considered key stakeholders for the purpose of engagement.
 - We disagree and consider wide engagement necessary to capture the myriad and nuanced views on livestock exports – a highly scrutinised industry that continues to polarise. It is important that our process and decisions reflect regulatory best practice and considers contemporary social views on the subject. Animal welfare organisations are a key stakeholder, reflected in their interest in the trade and continued role in reporting alleged ESCAS breaches.
- To date, feedback has been positive and we committed to keep the OIA informed as we progress, to ensure our processes continued to be consistent with a RIS-like process (see email exchange with s. 47F(1) below).

To recap our conversation

- I understand that to you knowledge, no formal assessment of our project and approach has been conducted by the OIA and this will need to happen for any definitive advise on whether our approach constitutes a RIS-like process or equivalent.
 - Pending your review and assessment, the *Inspector-General Review of ESCAS (2021)* might qualify as a RIS-like process equivalent. The basis for this is the extensive consultation that was undertaken as part of the review, and that a primary focus of the ESCAS Review is to address its recommendations. If this is a possibility, the decision needs to be endorsed at a Deputy Secretary level.
 - Integral to an impact analysis is a determination of the magnitude of change and the affected stakeholders. This may be qualitative and subjective, but must be defensible.
 - s. 47E(d)
-
- Given that the magnitude of changes will depend on recommendations made as a result of feedback currently being analysed, it might be difficult to determine this until stage 3 of the review (when the outcome of the review is being drafted). However, any assessment on the impacts on industry would be useful.

As discussed, I'd be very grateful for your advice on:

- Anything we need to consider/reconsider about our approach so that our process is consistent with a RIS-like process.
- If you think we might be able to rely on the *Inspector-General Review of ESCAS (2021)* as a RIS-like equivalent.
- If we should be incorporating into our engagement strategy, a request for industry to quantify the impact of proposed changes to them/the trade, particularly where best practice regulation might be resisted on the basis of burden.

I realise this is a lot of information, but I hope it makes sense and trust that it informs you sufficiently to be able to offer the advice we are seeking.

Please let me know if I have missed or misinterpreted anything, and if you have any questions.

I look forward to further discussions.

Kind regards,

s. 22(1)(a)(ii)

Senior Veterinary Officer

Regulatory Performance | Live Animal Export Branch | Plant and Live Animal Exports Division

Phone: s. 22(1)(a)(ii)

Department of Agriculture, Fisheries and Forestry

GPO Box 858 Canberra ACT 2601 Australia

aff.gov.au

From: s. 47F(1) <s. 47F(1) pmc.gov.au>

Sent: Friday, 24 February 2023 4:02 PM

To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Hi s. 22(1)(a)(ii)

I left a message for you but I'm not sure if my landline is working so here is my mobile number below. If you could contact me, that would be great.

Regards

s. 47F(1) | Advisor

Office of Impact Analysis | Economic Division

Department of the Prime Minister and Cabinet

p. s. 47F(1) s. 47F(1)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>

Sent: Thursday, 23 February 2023 6:32 PM

To: s. 47F(1) <s. 47F(1) pmc.gov.au>

Subject: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Can you get in touch with ^{s. 22(1)(a)(ii)} and let her know you're the new lead on this pls?

We will need to give them some advice about how to meet the independent review requirements (noting this commenced under the former arrangements)

s. 47F(1)

s. 47F(1) Senior Adviser

Office of Impact Analysis

p. s. 47F(1) | m. s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Sent: Thursday, 23 February 2023 6:26 PM

To: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>

Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Good afternoon ^{s. 47F(1)}

I hope 2023 has started off well for you and your team.

I am reaching out with a status update on the ESCAS Review.

We recently concluded the first of 3 stakeholder consultation stages, which was launched as a survey on the *Have Your Say* platform from 10 January to 21 February 2023. Targeted stakeholders were invited to provide constructive feedback on specific technical challenges to the ESCAS framework. Survey questions are reflected in the Discussion paper, attached for your interest. We are now collating and analysing feedback received and will use it to inform recommendations for improvements to ESCAS in stage 2 of this project.

We would greatly appreciate your advice/confirmation that our processes remain aligned with a RIS-like process, and if there are any relevant considerations from your perspective, on how feedback is handled and analysed, noting that some submissions have been marked as confidential.

Happy to meet to discuss if easier.

Kind regards,

s. 22(1)(a)(ii)

Senior Veterinary Officer

Regulatory Performance | Live Animal Export Branch | Plant and Live Animal Exports Division

Phone: s. 22(1)(a)(ii)

Department of Agriculture, Fisheries and Forestry

GPO Box 858 Canberra ACT 2601 Australia

aff.gov.au

From: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>

Sent: Wednesday, 7 December 2022 12:30 PM

To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>

Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Good afternoon s. 22(1)(a)(ii)

Thanks very much for sending this through, and apologies for the delay in my response. I've reviewed the summary and scoping document and have no major concerns. It's good to hear that consultation will be expanded. Seeking quantitative evidence of how proposed solutions will impact various stakeholder groups will assist in providing a more detailed outline of the anticipated costs and benefits.

I am happy to talk through the changes to the Impact Analysis framework once they are settled and am keen to ensure OIA supports you through this impact analysis process.

Kind regards,

s. 47F(1) (she/her) | Adviser

Office of Impact Analysis

Department of the Prime Minister and Cabinet

p. s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) awe.gov.au>

Sent: Monday, 28 November 2022 6:52 PM

To: s. 47F(1) <s. 47F(1) pmc.gov.au>

Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>

Subject: RE: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

Hi [s. 47F\(1\)](#)

I'm just reaching out from our team with an update on the ESCAS Review and upcoming stakeholder consultation, to keep you in the loop.

We have released a revised summary and scoping document (attached), to reflect our updated approach to stakeholder engagement. We intend to include a wider group of stakeholders at stage 1 for challenge identification/proposal of solutions, then a more targeted group later on for the testing of recommendations.

We have completed the stage 1 desktop review, and are about to commence stage 1 consultation. As previously discussed, we have contracted a team for their technical expertise to assist with our review, and they have developed draft material for stakeholder consultation. We are reviewing this material internally, prior to publication on the department's engagement platform 'Have Your Say'.

Any feedback or comments on how our current approach may impact the RIS process would be greatly appreciated.

Kind regards,

[s. 22\(1\)\(a\)\(ii\)](#)

Senior Technical Officer | Regulatory Performance | [s. 22\(1\)\(a\)\(ii\)](#)

[Live Animal Exports Branch | Plant & Live Animal Exports Division](#)

Department of Agriculture, Fisheries and Forestry

GPO Box 858 Canberra ACT 2601

awe.gov.au

From: [s. 22\(1\)\(a\)\(ii\)](#) <[s. 22\(1\)\(a\)\(ii\)](#) agriculture.gov.au>
Sent: Monday, 14 November 2022 4:32 PM
To: [s. 47F\(1\)](#) <[s. 47F\(1\)](#) pmc.gov.au>
Cc: [s. 47F\(1\)](#) <[s. 47F\(1\)](#) pmc.gov.au>; [s. 22\(1\)\(a\)\(ii\)](#) <[s. 22\(1\)\(a\)\(ii\)](#) agriculture.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

Thanks very much for getting back to us, [s. 47F\(1\)](#)

I'll be in touch again leading up our second consultation stage, to seek your thoughts on our approach at the time.

Kind regards

s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>
Sent: Monday, 14 November 2022 5:07 PM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

OFFICIAL

Good afternoon s. 22(1)(a)(ii)

Thanks very much for providing these documents for OBPR's review. s. 47F(1) and I have discussed the documents and in order to meet the requirements to be certified in lieu of a RIS, the following will need to be considered and included in the development of the review:

- When presenting recommendations to address identified problems in stages 2 and 3, there should be a range of options considered, including at least one non-regulatory option.
- In order to meet the requirements, the final document will need to analyse the costs and benefits of each option. We suggest consultation in stage 2 should include questions to draw out expected costs and benefits from stakeholders. Stakeholders should be encouraged to provide any evidence, data or statistics of the quantitative impact various options may have on themselves, the community or other groups. Where quantification is not possible, stakeholders should be encouraged to be specific in qualitative assessments of likely impacts.

We're happy to discuss these points further if you would like.

Kind regards,

s. 47F(1) | Adviser

Office of Best Practice Regulation

Economic Division | Department of the Prime Minister and Cabinet

p. s. 47F(1) | e. s. 47F(1) pmc.gov.au | w. www.pmc.gov.au

One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) awe.gov.au>
Sent: Friday, 4 November 2022 5:17 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

Good afternoon s. 47F(1)

I hope this finds you well.

You might recall that we spoke some weeks ago about the Exporter Supply Chain Assurance System (ESCAS) Review.

As discussed, it would be good to get an indication from you about when we should engage with the OBPR as this project progresses.

On this note, please find attached:

- The ESCAS Review project plan, and
- The ESCAS Review scoping and summary document, which outlines focus areas and specific framework components we will be reviewing as part of this project.

We look forward to hearing back from you.

Thanks and have a great weekend!

Kind regards,

s. 22(1)(a)(ii)

Senior Veterinary Officer

Regulatory Performance | Live Animal Export Branch | Plant and Live Animal Exports Division

Phone: s. 22(1)(a)(ii)

Department of Agriculture, Fisheries and Forestry

18 Marcus Clarke Street, Canberra ACT 2601 Australia

GPO Box 858 Canberra ACT 2601 Australia

agriculture.gov.au

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s. 47F(1) or s. 47F(1)

s. 47F(1) pmc.gov.au

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s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii)
Sent: Tuesday, 30 May 2023 1:22 PM
To: s. 47F(1)
Cc: Helpdesk-OIA; s. 47F(1) s. 22(1)(a)(ii) s. 22(1)(a)(ii)
Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

I am just reaching out with an update on the ESCAS review since we spoke last – we have completed a first draft of the aggregated report, on the department's analysis of the feedback received during stage 1 consultation.

We are currently working to finalise this draft, before publishing on HYS for stakeholders to view prior to the facilitated session in June.

Did you have any availability next week for a meeting to discuss some of the emerging themes?

Kind regards,
s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii)
Sent: Monday, April 24, 2023 4:03 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)aff.gov.au>
Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

Sounds great, I'll send through a meeting invite now.

Looking forward to chatting on Thursday!

Cheers,
s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>
Sent: Monday, 24 April 2023 3:58 PM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)aff.gov.au>
Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Hi s. 22(1)(a)(ii) let's go for 2pm on Thursday. Half hour should be fine. It would be me and s. 47F(1) from our end.

Regards
s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Sent: Monday, 24 April 2023 2:02 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>

Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

Thanks for the response, more than happy to meet and discuss.

At this stage, I can provide detail on trends in feedback and some claims on regulatory burden *should* a change be implemented by the department, although there hasn't been commitment to implement specific changes as of yet (other than those described in the summary & scoping document/stage 1 discussion paper, for example the introduction of a control and traceability standard). We'll need more time for stage 2 to progress in terms of the development of the draft recommendations, which will constitute the specific proposed changes to the framework.

Happy to discuss further, my afternoons are generally pretty free. A few times this week are:

- Wednesday after 1pm (excluding 3-3:30pm)
- Thursday after 2pm
- Friday between 1-3:30pm

Kind regards,

s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>

Sent: Friday, 21 April 2023 8:32 AM

To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>

Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>

Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Hi s. 22(1)(a)(ii)

Thanks for your email and the progress update. I agree that it would be good to target some of your questions towards issues that might arise in an Impact Analysis. However, it may be opportune to have a discussion about impacts following the feedback from consultation including issues identified through the confidential submissions (to the extent that you can share this) so as to determine whether you're in IA territory. That is, are we in a position to assess whether the proposals arising from the ESCAS review are likely to result in more than a minor regulatory impact? Or do we need more time for Stage 2 to progress further? Perhaps a meeting to discuss would be worthwhile?

Regards

s. 47F(1) | Advisor

Office of Impact Analysis | Economic Division

Department of the Prime Minister and Cabinet

p. s. 47F(1) s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Sent: Wednesday, 19 April 2023 11:12 AM

To: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>

Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii)

<s. 22(1)(a)(ii) aff.gov.au>

Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

I work in s. 22(1)(a)(ii) team and am just reaching out on her behalf – she's acting in another role for 6 weeks, and I am the current point of contact for the ESCAS review.

I wanted to provide an update on our progress in stage 2, particularly as we have extended our timeframe (stage 2 anticipated to conclude in August) and refined various aspects of our approach, including:

- We have published all non-confidential submissions received during stage 1 on the departmental platform [Have Your Say](#)
- We will be drafting an aggregated report in response to the submissions, i.e., outlining feedback received and the department's response and consideration of this feedback (est. May)
- We will be engaging with stakeholders in a facilitated session mid-stage 2 (est. early June) to discuss overall themes in the aggregated report and the development of draft recommendations, and
- Once draft recommendations are released for review and consultation, offering informal 1-on-1 sessions with stakeholders (in combination with a formal submission process) to ensure all voices are heard independently prior to finalisation of recommendations.

Considering past feedback from the OIA, going forward would it be beneficial to integrate specific questions on stakeholder impacts into upcoming consultation? E.g., Being deliberate during the consultation on draft recommendations during stage 2 in asking questions of stakeholders, particularly industry, on impact, cost and benefit, etc.

Grateful if you had any comments or recommendations on this, as well as our general approach. I understand the difficulty in commenting, while the perceived impact is still in large part unknown; however, happy to send/discuss the aggregated report on stage 1 analysis of feedback once finalised, if this gives a better indication on the tone of feedback received thus far and general direction the department is considering in response.

Kind regards,

s. 22(1)(a)(ii)

A/g Assistant Director | Regulatory Performance and Compliance | s. 22(1)(a)(ii)
Live Animal Export Branch | Traceability, Plant and Live Animal Exports Division

Department of Agriculture, Fisheries and Forestry
GPO Box 858 Canberra ACT 2601
agriculture.gov.au

From: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>

Sent: Thursday, 2 March 2023 2:43 PM

To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>

Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 22(1)(a)(ii)

Thanks for the email on 27 February, the discussion paper and for the discussion on the phone today.

It is not clear at this stage whether the changes proposed are likely to result in 'more than a minor' regulatory impact. This is partly because the ESCAS framework is fundamentally remaining intact and many of the changes proposed would appear incremental or of a programmatic nature. I note your advice that some industry participants are claiming that the changes might have a significant impact on their commercial viability.

I therefore agree with your proposal that we hold our assessment at this stage and assess the significance of the ESCAS reforms as Stage 2 progresses (about April/May 2023). This will give you an opportunity to assess the claims of those industry participants.

If we determine that the proposal is more than minor, an Impact Analysis will need to be required to be prepared for Stage 3 to inform the decision, consistent with Government requirements.

We look forward to further discussions at this time. In the interim, feel free to contact me (or s. 47F^{s. 47F(1)}) to discuss any other issues that might assist with your consultation and policy development process.

regards

s. 47F(1) | Advisor
Office of Impact Analysis | Economic Division
Department of the Prime Minister and Cabinet
p. s. 47F(1) s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Sent: Monday, 27 February 2023 11:01 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Dear s. 47F(1)

Thank you for taking the time to chat about the ESCAS Review this morning, and apologies for missing your call on Friday.

Allow me to introduce s. 22(1)(a)(ii) (copied) who is working with me on this project.

As discussed, here is some relevant background on:

The Exporter Supply Chain Assurance System (ESCAS)

- ESCAS is a regulatory framework that seeks to ensure animal welfare, control and traceability outcomes for feeder and slaughter livestock from the point of arrival in importing countries up until and including the point of slaughter.
- Livestock exporters are the regulated entities under ESCAS. They are responsible for establishing and managing arrangements with supply chain partners (i.e. importers, feedlots and abattoirs) in importing countries to ensure that ESCAS requirements are met.
- ESCAS was developed in 2011 in response to public outrage following the release of footage on *Four Corners* depicting poor animal handling and slaughter practices at Indonesian abattoirs, and progressively rolled out to all countries importing Australian feeder and slaughter livestock during 2012.
 - Currently there are around 90 approved ESCAS supply chains across 17 countries.
- ESCAS has since been largely effective in delivering against its intended outcomes.
- Alleged ESCAS non-compliances are investigated by the department and regulatory action taken as indicated and as soon as practically possible.
 - Since 2013, less than 0.20% of exported livestock covered by ESCAS have been involved with confirmed ESCAS non-compliances.
 - Reports of alleged ESCAS non-compliance are received from exporters (self-reports – 55%), third-parties (animal welfare organisations or private citizens in importing countries – 35%), industry groups, included in independent audit reports submitted by exporters or identified by the department.

The ESCAS Review

- The department is reviewing components of the ESCAS framework to ensure that it remains fit-for-purpose and supports consistent, risk-based regulation.
- The review is being conducted in 3 stages, with stakeholder engagement at the end of each stage. A **Summary and scoping document** setting out focus areas for the project, work at each stage, our stakeholder engagement approach and key review outcomes is attached for your reference.
- Key outcomes of this review include the production of a consolidated, single source reference of ESCAS for departmental staff and stakeholders, and to follow-through with the department's commitment to address recommendations in the [Inspector-General Review of ESCAS \(2021\)](#).
- We have just concluded stage 1 of the review, including associated stakeholder engagement. This stage was a gap analysis, with possible areas for improvement to the current ESCAS framework identified as 'challenges'.
 - Targeted stakeholder groups (i.e., livestock exporters and their peak industry bodies, industry groups and animal welfare organisations) were invited to provide constructive feedback on, and propose practical solutions to these specific technical challenges. There was also the opportunity to present challenges that they felt had not been identified.
 - This consultation stage was launched as a survey on the *Have Your Say* platform on 10 January and closed on 21 February 2023.
 - The attached **Discussion Paper** sets out identified challenges and is the exhaustive basis on which the *Have Your Say* survey was built.
- We are now in stage 2 of the ESCAS Review, and are reviewing and analysing submissions from our recent consultation stage.
 - The aim of this stage is to use feedback from the first consultation stage to inform recommendations for improvements to ESCAS.
 - These recommendations will be tested with livestock exporters at the stage 2 stakeholder consultation phase.
- Then, stage 3 of the project will follow, where recommendations are used to review and update ESCAS policies, with the final output being a consolidated document on all aspects of the framework.
 - The plan is to consult publicly at this stage of the review.

Interactions with OIA to date

- We met with the OIA ([s. 47F\(1\)](#) and [s. 47F\(1\)](#)) and a industry peak body representative last year, following finalisation of the first version of our *Summary and scoping document* and prior to the commencement of the review, to discuss views on stakeholder engagement and whether the review can be conducted in a manner consistent with a RIS-like process, so that a full RIS might not be required at its conclusion and prior to implementation.
 - A focus of this meeting was to discuss strong exporter concerns about the department engaging with animal welfare organisations during the review process. Additionally, industry remains opined that animal welfare organisations, being opposed to the livestock export trade and not being directly affected by regulatory decisions, might distort/bias engagement results, and therefore should not be considered key stakeholders for the purpose of engagement.
 - We disagree and consider wide engagement necessary to capture the myriad and nuanced views on livestock exports – a highly scrutinised industry that continues to polarise. It is important that our process and decisions reflect regulatory best practice and considers contemporary social views on the subject. Animal welfare organisations are a key stakeholder, reflected in their interest in the trade and continued role in reporting alleged ESCAS breaches.
- To date, feedback has been positive and we committed to keep the OIA informed as we progress, to ensure our processes continued to be consistent with a RIS-like process (see email exchange with [s. 47F\(1\)](#) below).

To recap our conversation

- I understand that to you knowledge, no formal assessment of our project and approach has been conducted by the OIA and this will need to happen for any definitive advise on whether our approach constitutes a RIS-like process or equivalent.
- Pending your review and assessment, the *Inspector-General Review of ESCAS (2021)* might qualify as a RIS-like process equivalent. The basis for this is the extensive consultation that was undertaken as part of the review, and that a primary focus of the ESCAS Review is to address its recommendations. If this is a possibility, the decision needs to be endorsed at a Deputy Secretary level.
- Integral to an impact analysis is a determination of the magnitude of change and the affected stakeholders. This may be qualitative and subjective, but must be defensible.
 - [s. 47E\(d\)](#)

- Given that the magnitude of changes will depend on recommendations made as a result of feedback currently being analysed, it might be difficult to determine this until stage 3 of the review (when the outcome of the review is being drafted). However, any assessment on the impacts on industry would be useful.

As discussed, I'd be very grateful for your advice on:

- Anything we need to consider/reconsider about our approach so that our process is consistent with a RIS-like process.
- If you think we might be able to rely on the *Inspector-General Review of ESCAS (2021)* as a RIS-like equivalent.
- If we should be incorporating into our engagement strategy, a request for industry to quantify the impact of proposed changes to them/the trade, particularly where best practice regulation might be resisted on the basis of burden.

I realise this is a lot of information, but I hope it makes sense and trust that it informs you sufficiently to be able to offer the advice we are seeking.

Please let me know if I have missed or misinterpreted anything, and if you have any questions.

I look forward to further discussions.

Kind regards,

s. 22(1)(a)(ii)

Senior Veterinary Officer

Regulatory Performance | Live Animal Export Branch | Plant and Live Animal Exports Division

Phone: s. 22(1)(a)(ii)

Department of Agriculture, Fisheries and Forestry

GPO Box 858 Canberra ACT 2601 Australia

aff.gov.au

From: s. 47F(1) <s. 47F(1) pmc.gov.au>

Sent: Friday, 24 February 2023 4:02 PM

To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Hi ^{s. 22(1)(a)(ii)}

I left a message for you but I'm not sure if my landline is working so here is my mobile number below. If you could contact me, that would be great.

Regards

s. 47F(1) | Advisor

Office of Impact Analysis | Economic Division

Department of the Prime Minister and Cabinet

p. s. 47F(1) s. 47F(1)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>
Sent: Thursday, 23 February 2023 6:32 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Subject: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Can you get in touch with ^{s. 22(1)(a)(ii)} and let her know you're the new lead on this pls?

We will need to give them some advice about how to meet the independent review requirements (noting this commenced under the former arrangements)

s. 47F(1)

s. 47F(1) Senior Adviser

Office of Impact Analysis

p. s. 47F(1) | m. s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Sent: Thursday, 23 February 2023 6:26 PM
To: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Good afternoon ^{s. 47F(1)}

I hope 2023 has started off well for you and your team.

I am reaching out with a status update on the ESCAS Review.

We recently concluded the first of 3 stakeholder consultation stages, which was launched as a survey on the *Have Your Say* platform from 10 January to 21 February 2023. Targeted stakeholders were invited to provide constructive feedback on specific technical challenges to the ESCAS framework. Survey questions are reflected in the Discussion paper, attached for your interest. We are now collating and analysing feedback received and will use it to inform recommendations for improvements to ESCAS in stage 2 of this project.

We would greatly appreciate your advice/confirmation that our processes remain aligned with a RIS-like process, and if there are any relevant considerations from your perspective, on how feedback is handled and analysed, noting that some submissions have been marked as confidential.

Happy to meet to discuss if easier.

Kind regards,

s. 22(1)(a)(ii)

Senior Veterinary Officer

Regulatory Performance | Live Animal Export Branch | Plant and Live Animal Exports Division

Phone: s. 22(1)(a)(ii)

Department of Agriculture, Fisheries and Forestry

GPO Box 858 Canberra ACT 2601 Australia

aff.gov.au

From: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>

Sent: Wednesday, 7 December 2022 12:30 PM

To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>

Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Good afternoon ^{s. 22(1)(a)(ii)}

Thanks very much for sending this through, and apologies for the delay in my response. I've reviewed the summary and scoping document and have no major concerns. It's good to hear that consultation will be expanded. Seeking quantitative evidence of how proposed solutions will impact various stakeholder groups will assist in providing a more detailed outline of the anticipated costs and benefits.

I am happy to talk through the changes to the Impact Analysis framework once they are settled and am keen to ensure OIA supports you through this impact analysis process.

Kind regards,

s. 47F(1) (she/her) | Adviser
Office of Impact Analysis
Department of the Prime Minister and Cabinet
p. s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) awe.gov.au>
Sent: Monday, 28 November 2022 6:52 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

Hi ^{s. 47F(1)}

I'm just reaching out from our team with an update on the ESCAS Review and upcoming stakeholder consultation, to keep you in the loop.

We have released a revised summary and scoping document (attached), to reflect our updated approach to stakeholder engagement. We intend to include a wider group of stakeholders at stage 1 for challenge identification/proposal of solutions, then a more targeted group later on for the testing of recommendations.

We have completed the stage 1 desktop review, and are about to commence stage 1 consultation. As previously discussed, we have contracted a team for their technical expertise to assist with our review, and they have developed draft material for stakeholder consultation. We are reviewing this material internally, prior to publication on the department's engagement platform 'Have Your Say'.

Any feedback or comments on how our current approach may impact the RIS process would be greatly appreciated.

Kind regards,

s. 22(1)(a)(ii)

Senior Technical Officer | Regulatory Performance | s. 22(1)(a)(ii)

Live Animal Exports Branch | Plant & Live Animal Exports Division

Department of Agriculture, Fisheries and Forestry

GPO Box 858 Canberra ACT 2601

awe.gov.au

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Sent: Monday, 14 November 2022 4:32 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

Thanks very much for getting back to us, s. 47F(1)

I'll be in touch again leading up our second consultation stage, to seek your thoughts on our approach at the time.

Kind regards

s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>
Sent: Monday, 14 November 2022 5:07 PM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

OFFICIAL

Good afternoon s. 22(1)(a)(ii)

Thanks very much for providing these documents for OBPR's review. s. 47F(1) and I have discussed the documents and in order to meet the requirements to be certified in lieu of a RIS, the following will need to be considered and included in the development of the review:

- When presenting recommendations to address identified problems in stages 2 and 3, there should be a range of options considered, including at least one non-regulatory option.
- In order to meet the requirements, the final document will need to analyse the costs and benefits of each option. We suggest consultation in stage 2 should include questions to draw out expected costs and benefits from stakeholders. Stakeholders should be encouraged to provide any evidence, data or statistics of the quantitative impact various options may have on themselves, the community or other groups. Where quantification is not possible, stakeholders should be encouraged to be specific in qualitative assessments of likely impacts.

We're happy to discuss these points further if you would like.

Kind regards,

s. 47F(1) | Adviser

Office of Best Practice Regulation

Economic Division | Department of the Prime Minister and Cabinet

p. s. 47F(1) | e. s. 47F(1) pmc.gov.au | w. www.pmc.gov.au

One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) awe.gov.au>
Sent: Friday, 4 November 2022 5:17 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

Good afternoon s. 47F(1)

I hope this finds you well.

You might recall that we spoke some weeks ago about the Exporter Supply Chain Assurance System (ESCAS) Review.

As discussed, it would be good to get an indication from you about when we should engage with the OBPR as this project progresses.

On this note, please find attached:

- The ESCAS Review project plan, and
- The ESCAS Review scoping and summary document, which outlines focus areas and specific framework components we will be reviewing as part of this project.

We look forward to hearing back from you.

Thanks and have a great weekend!

Kind regards,

s. 22(1)(a)(ii)

Senior Veterinary Officer

Phone: s. 22(1)(a)(ii)

Department of Agriculture, Fisheries and Forestry

18 Marcus Clarke Street, Canberra ACT 2601 Australia

GPO Box 858 Canberra ACT 2601 Australia

agriculture.gov.au

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s. 47F(1)

Advisor, Office of Impact Analysis

s. 47F(1) or s. 47F(1)

s. 47F(1) pmc.gov.au

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have received this message in error, please notify the sender immediately by

return email informing them of the mistake and delete all copies of the

message from your computer system.

s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii)
Sent: Tuesday, 30 May 2023 5:58 PM
To: 's. 47F(1)
Cc: Helpdesk-OIA; s. 47F(1) s. 22(1)(a)(ii) s. 22(1)(a)(ii) s. 47F(1)
Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

Thanks for the quick response and that sounds good – afternoon works for us as well!

I'll send through a meeting invite shortly, and looking forward to speaking next week.

Kind regards,

s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>
Sent: Tuesday, May 30, 2023 3:15 PM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Cc: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Good afternoon s. 22(1)(a)(ii)

Thanks for reaching out, glad to hear from you. Would you also be able to include s. 47F(1) (cc'd) on a discussion invite? He's supporting me in s. 47F(1) absence.

Would next Wednesday work? We are free any time after 1pm. Otherwise, happy to provide some other times.

Kind regards

s. 47F(1)

s. 47F(1) | Adviser | Office of Impact Analysis
 Economic Division | Department of the Prime Minister and Cabinet
 p. s. 47F(1) | e. s. 47F(1) pmc.gov.au | w. pmc.gov.au
 Ngunnawal Country, One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600



The Department acknowledges and pays respect to the past, present and emerging Elders and Traditional Custodians of Country, and the continuation of cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander peoples.

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Sent: Tuesday, 30 May 2023 1:22 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii)

<s. 22(1)(a)(ii) aff.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)aff.gov.au>

Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

I am just reaching out with an update on the ESCAS review since we spoke last – we have completed a first draft of the aggregated report, on the department's analysis of the feedback received during stage 1 consultation.

We are currently working to finalise this draft, before publishing on HYS for stakeholders to view prior to the facilitated session in June.

Did you have any availability next week for a meeting to discuss some of the emerging themes?

Kind regards,

s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii)

Sent: Monday, April 24, 2023 4:03 PM

To: s. 47F(1) <s. 47F(1) pmc.gov.au>

Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)aff.gov.au>

Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

Sounds great, I'll send through a meeting invite now.

Looking forward to chatting on Thursday!

Cheers,

s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>

Sent: Monday, 24 April 2023 3:58 PM

To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)aff.gov.au>

Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Hi s. 22(1)(a)(ii) let's go for 2pm on Thursday. Half hour should be fine. It would be me and s. 47F(1) from our end.

Regards

s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Sent: Monday, 24 April 2023 2:02 PM

To: s. 47F(1) <s. 47F(1) pmc.gov.au>

Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)aff.gov.au>

Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

Thanks for the response, more than happy to meet and discuss.

At this stage, I can provide detail on trends in feedback and some claims on regulatory burden *should* a change be implemented by the department, although there hasn't been commitment to implement specific changes as of yet (other than those described in the summary & scoping document/stage 1 discussion paper, for example the introduction of a control and traceability standard). We'll need more time for stage 2 to progress in terms of the development of the draft recommendations, which will constitute the specific proposed changes to the framework.

Happy to discuss further, my afternoons are generally pretty free. A few times this week are:

- Wednesday after 1pm (excluding 3-3:30pm)
- Thursday after 2pm
- Friday between 1-3:30pm

Kind regards,

s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>
Sent: Friday, 21 April 2023 8:32 AM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>
Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Hi s. 22(1)(a)(ii)

Thanks for your email and the progress update. I agree that it would be good to target some of your questions towards issues that might arise in an Impact Analysis. However, it may be opportune to have a discussion about impacts following the feedback from consultation including issues identified through the confidential submissions (to the extent that you can share this) so as to determine whether you're in IA territory. That is, are we in a position to assess whether the proposals arising from the ESCAS review are likely to result in more than a minor regulatory impact? Or do we need more time for Stage 2 to progress further? Perhaps a meeting to discuss would be worthwhile?

Regards

s. 47F(1) | Advisor
 Office of Impact Analysis | Economic Division
 Department of the Prime Minister and Cabinet
 p. s. 47F(1) s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Sent: Wednesday, 19 April 2023 11:12 AM
To: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

I work in s. 22(1)(a)(ii) team and am just reaching out on her behalf – she's acting in another role for 6 weeks, and I am the current point of contact for the ESCAS review.

I wanted to provide an update on our progress in stage 2, particularly as we have extended our timeframe (stage 2 anticipated to conclude in August) and refined various aspects of our approach, including:

- We have published all non-confidential submissions received during stage 1 on the departmental platform [Have Your Say](#)
- We will be drafting an aggregated report in response to the submissions, i.e., outlining feedback received and the department's response and consideration of this feedback (est. May)
- We will be engaging with stakeholders in a facilitated session mid-stage 2 (est. early June) to discuss overall themes in the aggregated report and the development of draft recommendations, and
- Once draft recommendations are released for review and consultation, offering informal 1-on-1 sessions with stakeholders (in combination with a formal submission process) to ensure all voices are heard independently prior to finalisation of recommendations.

Considering past feedback from the OIA, going forward would it be beneficial to integrate specific questions on stakeholder impacts into upcoming consultation? E.g., Being deliberate during the consultation on draft recommendations during stage 2 in asking questions of stakeholders, particularly industry, on impact, cost and benefit, etc.

Grateful if you had any comments or recommendations on this, as well as our general approach. I understand the difficulty in commenting, while the perceived impact is still in large part unknown; however, happy to send/discuss the aggregated report on stage 1 analysis of feedback once finalised, if this gives a better indication on the tone of feedback received thus far and general direction the department is considering in response.

Kind regards,

s. 22(1)(a)(ii)

A/g Assistant Director | Regulatory Performance and Compliance | **s. 22(1)(a)(ii)**
Live Animal Export Branch | Traceability, Plant and Live Animal Exports Division

Department of Agriculture, Fisheries and Forestry
GPO Box 858 Canberra ACT 2601
agriculture.gov.au

From: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>

Sent: Thursday, 2 March 2023 2:43 PM

To: **s. 22(1)(a)(ii)** <**s. 22(1)(a)(ii)** aff.gov.au>

Cc: **s. 22(1)(a)(ii)** <**s. 22(1)(a)(ii)** aff.gov.au>; **s. 47F(1)** <**s. 47F(1)** pmc.gov.au>; **s. 47F(1)** <**s. 47F(1)** pmc.gov.au>

Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi **s. 22(1)(a)(ii)**

Thanks for the email on 27 February, the discussion paper and for the discussion on the phone today.

It is not clear at this stage whether the changes proposed are likely to result in 'more than a minor' regulatory impact. This is partly because the ESCAS framework is fundamentally remaining intact and many of the changes proposed would appear incremental or of a programmatic nature. I note your advice that some industry participants are claiming that the changes might have a significant impact on their commercial viability.

I therefore agree with your proposal that we hold our assessment at this stage and assess the significance of the ESCAS reforms as Stage 2 progresses (about April/May 2023). This will give you an opportunity to assess the claims of those industry participants.

If we determine that the proposal is more than minor, an Impact Analysis will need to be required to be prepared for Stage 3 to inform the decision, consistent with Government requirements.

We look forward to further discussions at this time. In the interim, feel free to contact me (or **s. 47F^{s. 47F(1)}**) to discuss any other issues that might assist with your consultation and policy development process.

regards

s. 47F(1) | Advisor
Office of Impact Analysis | Economic Division
Department of the Prime Minister and Cabinet
p. s. 47F(1) s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Sent: Monday, 27 February 2023 11:01 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Dear s. 47F(1)

Thank you for taking the time to chat about the ESCAS Review this morning, and apologies for missing your call on Friday.

Allow me to introduce ^{s. 22(1)(a)(ii)} (copied) who is working with me on this project.

As discussed, here is some relevant background on:

The Exporter Supply Chain Assurance System (ESCAS)

- ESCAS is a regulatory framework that seeks to ensure animal welfare, control and traceability outcomes for feeder and slaughter livestock from the point of arrival in importing countries up until and including the point of slaughter.
- Livestock exporters are the regulated entities under ESCAS. They are responsible for establishing and managing arrangements with supply chain partners (i.e. importers, feedlots and abattoirs) in importing countries to ensure that ESCAS requirements are met.
- ESCAS was developed in 2011 in response to public outrage following the release of footage on *Four Corners* depicting poor animal handling and slaughter practices at Indonesian abattoirs, and progressively rolled out to all countries importing Australian feeder and slaughter livestock during 2012.
 - Currently there are around 90 approved ESCAS supply chains across 17 countries.
- ESCAS has since been largely effective in delivering against its intended outcomes.
- Alleged ESCAS non-compliances are investigated by the department and regulatory action taken as indicated and as soon as practically possible.
 - Since 2013, less than 0.20% of exported livestock covered by ESCAS have been involved with confirmed ESCAS non-compliances.
 - Reports of alleged ESCAS non-compliance are received from exporters (self-reports – 55%), third-parties (animal welfare organisations or private citizens in importing countries – 35%), industry groups, included in independent audit reports submitted by exporters or identified by the department.

The ESCAS Review

- The department is reviewing components of the ESCAS framework to ensure that it remains fit-for-purpose and supports consistent, risk-based regulation.
- The review is being conducted in 3 stages, with stakeholder engagement at the end of each stage. A **Summary and scoping document** setting out focus areas for the project, work at each stage, our stakeholder engagement approach and key review outcomes is attached for your reference.

- Key outcomes of this review include the production of a consolidated, single source reference of ESCAS for departmental staff and stakeholders, and to follow-through with the department's commitment to address recommendations in the [Inspector-General Review of ESCAS \(2021\)](#).
- We have just concluded stage 1 of the review, including associated stakeholder engagement. This stage was a gap analysis, with possible areas for improvement to the current ESCAS framework identified as 'challenges'.
 - Targeted stakeholder groups (i.e., livestock exporters and their peak industry bodies, industry groups and animal welfare organisations) were invited to provide constructive feedback on, and propose practical solutions to these specific technical challenges. There was also the opportunity to present challenges that they felt had not been identified.
 - This consultation stage was launched as a survey on the *Have Your Say* platform on 10 January and closed on 21 February 2023.
 - The attached *Discussion Paper* sets out identified challenges and is the exhaustive basis on which the *Have Your Say* survey was built.
- We are now in stage 2 of the ESCAS Review, and are reviewing and analysing submissions from our recent consultation stage.
 - The aim of this stage is to use feedback from the first consultation stage to inform recommendations for improvements to ESCAS.
 - These recommendations will be tested with livestock exporters at the stage 2 stakeholder consultation phase.
- Then, stage 3 of the project will follow, where recommendations are used to review and update ESCAS policies, with the final output being a consolidated document on all aspects of the framework.
 - The plan is to consult publicly at this stage of the review.

Interactions with OIA to date

- We met with the OIA ([s. 47F\(1\)](#) and [s. 47F\(1\)](#)) and a industry peak body representative last year, following finalisation of the first version of our *Summary and scoping document* and prior to the commencement of the review, to discuss views on stakeholder engagement and whether the review can be conducted in a manner consistent with a RIS-like process, so that a full RIS might not be required at its conclusion and prior to implementation.
 - A focus of this meeting was to discuss strong exporter concerns about the department engaging with animal welfare organisations during the review process. Additionally, industry remains opined that animal welfare organisations, being opposed to the livestock export trade and not being directly affected by regulatory decisions, might distort/bias engagement results, and therefore should not be considered key stakeholders for the purpose of engagement.
 - We disagree and consider wide engagement necessary to capture the myriad and nuanced views on livestock exports – a highly scrutinised industry that continues to polarise. It is important that our process and decisions reflect regulatory best practice and considers contemporary social views on the subject. Animal welfare organisations are a key stakeholder, reflected in their interest in the trade and continued role in reporting alleged ESCAS breaches.
- To date, feedback has been positive and we committed to keep the OIA informed as we progress, to ensure our processes continued to be consistent with a RIS-like process (see email exchange with [s. 47F\(1\)](#) below).

To recap our conversation

- I understand that to you knowledge, no formal assessment of our project and approach has been conducted by the OIA and this will need to happen for any definitive advise on whether our approach constitutes a RIS-like process or equivalent.
- Pending your review and assessment, the *Inspector-General Review of ESCAS (2021)* might qualify as a RIS-like process equivalent. The basis for this is the extensive consultation that was undertaken as part of the review, and that a primary focus of the ESCAS Review is to address its recommendations. If this is a possibility, the decision needs to be endorsed at a Deputy Secretary level.
- Integral to an impact analysis is a determination of the magnitude of change and the affected stakeholders. This may be qualitative and subjective, but must be defensible.
 - [s. 47E\(d\)](#)
- Given that the magnitude of changes will depend on recommendations made as a result of feedback currently being analysed, it might be difficult to determine this until stage 3 of the review (when the outcome of the review is being drafted). However, any assessment on the impacts on industry would be useful.

As discussed, I'd be very grateful for your advice on:

- Anything we need to consider/reconsider about our approach so that our process is consistent with a RIS-like process.
- If you think we might be able to rely on the *Inspector-General Review of ESCAS (2021)* as a RIS-like equivalent.

- If we should be incorporating into our engagement strategy, a request for industry to quantify the impact of proposed changes to them/the trade, particularly where best practice regulation might be resisted on the basis of burden.

I realise this is a lot of information, but I hope it makes sense and trust that it informs you sufficiently to be able to offer the advice we are seeking.

Please let me know if I have missed or misinterpreted anything, and if you have any questions.

I look forward to further discussions.

Kind regards,

s. 22(1)(a)(ii)

Senior Veterinary Officer

Regulatory Performance | Live Animal Export Branch | Plant and Live Animal Exports Division

Phone: s. 22(1)(a)(ii)

Department of Agriculture, Fisheries and Forestry

GPO Box 858 Canberra ACT 2601 Australia

aff.gov.au

From: s. 47F(1) <s. 47F(1) pmc.gov.au>

Sent: Friday, 24 February 2023 4:02 PM

To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Hi s. 22(1)(a)(ii)

I left a message for you but I'm not sure if my landline is working so here is my mobile number below. If you could contact me, that would be great.

Regards

s. 47F(1) | Advisor

Office of Impact Analysis | Economic Division

Department of the Prime Minister and Cabinet

p. s. 47F(1) s. 47F(1)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>

Sent: Thursday, 23 February 2023 6:32 PM

To: s. 47F(1) <s. 47F(1) pmc.gov.au>

Subject: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Can you get in touch with ^{s. 22(1)(a)(ii)} and let her know you're the new lead on this pls?

We will need to give them some advice about how to meet the independent review requirements (noting this commenced under the former arrangements)

s. 47F(1)

s. 47F(1) Senior Adviser

Office of Impact Analysis

p. s. 47F(1) | m. s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Sent: Thursday, 23 February 2023 6:26 PM

To: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>

Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Good afternoon ^{s. 47F(1)}

I hope 2023 has started off well for you and your team.

I am reaching out with a status update on the ESCAS Review.

We recently concluded the first of 3 stakeholder consultation stages, which was launched as a survey on the *Have Your Say* platform from 10 January to 21 February 2023. Targeted stakeholders were invited to provide constructive feedback on specific technical challenges to the ESCAS framework. Survey questions are reflected in the Discussion paper, attached for your interest. We are now collating and analysing feedback received and will use it to inform recommendations for improvements to ESCAS in stage 2 of this project.

We would greatly appreciate your advice/confirmation that our processes remain aligned with a RIS-like process, and if there are any relevant considerations from your perspective, on how feedback is handled and analysed, noting that some submissions have been marked as confidential.

Happy to meet to discuss if easier.

Kind regards,

s. 22(1)(a)(ii)

Senior Veterinary Officer

Regulatory Performance | Live Animal Export Branch | Plant and Live Animal Exports Division

Phone: s. 22(1)(a)(ii)

Department of Agriculture, Fisheries and Forestry

GPO Box 858 Canberra ACT 2601 Australia

aff.gov.au

From: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>

Sent: Wednesday, 7 December 2022 12:30 PM

To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>

Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Good afternoon s. 22(1)(a)(ii)

Thanks very much for sending this through, and apologies for the delay in my response. I've reviewed the summary and scoping document and have no major concerns. It's good to hear that consultation will be expanded. Seeking quantitative evidence of how proposed solutions will impact various stakeholder groups will assist in providing a more detailed outline of the anticipated costs and benefits.

I am happy to talk through the changes to the Impact Analysis framework once they are settled and am keen to ensure OIA supports you through this impact analysis process.

Kind regards,

s. 47F(1) (she/her) | Adviser
Office of Impact Analysis
Department of the Prime Minister and Cabinet
p. s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) awe.gov.au>
Sent: Monday, 28 November 2022 6:52 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

Hi; s. 47F(1)

I'm just reaching out from our team with an update on the ESCAS Review and upcoming stakeholder consultation, to keep you in the loop.

We have released a revised summary and scoping document (attached), to reflect our updated approach to stakeholder engagement. We intend to include a wider group of stakeholders at stage 1 for challenge identification/proposal of solutions, then a more targeted group later on for the testing of recommendations.

We have completed the stage 1 desktop review, and are about to commence stage 1 consultation. As previously discussed, we have contracted a team for their technical expertise to assist with our review, and they have developed draft material for stakeholder consultation. We are reviewing this material internally, prior to publication on the department's engagement platform 'Have Your Say'.

Any feedback or comments on how our current approach may impact the RIS process would be greatly appreciated.

Kind regards,

s. 22(1)(a)(ii)

Senior Technical Officer | Regulatory Performance | s. 22(1)(a)(ii)

Live Animal Exports Branch | Plant & Live Animal Exports Division

Department of Agriculture, Fisheries and Forestry

GPO Box 858 Canberra ACT 2601

awe.gov.au

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Sent: Monday, 14 November 2022 4:32 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

Thanks very much for getting back to us, s. 47F(1)

I'll be in touch again leading up our second consultation stage, to seek your thoughts on our approach at the time.

Kind regards

s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>
Sent: Monday, 14 November 2022 5:07 PM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

OFFICIAL

Good afternoon s. 22(1)(a)(ii)

Thanks very much for providing these documents for OBPR's review. s. 47F(1) and I have discussed the documents and in order to meet the requirements to be certified in lieu of a RIS, the following will need to be considered and included in the development of the review:

- When presenting recommendations to address identified problems in stages 2 and 3, there should be a range of options considered, including at least one non-regulatory option.
- In order to meet the requirements, the final document will need to analyse the costs and benefits of each option. We suggest consultation in stage 2 should include questions to draw out expected costs and benefits from stakeholders. Stakeholders should be encouraged to provide any evidence, data or statistics of the quantitative impact various options may have on themselves, the community or other groups. Where quantification is not possible, stakeholders should be encouraged to be specific in qualitative assessments of likely impacts.

We're happy to discuss these points further if you would like.

Kind regards,

s. 47F(1) | Adviser

Office of Best Practice Regulation

Economic Division | Department of the Prime Minister and Cabinet

p. s. 47F(1) | e. s. 47F(1) pmc.gov.au | w. www.pmc.gov.au

One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) awe.gov.au>
Sent: Friday, 4 November 2022 5:17 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

Good afternoon s. 47F(1)

I hope this finds you well.

You might recall that we spoke some weeks ago about the Exporter Supply Chain Assurance System (ESCAS) Review.

As discussed, it would be good to get an indication from you about when we should engage with the OBPR as this project progresses.

On this note, please find attached:

- The ESCAS Review project plan, and
- The ESCAS Review scoping and summary document, which outlines focus areas and specific framework components we will be reviewing as part of this project.

We look forward to hearing back from you.

Thanks and have a great weekend!

Kind regards,

s. 22(1)(a)(ii)

Senior Veterinary Officer

Regulatory Performance | Live Animal Export Branch | Plant and Live Animal Exports Division

Phone: s. 22(1)(a)(ii)

Department of Agriculture, Fisheries and Forestry

18 Marcus Clarke Street, Canberra ACT 2601 Australia

agriculture.gov.au

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s. 47F(1)

Advisor, Office of Impact Analysis

s. 47F(1) or **s. 47F(1)****s. 47F(1)** pmc.gov.au

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s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii)
Sent: Friday, 2 June 2023 5:11 PM
To: s. 47F(1)
Cc: Helpdesk-OIA; s. 47F(1) s. 22(1)(a)(ii) s. 22(1)(a)(ii) s. 47F(1)
Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

Apologies for the change – it would be great if we could actually postpone the update at this time, as it will take us a bit longer than expected to publish the draft report and we are finalising details for ongoing stakeholder engagement over the coming weeks.

I am anticipating it will be more productive to meet once we have the draft report finalised (sorry for reaching out prematurely!).

Will be in touch and apologies for any inconvenience.

Kind regards,
 s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii)
Sent: Tuesday, May 30, 2023 5:58 PM
To: 's. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

Thanks for the quick response and that sounds good – afternoon works for us as well!

I'll send through a meeting invite shortly, and looking forward to speaking next week.

Kind regards,
 s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>
Sent: Tuesday, May 30, 2023 3:15 PM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Cc: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Good afternoon s. 22(1)(a)(ii)

Thanks for reaching out, glad to hear from you. Would you also be able to include s. 47F(1) (cc'd) on a discussion invite? He's supporting me in s. 47F(1) absence.

Would next Wednesday work? We are free any time after 1pm. Otherwise, happy to provide some other times.

Kind regards

s. 47F(1)

s. 47F(1) | Adviser | Office of Impact Analysis
 Economic Division | Department of the Prime Minister and Cabinet
 p. s. 47F(1) | e. s. 47F(1) pmc.gov.au | w. pmc.gov.au
 Ngunnawal Country, One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600



The Department acknowledges and pays respect to the past, present and emerging Elders and Traditional Custodians of Country, and the continuation of cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander peoples.

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Sent: Tuesday, 30 May 2023 1:22 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

I am just reaching out with an update on the ESCAS review since we spoke last – we have completed a first draft of the aggregated report, on the department's analysis of the feedback received during stage 1 consultation.

We are currently working to finalise this draft, before publishing on HYS for stakeholders to view prior to the facilitated session in June.

Did you have any availability next week for a meeting to discuss some of the emerging themes?

Kind regards,

s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii)
Sent: Monday, April 24, 2023 4:03 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

Sounds great, I'll send through a meeting invite now.

Looking forward to chatting on Thursday!

Cheers,

s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>
Sent: Monday, 24 April 2023 3:58 PM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)aff.gov.au>

Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Hi ^{s. 22(1)(a)(ii)} let's go for 2pm on Thursday. Half hour should be fine. It would be me and ^{s. 47F(1)} from our end.

Regards

s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Sent: Monday, 24 April 2023 2:02 PM

To: s. 47F(1) <s. 47F(1) pmc.gov.au>

Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1)

<s. 47F(1) pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 22(1)(a)(ii)

<s. 22(1)(a)(ii)aff.gov.au>

Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi ^{s. 47F(1)}

Thanks for the response, more than happy to meet and discuss.

At this stage, I can provide detail on trends in feedback and some claims on regulatory burden *should* a change be implemented by the department, although there hasn't been commitment to implement specific changes as of yet (other than those described in the summary & scoping document/stage 1 discussion paper, for example the introduction of a control and traceability standard). We'll need more time for stage 2 to progress in terms of the development of the draft recommendations, which will constitute the specific proposed changes to the framework.

Happy to discuss further, my afternoons are generally pretty free. A few times this week are:

- Wednesday after 1pm (excluding 3-3:30pm)
- Thursday after 2pm
- Friday between 1-3:30pm

Kind regards,

^{s. 22(1)(a)(ii)}

From: s. 47F(1) <s. 47F(1) pmc.gov.au>

Sent: Friday, 21 April 2023 8:32 AM

To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>

Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1)

<s. 47F(1) pmc.gov.au>

Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Hi ^{s. 22(1)(a)(ii)}

Thanks for your email and the progress update. I agree that it would be good to target some of your questions towards issues that might arise in an Impact Analysis. However, it may be opportune to have a discussion about impacts following the feedback from consultation including issues identified through the confidential submissions (to the extent that you can share this) so as to determine whether you're in IA territory. That is, are we in a position to assess whether the proposals arising from the ESCAS review are likely to result in more than a minor regulatory impact? Or do we need more time for Stage 2 to progress further? Perhaps a meeting to discuss would be worthwhile?

Regards

s. 47F(1) | Advisor
Office of Impact Analysis | Economic Division
Department of the Prime Minister and Cabinet
p. s. 47F(1) s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Sent: Wednesday, 19 April 2023 11:12 AM
To: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

I work in s. 22(1)(a)(ii) team and am just reaching out on her behalf – she's acting in another role for 6 weeks, and I am the current point of contact for the ESCAS review.

I wanted to provide an update on our progress in stage 2, particularly as we have extended our timeframe (stage 2 anticipated to conclude in August) and refined various aspects of our approach, including:

- We have published all non-confidential submissions received during stage 1 on the departmental platform [Have Your Say](#)
- We will be drafting an aggregated report in response to the submissions, i.e., outlining feedback received and the department's response and consideration of this feedback (est. May)
- We will be engaging with stakeholders in a facilitated session mid-stage 2 (est. early June) to discuss overall themes in the aggregated report and the development of draft recommendations, and
- Once draft recommendations are released for review and consultation, offering informal 1-on-1 sessions with stakeholders (in combination with a formal submission process) to ensure all voices are heard independently prior to finalisation of recommendations.

Considering past feedback from the OIA, going forward would it be beneficial to integrate specific questions on stakeholder impacts into upcoming consultation? E.g., Being deliberate during the consultation on draft recommendations during stage 2 in asking questions of stakeholders, particularly industry, on impact, cost and benefit, etc.

Grateful if you had any comments or recommendations on this, as well as our general approach. I understand the difficulty in commenting, while the perceived impact is still in large part unknown; however, happy to send/discuss the aggregated report on stage 1 analysis of feedback once finalised, if this gives a better indication on the tone of feedback received thus far and general direction the department is considering in response.

Kind regards,

s. 22(1)(a)(ii)
A/g Assistant Director | Regulatory Performance and Compliance | s. 22(1)(a)(ii)
Live Animal Export Branch | Traceability, Plant and Live Animal Exports Division

Department of Agriculture, Fisheries and Forestry
GPO Box 858 Canberra ACT 2601
agriculture.gov.au

From: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Sent: Thursday, 2 March 2023 2:43 PM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>

Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi ^{s. 22(1)(a)(ii)}

Thanks for the email on 27 February, the discussion paper and for the discussion on the phone today.

It is not clear at this stage whether the changes proposed are likely to result in 'more than a minor' regulatory impact. This is partly because the ESCAS framework is fundamentally remaining intact and many of the changes proposed would appear incremental or of a programmatic nature. I note your advice that some industry participants are claiming that the changes might have a significant impact on their commercial viability.

I therefore agree with your proposal that we hold our assessment at this stage and assess the significance of the ESCAS reforms as Stage 2 progresses (about April/May 2023). This will give you an opportunity to assess the claims of those industry participants.

If we determine that the proposal is more than minor, an Impact Analysis will need to be required to be prepared for Stage 3 to inform the decision, consistent with Government requirements.

We look forward to further discussions at this time. In the interim, feel free to contact me (or s. 47F^{s. 47F(1)}) to discuss any other issues that might assist with your consultation and policy development process.

regards

s. 47F(1) | Advisor
Office of Impact Analysis | Economic Division
Department of the Prime Minister and Cabinet
p. s. 47F(1) s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Sent: Monday, 27 February 2023 11:01 PM

To: s. 47F(1) <s. 47F(1) pmc.gov.au>

Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Dear s. 47F(1)

Thank you for taking the time to chat about the ESCAS Review this morning, and apologies for missing your call on Friday.

Allow me to introduce ^{s. 22(1)(a)(ii)} (copied) who is working with me on this project.

As discussed, here is some relevant background on:

The Exporter Supply Chain Assurance System (ESCAS)

- ESCAS is a regulatory framework that seeks to ensure animal welfare, control and traceability outcomes for feeder and slaughter livestock from the point of arrival in importing countries up until and including the point of slaughter.

- Livestock exporters are the regulated entities under ESCAS. They are responsible for establishing and managing arrangements with supply chain partners (i.e. importers, feedlots and abattoirs) in importing countries to ensure that ESCAS requirements are met.
- ESCAS was developed in 2011 in response to public outrage following the release of footage on *Four Corners* depicting poor animal handling and slaughter practices at Indonesian abattoirs, and progressively rolled out to all countries importing Australian feeder and slaughter livestock during 2012.
 - Currently there are around 90 approved ESCAS supply chains across 17 countries.
- ESCAS has since been largely effective in delivering against its intended outcomes.
- Alleged ESCAS non-compliances are investigated by the department and regulatory action taken as indicated and as soon as practically possible.
 - Since 2013, less than 0.20% of exported livestock covered by ESCAS have been involved with confirmed ESCAS non-compliances.
 - Reports of alleged ESCAS non-compliance are received from exporters (self-reports – 55%), third-parties (animal welfare organisations or private citizens in importing countries – 35%), industry groups, included in independent audit reports submitted by exporters or identified by the department.

The ESCAS Review

- The department is reviewing components of the ESCAS framework to ensure that it remains fit-for-purpose and supports consistent, risk-based regulation.
- The review is being conducted in 3 stages, with stakeholder engagement at the end of each stage. A **Summary and scoping document** setting out focus areas for the project, work at each stage, our stakeholder engagement approach and key review outcomes is attached for your reference.
- Key outcomes of this review include the production of a consolidated, single source reference of ESCAS for departmental staff and stakeholders, and to follow-through with the department's commitment to address recommendations in the [Inspector-General Review of ESCAS \(2021\)](#).
- We have just concluded stage 1 of the review, including associated stakeholder engagement. This stage was a gap analysis, with possible areas for improvement to the current ESCAS framework identified as 'challenges'.
 - Targeted stakeholder groups (i.e., livestock exporters and their peak industry bodies, industry groups and animal welfare organisations) were invited to provide constructive feedback on, and propose practical solutions to these specific technical challenges. There was also the opportunity to present challenges that they felt had not been identified.
 - This consultation stage was launched as a survey on the *Have Your Say* platform on 10 January and closed on 21 February 2023.
 - The attached **Discussion Paper** sets out identified challenges and is the exhaustive basis on which the *Have Your Say* survey was built.
- We are now in stage 2 of the ESCAS Review, and are reviewing and analysing submissions from our recent consultation stage.
 - The aim of this stage is to use feedback from the first consultation stage to inform recommendations for improvements to ESCAS.
 - These recommendations will be tested with livestock exporters at the stage 2 stakeholder consultation phase.
- Then, stage 3 of the project will follow, where recommendations are used to review and update ESCAS policies, with the final output being a consolidated document on all aspects of the framework.
 - The plan is to consult publicly at this stage of the review.

Interactions with OIA to date

- We met with the OIA (^{s. 47F(1)} and ^{s. 47F(1)}) and an industry peak body representative last year, following finalisation of the first version of our *Summary and scoping document* and prior to the commencement of the review, to discuss views on stakeholder engagement and whether the review can be conducted in a manner consistent with a RIS-like process, so that a full RIS might not be required at its conclusion and prior to implementation.
 - A focus of this meeting was to discuss strong exporter concerns about the department engaging with animal welfare organisations during the review process. Additionally, industry remains opined that animal welfare organisations, being opposed to the livestock export trade and not being directly affected by regulatory decisions, might distort/bias engagement results, and therefore should not be considered key stakeholders for the purpose of engagement.
 - We disagree and consider wide engagement necessary to capture the myriad and nuanced views on livestock exports – a highly scrutinised industry that continues to polarise. It is important that our process and decisions reflect regulatory best practice and considers contemporary social views on the subject. Animal welfare organisations are a key stakeholder, reflected in their interest in the trade and continued role in reporting alleged ESCAS breaches.
- To date, feedback has been positive and we committed to keep the OIA informed as we progress, to ensure our processes continued to be consistent with a RIS-like process (see email exchange with ^{s. 47F(1)} below).

To recap our conversation

- I understand that to your knowledge, no formal assessment of our project and approach has been conducted by the OIA and this will need to happen for any definitive advice on whether our approach constitutes a RIS-like process or equivalent.

- Pending your review and assessment, the *Inspector-General Review of ESCAS (2021)* might qualify as a RIS-like process equivalent. The basis for this is the extensive consultation that was undertaken as part of the review, and that a primary focus of the ESCAS Review is to address its recommendations. If this is a possibility, the decision needs to be endorsed at a Deputy Secretary level.
- Integral to an impact analysis is a determination of the magnitude of change and the affected stakeholders. This may be qualitative and subjective, but must be defensible.
 - s. 47E(d)

- Given that the magnitude of changes will depend on recommendations made as a result of feedback currently being analysed, it might be difficult to determine this until stage 3 of the review (when the outcome of the review is being drafted). However, any assessment on the impacts on industry would be useful.

As discussed, I'd be very grateful for your advice on:

- Anything we need to consider/reconsider about our approach so that our process is consistent with a RIS-like process.
- If you think we might be able to rely on the *Inspector-General Review of ESCAS (2021)* as a RIS-like equivalent.
- If we should be incorporating into our engagement strategy, a request for industry to quantify the impact of proposed changes to them/the trade, particularly where best practice regulation might be resisted on the basis of burden.

I realise this is a lot of information, but I hope it makes sense and trust that it informs you sufficiently to be able to offer the advice we are seeking.

Please let me know if I have missed or misinterpreted anything, and if you have any questions.

I look forward to further discussions.

Kind regards,

s. 22(1)(a)(ii)

Senior Veterinary Officer

Regulatory Performance | Live Animal Export Branch | Plant and Live Animal Exports Division

Phone: s. 22(1)(a)(ii)

Department of Agriculture, Fisheries and Forestry

GPO Box 858 Canberra ACT 2601 Australia

aff.gov.au

From: s. 47F(1) <s. 47F(1) pmc.gov.au>
Sent: Friday, 24 February 2023 4:02 PM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Hi ^{s. 22(1)(a)(ii)}

I left a message for you but I'm not sure if my landline is working so here is my mobile number below. If you could contact me, that would be great.

Regards

s. 47F(1) | Advisor

Office of Impact Analysis | Economic Division

Department of the Prime Minister and Cabinet

p. s. 47F(1) s. 47F(1)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>
Sent: Thursday, 23 February 2023 6:32 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Subject: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Can you get in touch with ^{s. 22(1)(a)(ii)} and let her know you're the new lead on this pls?

We will need to give them some advice about how to meet the independent review requirements (noting this commenced under the former arrangements)

s. 47F(1)

s. 47F(1) Senior Adviser

Office of Impact Analysis

p. s. 47F(1) | m. s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Sent: Thursday, 23 February 2023 6:26 PM
To: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Good afternoon s. 47F(1)

I hope 2023 has started off well for you and your team.

I am reaching out with a status update on the ESCAS Review.

We recently concluded the first of 3 stakeholder consultation stages, which was launched as a survey on the *Have Your Say* platform from 10 January to 21 February 2023. Targeted stakeholders were invited to provide constructive feedback on specific technical challenges to the ESCAS framework. Survey questions are reflected in the Discussion paper, attached for your interest. We are now collating and analysing feedback received and will use it to inform recommendations for improvements to ESCAS in stage 2 of this project.

We would greatly appreciate your advice/confirmation that our processes remain aligned with a RIS-like process, and if there are any relevant considerations from your perspective, on how feedback is handled and analysed, noting that some submissions have been marked as confidential.

Happy to meet to discuss if easier.

Kind regards,

s. 22(1)(a)(ii)

Senior Veterinary Officer

Regulatory Performance | Live Animal Export Branch | Plant and Live Animal Exports Division

Phone: s. 22(1)(a)(ii)

Department of Agriculture, Fisheries and Forestry

GPO Box 858 Canberra ACT 2601 Australia

aff.gov.au

From: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Sent: Wednesday, 7 December 2022 12:30 PM
To: [s. 22\(1\)\(a\)\(ii\)](#) <[s. 22\(1\)\(a\)\(ii\)](#) aff.gov.au>
Cc: [s. 22\(1\)\(a\)\(ii\)](#) <[s. 22\(1\)\(a\)\(ii\)](#) aff.gov.au>; [s. 47F\(1\)](#) <[s. 47F\(1\)](#) pmc.gov.au>
Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Good afternoon [s. 22\(1\)\(a\)\(ii\)](#)

Thanks very much for sending this through, and apologies for the delay in my response. I've reviewed the summary and scoping document and have no major concerns. It's good to hear that consultation will be expanded. Seeking quantitative evidence of how proposed solutions will impact various stakeholder groups will assist in providing a more detailed outline of the anticipated costs and benefits.

I am happy to talk through the changes to the Impact Analysis framework once they are settled and am keen to ensure OIA supports you through this impact analysis process.

Kind regards,

[s. 47F\(1\)](#) (she/her) | Adviser
Office of Impact Analysis
Department of the Prime Minister and Cabinet
p. [s. 47F\(1\)](#)

From: [s. 22\(1\)\(a\)\(ii\)](#) <[s. 22\(1\)\(a\)\(ii\)](#) awe.gov.au>
Sent: Monday, 28 November 2022 6:52 PM
To: [s. 47F\(1\)](#) <[s. 47F\(1\)](#) pmc.gov.au>
Cc: [s. 47F\(1\)](#) <[s. 47F\(1\)](#) pmc.gov.au>; [s. 22\(1\)\(a\)\(ii\)](#) <[s. 22\(1\)\(a\)\(ii\)](#) agriculture.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

Hi [s. 47F\(1\)](#)

I'm just reaching out from our team with an update on the ESCAS Review and upcoming stakeholder consultation, to keep you in the loop.

We have released a revised summary and scoping document (attached), to reflect our updated approach to stakeholder engagement. We intend to include a wider group of stakeholders at stage 1 for challenge identification/proposal of solutions, then a more targeted group later on for the testing of recommendations.

We have completed the stage 1 desktop review, and are about to commence stage 1 consultation. As previously discussed, we have contracted a team for their technical expertise to assist with our review, and they have developed draft material for stakeholder consultation. We are reviewing this material internally, prior to publication on the department's engagement platform 'Have Your Say'.

Any feedback or comments on how our current approach may impact the RIS process would be greatly appreciated.

Kind regards,

s. 22(1)(a)(ii)

Senior Technical Officer | Regulatory Performance | s. 22(1)(a)(ii)

Live Animal Exports Branch | Plant & Live Animal Exports Division

Department of Agriculture, Fisheries and Forestry

GPO Box 858 Canberra ACT 2601

awe.gov.au

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Sent: Monday, 14 November 2022 4:32 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

Thanks very much for getting back to us, s. 47F(1)

I'll be in touch again leading up our second consultation stage, to seek your thoughts on our approach at the time.

Kind regards

s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>
Sent: Monday, 14 November 2022 5:07 PM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

OFFICIAL

Good afternoon s. 22(1)(a)(ii)

Thanks very much for providing these documents for OBPR's review. s. 47F(1) and I have discussed the documents and in order to meet the requirements to be certified in lieu of a RIS, the following will need to be considered and included in the development of the review:

- When presenting recommendations to address identified problems in stages 2 and 3, there should be a range of options considered, including at least one non-regulatory option.

- In order to meet the requirements, the final document will need to analyse the costs and benefits of each option. We suggest consultation in stage 2 should include questions to draw out expected costs and benefits from stakeholders. Stakeholders should be encouraged to provide any evidence, data or statistics of the quantitative impact various options may have on themselves, the community or other groups. Where quantification is not possible, stakeholders should be encouraged to be specific in qualitative assessments of likely impacts.

We're happy to discuss these points further if you would like.

Kind regards,

s. 47F(1) | Adviser

Office of Best Practice Regulation

Economic Division | Department of the Prime Minister and Cabinet

p. s. 47F(1) | e. s. 47F(1) pmc.gov.au | w. www.pmc.gov.au

One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) awe.gov.au>
Sent: Friday, 4 November 2022 5:17 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

Good afternoon s. 47F(1)

I hope this finds you well.

You might recall that we spoke some weeks ago about the Exporter Supply Chain Assurance System (ESCAS) Review.

As discussed, it would be good to get an indication from you about when we should engage with the OBPR as this project progresses.

On this note, please find attached:

- The ESCAS Review project plan, and
- The ESCAS Review scoping and summary document, which outlines focus areas and specific framework components we will be reviewing as part of this project.

We look forward to hearing back from you.

Thanks and have a great weekend!

Kind regards,

s. 22(1)(a)(ii)

Senior Veterinary Officer

Regulatory Performance | Live Animal Export Branch | Plant and Live Animal Exports Division

Phone: s. 22(1)(a)(ii)

Department of Agriculture, Fisheries and Forestry

18 Marcus Clarke Street, Canberra ACT 2601 Australia

GPO Box 858 Canberra ACT 2601 Australia

agriculture.gov.au

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s. 47F(1)

Advisor, Office of Impact Analysis

s. 47F(1) or **s. 47F(1)**

s. 47F(1) pmc.gov.au

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s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>
Sent: Monday, 5 June 2023 1:25 PM
To: s. 22(1)(a)(ii)
Cc: Helpdesk-OIA; s. 22(1)(a)(ii) s. 22(1)(a)(ii) s. 47F(1)
Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Hi s. 22(1)(a)(ii)

Thanks for reaching out. No problem at all, let me know when you feel as though you're ready to meet.

Here in the meantime if you require anything.

Kind regards

s. 47F(1)

s. 47F(1) | Adviser | Office of Impact Analysis
Economic Division | Department of the Prime Minister and Cabinet
p. s. 47F(1) | e. s. 47F(1) pmc.gov.au | w. pmc.gov.au
Ngunnawal Country, One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600



The Department acknowledges and pays respect to the past, present and emerging Elders and Traditional Custodians of Country, and the continuation of cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander peoples.

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Sent: Friday, 2 June 2023 5:11 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

Apologies for the change – it would be great if we could actually postpone the update at this time, as it will take us a bit longer than expected to publish the draft report and we are finalising details for ongoing stakeholder engagement over the coming weeks.

I am anticipating it will be more productive to meet once we have the draft report finalised (sorry for reaching out prematurely!).

Will be in touch and apologies for any inconvenience.

Kind regards,

s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii)
Sent: Tuesday, May 30, 2023 5:58 PM
To: 's. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

Thanks for the quick response and that sounds good – afternoon works for us as well!

I'll send through a meeting invite shortly, and looking forward to speaking next week.

Kind regards,

s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>
Sent: Tuesday, May 30, 2023 3:15 PM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Cc: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Good afternoon s. 22(1)(a)(ii)

Thanks for reaching out, glad to hear from you. Would you also be able to include s. 47F(1) (cc'd) on a discussion invite? He's supporting me in s. 47F(1) absence.

Would next Wednesday work? We are free any time after 1pm. Otherwise, happy to provide some other times.

Kind regards

s. 47F(1)

s. 47F(1) | Adviser | Office of Impact Analysis
 Economic Division | Department of the Prime Minister and Cabinet
 p. s. 47F(1) | e. s. 47F(1) pmc.gov.au | w. pmc.gov.au
 Ngunnawal Country, One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600



The Department acknowledges and pays respect to the past, present and emerging Elders and Traditional Custodians of Country, and the continuation of cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander peoples.

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Sent: Tuesday, 30 May 2023 1:22 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

I am just reaching out with an update on the ESCAS review since we spoke last – we have completed a first draft of the aggregated report, on the department's analysis of the feedback received during stage 1 consultation.

We are currently working to finalise this draft, before publishing on HYS for stakeholders to view prior to the facilitated session in June.

Did you have any availability next week for a meeting to discuss some of the emerging themes?

Kind regards,

s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii)

Sent: Monday, April 24, 2023 4:03 PM

To: s. 47F(1) <s. 47F(1) pmc.gov.au>

Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

Sounds great, I'll send through a meeting invite now.

Looking forward to chatting on Thursday!

Cheers,

s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>

Sent: Monday, 24 April 2023 3:58 PM

To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Hi s. 22(1)(a)(ii) let's go for 2pm on Thursday. Half hour should be fine. It would be me and s. 47F(1) from our end.

Regards

s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Sent: Monday, 24 April 2023 2:02 PM

To: s. 47F(1) <s. 47F(1) pmc.gov.au>

Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

Thanks for the response, more than happy to meet and discuss.

At this stage, I can provide detail on trends in feedback and some claims on regulatory burden *should* a change be implemented by the department, although there hasn't been commitment to implement specific changes as of yet

(other than those described in the summary & scoping document/stage 1 discussion paper, for example the introduction of a control and traceability standard). We'll need more time for stage 2 to progress in terms of the development of the draft recommendations, which will constitute the specific proposed changes to the framework.

Happy to discuss further, my afternoons are generally pretty free. A few times this week are:

- Wednesday after 1pm (excluding 3-3:30pm)
- Thursday after 2pm
- Friday between 1-3:30pm

Kind regards,

s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>
Sent: Friday, 21 April 2023 8:32 AM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>
Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Hi s. 22(1)(a)(ii)

Thanks for your email and the progress update. I agree that it would be good to target some of your questions towards issues that might arise in an Impact Analysis. However, it may be opportune to have a discussion about impacts following the feedback from consultation including issues identified through the confidential submissions (to the extent that you can share this) so as to determine whether you're in IA territory. That is, are we in a position to assess whether the proposals arising from the ESCAS review are likely to result in more than a minor regulatory impact? Or do we need more time for Stage 2 to progress further? Perhaps a meeting to discuss would be worthwhile?

Regards

s. 47F(1) | Advisor
 Office of Impact Analysis | Economic Division
 Department of the Prime Minister and Cabinet
 p. s. 47F(1) s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Sent: Wednesday, 19 April 2023 11:12 AM
To: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

I work in s. 22(1)(a)(ii) team and am just reaching out on her behalf – she's acting in another role for 6 weeks, and I am the current point of contact for the ESCAS review.

I wanted to provide an update on our progress in stage 2, particularly as we have extended our timeframe (stage 2 anticipated to conclude in August) and refined various aspects of our approach, including:

- We have published all non-confidential submissions received during stage 1 on the departmental platform [Have Your Say](#)

- We will be drafting an aggregated report in response to the submissions, i.e., outlining feedback received and the department's response and consideration of this feedback (est. May)
- We will be engaging with stakeholders in a facilitated session mid-stage 2 (est. early June) to discuss overall themes in the aggregated report and the development of draft recommendations, and
- Once draft recommendations are released for review and consultation, offering informal 1-on-1 sessions with stakeholders (in combination with a formal submission process) to ensure all voices are heard independently prior to finalisation of recommendations.

Considering past feedback from the OIA, going forward would it be beneficial to integrate specific questions on stakeholder impacts into upcoming consultation? E.g., Being deliberate during the consultation on draft recommendations during stage 2 in asking questions of stakeholders, particularly industry, on impact, cost and benefit, etc.

Grateful if you had any comments or recommendations on this, as well as our general approach. I understand the difficulty in commenting, while the perceived impact is still in large part unknown; however, happy to send/discuss the aggregated report on stage 1 analysis of feedback once finalised, if this gives a better indication on the tone of feedback received thus far and general direction the department is considering in response.

Kind regards,

s. 22(1)(a)(ii)

A/g Assistant Director | Regulatory Performance and Compliance | **s. 22(1)(a)(ii)**
Live Animal Export Branch | Traceability, Plant and Live Animal Exports Division

Department of Agriculture, Fisheries and Forestry
GPO Box 858 Canberra ACT 2601
agriculture.gov.au

From: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>

Sent: Thursday, 2 March 2023 2:43 PM

To: **s. 22(1)(a)(ii)** <**s. 22(1)(a)(ii)** aff.gov.au>

Cc: **s. 22(1)(a)(ii)** <**s. 22(1)(a)(ii)** aff.gov.au>; **s. 47F(1)** <**s. 47F(1)** pmc.gov.au>; **s. 47F(1)** <**s. 47F(1)** pmc.gov.au>

Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi **s. 22(1)(a)(ii)**

Thanks for the email on 27 February, the discussion paper and for the discussion on the phone today.

It is not clear at this stage whether the changes proposed are likely to result in 'more than a minor' regulatory impact. This is partly because the ESCAS framework is fundamentally remaining intact and many of the changes proposed would appear incremental or of a programmatic nature. I note your advice that some industry participants are claiming that the changes might have a significant impact on their commercial viability.

I therefore agree with your proposal that we hold our assessment at this stage and assess the significance of the ESCAS reforms as Stage 2 progresses (about April/May 2023). This will give you an opportunity to assess the claims of those industry participants.

If we determine that the proposal is more than minor, an Impact Analysis will need to be required to be prepared for Stage 3 to inform the decision, consistent with Government requirements.

We look forward to further discussions at this time. In the interim, feel free to contact me (or **s. 47F^{s. 47F(1)}**) to discuss any other issues that might assist with your consultation and policy development process.

regards

s. 47F(1) | Advisor
Office of Impact Analysis | Economic Division
Department of the Prime Minister and Cabinet

p. s. 47F(1) s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>**Sent:** Monday, 27 February 2023 11:01 PM**To:** s. 47F(1) <s. 47F(1) pmc.gov.au>**Cc:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>**Subject:** RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Dear s. 47F(1)

Thank you for taking the time to chat about the ESCAS Review this morning, and apologies for missing your call on Friday.

Allow me to introduce ^{s. 22(1)(a)(ii)} (copied) who is working with me on this project.

As discussed, here is some relevant background on:

The Exporter Supply Chain Assurance System (ESCAS)

- ESCAS is a regulatory framework that seeks to ensure animal welfare, control and traceability outcomes for feeder and slaughter livestock from the point of arrival in importing countries up until and including the point of slaughter.
- Livestock exporters are the regulated entities under ESCAS. They are responsible for establishing and managing arrangements with supply chain partners (i.e. importers, feedlots and abattoirs) in importing countries to ensure that ESCAS requirements are met.
- ESCAS was developed in 2011 in response to public outrage following the release of footage on *Four Corners* depicting poor animal handling and slaughter practices at Indonesian abattoirs, and progressively rolled out to all countries importing Australian feeder and slaughter livestock during 2012.
 - Currently there are around 90 approved ESCAS supply chains across 17 countries.
- ESCAS has since been largely effective in delivering against its intended outcomes.
- Alleged ESCAS non-compliances are investigated by the department and regulatory action taken as indicated and as soon as practically possible.
 - Since 2013, less than 0.20% of exported livestock covered by ESCAS have been involved with confirmed ESCAS non-compliances.
 - Reports of alleged ESCAS non-compliance are received from exporters (self-reports – 55%), third-parties (animal welfare organisations or private citizens in importing countries – 35%), industry groups, included in independent audit reports submitted by exporters or identified by the department.

The ESCAS Review

- The department is reviewing components of the ESCAS framework to ensure that it remains fit-for-purpose and supports consistent, risk-based regulation.
- The review is being conducted in 3 stages, with stakeholder engagement at the end of each stage. A **Summary and scoping document** setting out focus areas for the project, work at each stage, our stakeholder engagement approach and key review outcomes is attached for your reference.
- Key outcomes of this review include the production of a consolidated, single source reference of ESCAS for departmental staff and stakeholders, and to follow-through with the department's commitment to address recommendations in the [Inspector-General Review of ESCAS \(2021\)](#).
- We have just concluded stage 1 of the review, including associated stakeholder engagement. This stage was a gap analysis, with possible areas for improvement to the current ESCAS framework identified as 'challenges'.

- Targeted stakeholder groups (i.e., livestock exporters and their peak industry bodies, industry groups and animal welfare organisations) were invited to provide constructive feedback on, and propose practical solutions to these specific technical challenges. There was also the opportunity to present challenges that they felt had not been identified.
- This consultation stage was launched as a survey on the *Have Your Say* platform on 10 January and closed on 21 February 2023.
- The attached **Discussion Paper** sets out identified challenges and is the exhaustive basis on which the *Have Your Say* survey was built.
- We are now in stage 2 of the ESCAS Review, and are reviewing and analysing submissions from our recent consultation stage.
 - The aim of this stage is to use feedback from the first consultation stage to inform recommendations for improvements to ESCAS.
 - These recommendations will be tested with livestock exporters at the stage 2 stakeholder consultation phase.
- Then, stage 3 of the project will follow, where recommendations are used to review and update ESCAS policies, with the final output being a consolidated document on all aspects of the framework.
 - The plan is to consult publicly at this stage of the review.

Interactions with OIA to date

- We met with the OIA (^{s. 47F(1)} and ^{s. 47F(1)}) and a industry peak body representative last year, following finalisation of the first version of our *Summary and scoping document* and prior to the commencement of the review, to discuss views on stakeholder engagement and whether the review can be conducted in a manner consistent with a RIS-like process, so that a full RIS might not be required at its conclusion and prior to implementation.
 - A focus of this meeting was to discuss strong exporter concerns about the department engaging with animal welfare organisations during the review process. Additionally, industry remains opined that animal welfare organisations, being opposed to the livestock export trade and not being directly affected by regulatory decisions, might distort/bias engagement results, and therefore should not be considered key stakeholders for the purpose of engagement.
 - We disagree and consider wide engagement necessary to capture the myriad and nuanced views on livestock exports – a highly scrutinised industry that continues to polarise. It is important that our process and decisions reflect regulatory best practice and considers contemporary social views on the subject. Animal welfare organisations are a key stakeholder, reflected in their interest in the trade and continued role in reporting alleged ESCAS breaches.
- To date, feedback has been positive and we committed to keep the OIA informed as we progress, to ensure our processes continued to be consistent with a RIS-like process (see email exchange with ^{s. 47F(1)} below).

To recap our conversation

- I understand that to you knowledge, no formal assessment of our project and approach has been conducted by the OIA and this will need to happen for any definitive advise on whether our approach constitutes a RIS-like process or equivalent.
- Pending your review and assessment, the *Inspector-General Review of ESCAS (2021)* might qualify as a RIS-like process equivalent. The basis for this is the extensive consultation that was undertaken as part of the review, and that a primary focus of the ESCAS Review is to address its recommendations. If this is a possibility, the decision needs to be endorsed at a Deputy Secretary level.
- Integral to an impact analysis is a determination of the magnitude of change and the affected stakeholders. This may be qualitative and subjective, but must be defensible.
 - ^{s. 47E(d)}
- Given that the magnitude of changes will depend on recommendations made as a result of feedback currently being analysed, it might be difficult to determine this until stage 3 of the review (when the outcome of the review is being drafted). However, any assessment on the impacts on industry would be useful.

As discussed, I'd be very grateful for your advice on:

- Anything we need to consider/reconsider about our approach so that our process is consistent with a RIS-like process.
- If you think we might be able to rely on the *Inspector-General Review of ESCAS (2021)* as a RIS-like equivalent.
- If we should be incorporating into our engagement strategy, a request for industry to quantify the impact of proposed changes to them/the trade, particularly where best practice regulation might be resisted on the basis of burden.

I realise this is a lot of information, but I hope it makes sense and trust that it informs you sufficiently to be able to offer the advice we are seeking.

Please let me know if I have missed or misinterpreted anything, and if you have any questions.

I look forward to further discussions.

Kind regards,

s. 22(1)(a)(ii)

Senior Veterinary Officer

Regulatory Performance | Live Animal Export Branch | Plant and Live Animal Exports Division

Phone: s. 22(1)(a)(ii)

Department of Agriculture, Fisheries and Forestry

GPO Box 858 Canberra ACT 2601 Australia

aff.gov.au

From: s. 47F(1) <s. 47F(1) pmc.gov.au>

Sent: Friday, 24 February 2023 4:02 PM

To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Hi s. 22(1)(a)(ii)

I left a message for you but I'm not sure if my landline is working so here is my mobile number below. If you could contact me, that would be great.

Regards

s. 47F(1) | Advisor

Office of Impact Analysis | Economic Division

Department of the Prime Minister and Cabinet

p. s. 47F(1) s. 47F(1)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>
Sent: Thursday, 23 February 2023 6:32 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Subject: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Can you get in touch with ^{s. 22(1)(a)(ii)} and let her know you're the new lead on this pls?

We will need to give them some advice about how to meet the independent review requirements (noting this commenced under the former arrangements)

s. 47F(1)

s. 47F(1) Senior Adviser

Office of Impact Analysis

p. s. 47F(1) | m. s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Sent: Thursday, 23 February 2023 6:26 PM
To: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Good afternoon ^{s. 47F(1)}

I hope 2023 has started off well for you and your team.

I am reaching out with a status update on the ESCAS Review.

We recently concluded the first of 3 stakeholder consultation stages, which was launched as a survey on the *Have Your Say* platform from 10 January to 21 February 2023. Targeted stakeholders were invited to provide constructive feedback on specific technical challenges to the ESCAS framework. Survey questions are reflected in the Discussion paper, attached for your interest. We are now collating and analysing feedback received and will use it to inform recommendations for improvements to ESCAS in stage 2 of this project.

We would greatly appreciate your advice/confirmation that our processes remain aligned with a RIS-like process, and if there are any relevant considerations from your perspective, on how feedback is handled and analysed, noting that some submissions have been marked as confidential.

Happy to meet to discuss if easier.

Kind regards,

s. 22(1)(a)(ii)

Senior Veterinary Officer

Regulatory Performance | Live Animal Export Branch | Plant and Live Animal Exports Division

Phone: s. 22(1)(a)(ii)

Department of Agriculture, Fisheries and Forestry

GPO Box 858 Canberra ACT 2601 Australia

aff.gov.au

From: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>

Sent: Wednesday, 7 December 2022 12:30 PM

To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>

Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Good afternoon s. 22(1)(a)(ii)

Thanks very much for sending this through, and apologies for the delay in my response. I've reviewed the summary and scoping document and have no major concerns. It's good to hear that consultation will be expanded. Seeking quantitative evidence of how proposed solutions will impact various stakeholder groups will assist in providing a more detailed outline of the anticipated costs and benefits.

I am happy to talk through the changes to the Impact Analysis framework once they are settled and am keen to ensure OIA supports you through this impact analysis process.

Kind regards,

s. 47F(1) (she/her) | Adviser
Office of Impact Analysis
Department of the Prime Minister and Cabinet
p. s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) awe.gov.au>
Sent: Monday, 28 November 2022 6:52 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

Hi s. 47F(1)

I'm just reaching out from our team with an update on the ESCAS Review and upcoming stakeholder consultation, to keep you in the loop.

We have released a revised summary and scoping document (attached), to reflect our updated approach to stakeholder engagement. We intend to include a wider group of stakeholders at stage 1 for challenge identification/proposal of solutions, then a more targeted group later on for the testing of recommendations.

We have completed the stage 1 desktop review, and are about to commence stage 1 consultation. As previously discussed, we have contracted a team for their technical expertise to assist with our review, and they have developed draft material for stakeholder consultation. We are reviewing this material internally, prior to publication on the department's engagement platform 'Have Your Say'.

Any feedback or comments on how our current approach may impact the RIS process would be greatly appreciated.

Kind regards,

s. 22(1)(a)(ii)

Senior Technical Officer | Regulatory Performance | s. 22(1)(a)(ii)

Live Animal Exports Branch | Plant & Live Animal Exports Division

Department of Agriculture, Fisheries and Forestry

GPO Box 858 Canberra ACT 2601

awe.gov.au

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Sent: Monday, 14 November 2022 4:32 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>

Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

Thanks very much for getting back to us, s. 47F(1)

I'll be in touch again leading up our second consultation stage, to seek your thoughts on our approach at the time.

Kind regards

s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>
Sent: Monday, 14 November 2022 5:07 PM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

OFFICIAL

Good afternoon s. 22(1)(a)(ii)

Thanks very much for providing these documents for OBPR's review. s. 47F(1) and I have discussed the documents and in order to meet the requirements to be certified in lieu of a RIS, the following will need to be considered and included in the development of the review:

- When presenting recommendations to address identified problems in stages 2 and 3, there should be a range of options considered, including at least one non-regulatory option.
- In order to meet the requirements, the final document will need to analyse the costs and benefits of each option. We suggest consultation in stage 2 should include questions to draw out expected costs and benefits from stakeholders. Stakeholders should be encouraged to provide any evidence, data or statistics of the quantitative impact various options may have on themselves, the community or other groups. Where quantification is not possible, stakeholders should be encouraged to be specific in qualitative assessments of likely impacts.

We're happy to discuss these points further if you would like.

Kind regards,

s. 47F(1) | Adviser

Office of Best Practice Regulation

Economic Division | Department of the Prime Minister and Cabinet

p. s. 47F(1) | e. s. 47F(1) pmc.gov.au | w. www.pmc.gov.au

One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) awe.gov.au>
Sent: Friday, 4 November 2022 5:17 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

Good afternoon s. 47F(1)

I hope this finds you well.

You might recall that we spoke some weeks ago about the Exporter Supply Chain Assurance System (ESCAS) Review.

As discussed, it would be good to get an indication from you about when we should engage with the OBPR as this project progresses.

On this note, please find attached:

- The ESCAS Review project plan, and
- The ESCAS Review scoping and summary document, which outlines focus areas and specific framework components we will be reviewing as part of this project.

We look forward to hearing back from you.

Thanks and have a great weekend!

Kind regards,

s. 22(1)(a)(ii)

Senior Veterinary Officer

Regulatory Performance | Live Animal Export Branch | Plant and Live Animal Exports Division

Phone: s. 22(1)(a)(ii)

Department of Agriculture, Fisheries and Forestry

18 Marcus Clarke Street, Canberra ACT 2601 Australia

GPO Box 858 Canberra ACT 2601 Australia

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s. 47F(1)

Advisor, Office of Impact Analysis

s. 47F(1) or **s. 47F(1)****s. 47F(1)** pmc.gov.au

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s. 22(1)(a)(ii)

From: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Sent: Monday, 10 July 2023 11:21 AM
To: s. 22(1)(a)(ii)
Cc: Helpdesk-OIA; Helpdesk-OIA; s. 47F(1) s. 47F(1)
Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Follow Up Flag: Follow up
Flag Status: Completed

Hi s. 22(1)(a)(ii)

I hope that you've been well.

I am just reaching out to inform you that s. 47F(1) will be taking over the relevant portfolio from today, and will therefore be dealing with any possible Impact Analysis requirements from here. I have cc'd them in this email, so that when you've completed the consolidation of the results from the consultation that you've recently undertaken, you can both organise a meeting.

Kind regards

s. 47F(1)

s. 47F(1) | Adviser

Office of Impact Analysis | Economic Division | Department of the Prime Minister and Cabinet

p. s. 47F(1) | e. s. 47F(1) pmc.gov.au | w. pmc.gov.au

Ngunnawal Country, One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600

----- Original Message -----

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>;
Received: Fri Jun 02 2023 17:15:04 GMT+1000 (Australian Eastern Standard Time)
To: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>;
Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; OIA Help Desk helpdesk-oia <helpdesk-oia@pmc.gov.au>; OBPR Mailbox <helpdesk-oia@pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>;
Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

Apologies for the change – it would be great if we could actually postpone the update at this time, as it will take us a bit longer than expected to publish the draft report and we are finalising details for ongoing stakeholder engagement over the coming weeks.

I am anticipating it will be more productive to meet once we have the draft report finalised (sorry for reaching out prematurely!).

Will be in touch and apologies for any inconvenience.

Kind regards,
s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii)

Sent: Tuesday, May 30, 2023 5:58 PM

To: 's. 47F(1) <s. 47F(1) pmc.gov.au>

Cc: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>

Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

Thanks for the quick response and that sounds good – afternoon works for us as well!

I'll send through a meeting invite shortly, and looking forward to speaking next week.

Kind regards,

s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>

Sent: Tuesday, May 30, 2023 3:15 PM

To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Cc: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>

Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Good afternoon s. 22(1)(a)(ii)

Thanks for reaching out, glad to hear from you. Would you also be able to include s. 47F(1) (cc'd) on a discussion invite? He's supporting me in s. 47F(1) absence.

Would next Wednesday work? We are free any time after 1pm. Otherwise, happy to provide some other times.

Kind regards

s. 47F(1)

s. 47F(1) | Adviser | Office of Impact Analysis

Economic Division | Department of the Prime Minister and Cabinet

p. s. 47F(1) | e. s. 47F(1) pmc.gov.au | w. pmc.gov.au

Ngunnawal Country, One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600



The Department acknowledges and pays respect to the past, present and emerging Elders and Traditional Custodians of Country, and the continuation of cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander peoples.

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Sent: Tuesday, 30 May 2023 1:22 PM

To: s. 47F(1) <s. 47F(1) pmc.gov.au>

Cc: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)aff.gov.au>

Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

I am just reaching out with an update on the ESCAS review since we spoke last – we have completed a first draft of the aggregated report, on the department's analysis of the feedback received during stage 1 consultation.

We are currently working to finalise this draft, before publishing on HYS for stakeholders to view prior to the facilitated session in June.

Did you have any availability next week for a meeting to discuss some of the emerging themes?

Kind regards,

s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii)

Sent: Monday, April 24, 2023 4:03 PM

To: s. 47F(1) <s. 47F(1) pmc.gov.au>

Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

Sounds great, I'll send through a meeting invite now.

Looking forward to chatting on Thursday!

Cheers,

s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>

Sent: Monday, 24 April 2023 3:58 PM

To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Hi s. 22(1)(a)(ii) let's go for 2pm on Thursday. Half hour should be fine. It would be me and s. 47F(1) from our end.

Regards

s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Sent: Monday, 24 April 2023 2:02 PM

To: s. 47F(1) <s. 47F(1) pmc.gov.au>

Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

Thanks for the response, more than happy to meet and discuss.

At this stage, I can provide detail on trends in feedback and some claims on regulatory burden *should* a change be implemented by the department, although there hasn't been commitment to implement specific changes as of yet (other than those described in the summary & scoping document/stage 1 discussion paper, for example the introduction of a control and traceability standard). We'll need more time for stage 2 to progress in terms of the development of the draft recommendations, which will constitute the specific proposed changes to the framework.

Happy to discuss further, my afternoons are generally pretty free. A few times this week are:

- Wednesday after 1pm (excluding 3-3:30pm)
- Thursday after 2pm
- Friday between 1-3:30pm

Kind regards,

s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>
Sent: Friday, 21 April 2023 8:32 AM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>
Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Hi s. 22(1)(a)(ii)

Thanks for your email and the progress update. I agree that it would be good to target some of your questions towards issues that might arise in an Impact Analysis. However, it may be opportune to have a discussion about impacts following the feedback from consultation including issues identified through the confidential submissions (to the extent that you can share this) so as to determine whether you're in IA territory. That is, are we in a position to assess whether the proposals arising from the ESCAS review are likely to result in more than a minor regulatory impact? Or do we need more time for Stage 2 to progress further? Perhaps a meeting to discuss would be worthwhile?

Regards

s. 47F(1) | Advisor
Office of Impact Analysis | Economic Division
Department of the Prime Minister and Cabinet
p. s. 47F(1) s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Sent: Wednesday, 19 April 2023 11:12 AM
To: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

I work in s. 22(1)(a)(ii) team and am just reaching out on her behalf – she's acting in another role for 6 weeks, and I am the current point of contact for the ESCAS review.

I wanted to provide an update on our progress in stage 2, particularly as we have extended our timeframe (stage 2 anticipated to conclude in August) and refined various aspects of our approach, including:

- We have published all non-confidential submissions received during stage 1 on the departmental platform [Have Your Say](#)
- We will be drafting an aggregated report in response to the submissions, i.e., outlining feedback received and the department's response and consideration of this feedback (est. May)
- We will be engaging with stakeholders in a facilitated session mid-stage 2 (est. early June) to discuss overall themes in the aggregated report and the development of draft recommendations, and
- Once draft recommendations are released for review and consultation, offering informal 1-on-1 sessions with stakeholders (in combination with a formal submission process) to ensure all voices are heard independently prior to finalisation of recommendations.

Considering past feedback from the OIA, going forward would it be beneficial to integrate specific questions on stakeholder impacts into upcoming consultation? E.g., Being deliberate during the consultation on draft recommendations during stage 2 in asking questions of stakeholders, particularly industry, on impact, cost and benefit, etc.

Grateful if you had any comments or recommendations on this, as well as our general approach. I understand the difficulty in commenting, while the perceived impact is still in large part unknown; however, happy to send/discuss the aggregated report on stage 1 analysis of feedback once finalised, if this gives a better indication on the tone of feedback received thus far and general direction the department is considering in response.

Kind regards,

s. 22(1)(a)(ii)

A/g Assistant Director | Regulatory Performance and Compliance | s. 22(1)(a)(ii)
Live Animal Export Branch | Traceability, Plant and Live Animal Exports Division

Department of Agriculture, Fisheries and Forestry
GPO Box 858 Canberra ACT 2601
agriculture.gov.au

From: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>

Sent: Thursday, 2 March 2023 2:43 PM

To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>

Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 22(1)(a)(ii)

Thanks for the email on 27 February, the discussion paper and for the discussion on the phone today.

It is not clear at this stage whether the changes proposed are likely to result in 'more than a minor' regulatory impact. This is partly because the ESCAS framework is fundamentally remaining intact and many of the changes proposed would appear incremental or of a programmatic nature. I note your advice that some industry participants are claiming that the changes might have a significant impact on their commercial viability.

I therefore agree with your proposal that we hold our assessment at this stage and assess the significance of the ESCAS reforms as Stage 2 progresses (about April/May 2023). This will give you an opportunity to assess the claims of those industry participants.

If we determine that the proposal is more than minor, an Impact Analysis will need to be required to be prepared for Stage 3 to inform the decision, consistent with Government requirements.

We look forward to further discussions at this time. In the interim, feel free to contact me (or s. 47F^{s. 47F(1)} to discuss any other issues that might assist with your consultation and policy development process.

regards

s. 47F(1) | Advisor
 Office of Impact Analysis | Economic Division
 Department of the Prime Minister and Cabinet
 p. s. 47F(1) s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Sent: Monday, 27 February 2023 11:01 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Dear s. 47F(1)

Thank you for taking the time to chat about the ESCAS Review this morning, and apologies for missing your call on Friday.

Allow me to introduce ^{s. 22(1)(a)(ii)} (copied) who is working with me on this project.

As discussed, here is some relevant background on:

The Exporter Supply Chain Assurance System (ESCAS)

- ESCAS is a regulatory framework that seeks to ensure animal welfare, control and traceability outcomes for feeder and slaughter livestock from the point of arrival in importing countries up until and including the point of slaughter.
- Livestock exporters are the regulated entities under ESCAS. They are responsible for establishing and managing arrangements with supply chain partners (i.e. importers, feedlots and abattoirs) in importing countries to ensure that ESCAS requirements are met.
- ESCAS was developed in 2011 in response to public outrage following the release of footage on *Four Corners* depicting poor animal handling and slaughter practices at Indonesian abattoirs, and progressively rolled out to all countries importing Australian feeder and slaughter livestock during 2012.
- - Currently there are around 90 approved ESCAS supply chains across 17 countries.
- ESCAS has since been largely effective in delivering against its intended outcomes.
- Alleged ESCAS non-compliances are investigated by the department and regulatory action taken as indicated and as soon as practically possible.
- - Since 2013, less than 0.20% of exported livestock covered by ESCAS have been involved with confirmed ESCAS non-compliances.
 - Reports of alleged ESCAS non-compliance are received from exporters (self-reports – 55%), third-parties (animal welfare organisations or private citizens in importing countries – 35%), industry groups, included in independent audit reports submitted by exporters or identified by the department.

The ESCAS Review

- The department is reviewing components of the ESCAS framework to ensure that it remains fit-for-purpose and supports consistent, risk-based regulation.
- The review is being conducted in 3 stages, with stakeholder engagement at the end of each stage. A **Summary and scoping document** setting out focus areas for the project, work at each stage, our stakeholder engagement approach and key review outcomes is attached for your reference.
- Key outcomes of this review include the production of a consolidated, single source reference of ESCAS for departmental staff and stakeholders, and to follow-through with the department's commitment to address recommendations in the [Inspector-General Review of ESCAS \(2021\)](#).
- We have just concluded stage 1 of the review, including associated stakeholder engagement. This stage was a gap analysis, with possible areas for improvement to the current ESCAS framework identified as 'challenges'.
 - - Targeted stakeholder groups (i.e., livestock exporters and their peak industry bodies, industry groups and animal welfare organisations) were invited to provide constructive feedback on, and propose practical solutions to these specific technical challenges. There was also the opportunity to present challenges that they felt had not been identified.
 - This consultation stage was launched as a survey on the *Have Your Say* platform on 10 January and closed on 21 February 2023.
 - The attached **Discussion Paper** sets out identified challenges and is the exhaustive basis on which the *Have Your Say* survey was built.
- We are now in stage 2 of the ESCAS Review, and are reviewing and analysing submissions from our recent consultation stage.
 - - The aim of this stage is to use feedback from the first consultation stage to inform recommendations for improvements to ESCAS.
 - These recommendations will be tested with livestock exporters at the stage 2 stakeholder consultation phase.

- Then, stage 3 of the project will follow, where recommendations are used to review and update ESCAS policies, with the final output being a consolidated document on all aspects of the framework.
 - - The plan is to consult publicly at this stage of the review.

Interactions with OIA to date

- We met with the OIA (s. 47F(1) and s. 47F(1)) and a industry peak body representative last year, following finalisation of the first version of our *Summary and scoping document* and prior to the commencement of the review, to discuss views on stakeholder engagement and whether the review can be conducted in a manner consistent with a RIS-like process, so that a full RIS might not be required at its conclusion and prior to implementation.
 - - A focus of this meeting was to discuss strong exporter concerns about the department engaging with animal welfare organisations during the review process. Additionally, industry remains opined that animal welfare organisations, being opposed to the livestock export trade and not being directly affected by regulatory decisions, might distort/bias engagement results, and therefore should not be considered key stakeholders for the purpose of engagement.
 - We disagree and consider wide engagement necessary to capture the myriad and nuanced views on livestock exports – a highly scrutinised industry that continues to polarise. It is important that our process and decisions reflect regulatory best practice and considers contemporary social views on the subject. Animal welfare organisations are a key stakeholder, reflected in their interest in the trade and continued role in reporting alleged ESCAS breaches.
- To date, feedback has been positive and we committed to keep the OIA informed as we progress, to ensure our processes continued to be consistent with a RIS-like process (see email exchange with s. 47F(1) below).

To recap our conversation

- I understand that to you knowledge, no formal assessment of our project and approach has been conducted by the OIA and this will need to happen for any definitive advise on whether our approach constitutes a RIS-like process or equivalent.
- Pending your review and assessment, the *Inspector-General Review of ESCAS (2021)* might qualify as a RIS-like process equivalent. The basis for this is the extensive consultation that was undertaken as part of the review, and that a primary focus of the ESCAS Review is to address its recommendations. If this is a possibility, the decision needs to be endorsed at a Deputy Secretary level.
- Integral to an impact analysis is a determination of the magnitude of change and the affected stakeholders. This may be qualitative and subjective, but must be defensible.

- - s. 47E(d)

- Given that the magnitude of changes will depend on recommendations made as a result of feedback currently being analysed, it might be difficult to determine this until stage 3 of the review (when the outcome of the review is being drafted). However, any assessment on the impacts on industry would be useful.

As discussed, I'd be very grateful for your advice on:

- Anything we need to consider/reconsider about our approach so that our process is consistent with a RIS-like process.
- If you think we might be able to rely on the *Inspector-General Review of ESCAS (2021)* as a RIS-like equivalent.
- If we should be incorporating into our engagement strategy, a request for industry to quantify the impact of proposed changes to them/the trade, particularly where best practice regulation might be resisted on the basis of burden.

I realise this is a lot of information, but I hope it makes sense and trust that it informs you sufficiently to be able to offer the advice we are seeking.

Please let me know if I have missed or misinterpreted anything, and if you have any questions.

I look forward to further discussions.

Kind regards,

s. 22(1)(a)(ii)

Senior Veterinary Officer

Regulatory Performance | Live Animal Export Branch | Plant and Live Animal Exports Division

Phone: s. 22(1)(a)(ii)

Department of Agriculture, Fisheries and Forestry

GPO Box 858 Canberra ACT 2601 Australia

aff.gov.au

From: s. 47F(1) <s. 47F(1) pmc.gov.au>
Sent: Friday, 24 February 2023 4:02 PM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Hi ^{s. 22(1)(a)(ii)}

I left a message for you but I'm not sure if my landline is working so here is my mobile number below. If you could contact me, that would be great.
 Regards

s. 47F(1) | Advisor
 Office of Impact Analysis | Economic Division
 Department of the Prime Minister and Cabinet
 p. s. 47F(1) s. 47F(1)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>
Sent: Thursday, 23 February 2023 6:32 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Subject: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Can you get in touch with ^{s. 22(1)(a)(ii)} and let her know you're the new lead on this pls?
 We will need to give them some advice about how to meet the independent review requirements (noting this commenced under the former arrangements)

s. 47F(1)

s. 47F(1) Senior Adviser
 Office of Impact Analysis
 p. s. 47F(1) | m. s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Sent: Thursday, 23 February 2023 6:26 PM
To: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Good afternoon ^{s. 47F(1)}

I hope 2023 has started off well for you and your team.

I am reaching out with a status update on the ESCAS Review.

We recently concluded the first of 3 stakeholder consultation stages, which was launched as a survey on the *Have Your Say* platform from 10 January to 21 February 2023. Targeted stakeholders were invited to provide constructive feedback on specific technical challenges to the ESCAS framework. Survey questions are reflected in the Discussion paper, attached for your interest. We are now collating and analysing feedback received and will use it to inform recommendations for improvements to ESCAS in stage 2 of this project.

We would greatly appreciate your advice/confirmation that our processes remain aligned with a RIS-like process, and if there are any relevant considerations from your perspective, on how feedback is handled and analysed, noting that some submissions have been marked as confidential.

Happy to meet to discuss if easier.

Kind regards,
^{s. 22(1)(a)(ii)}
 Senior Veterinary Officer

Regulatory Performance | Live Animal Export Branch | Plant and Live Animal Exports Division
 Phone: ^{s. 22(1)(a)(ii)}

Department of Agriculture, Fisheries and Forestry
 GPO Box 858 Canberra ACT 2601 Australia

aff.gov.au

From: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Sent: Wednesday, 7 December 2022 12:30 PM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>
Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Good afternoon ^{s. 22(1)(a)(ii)}

Thanks very much for sending this through, and apologies for the delay in my response. I've reviewed the summary and scoping document and have no major concerns. It's good to hear that consultation will be expanded. Seeking quantitative evidence of how proposed solutions will impact various stakeholder groups will assist in providing a more detailed outline of the anticipated costs and benefits.

I am happy to talk through the changes to the Impact Analysis framework once they are settled and am keen to ensure OIA supports you through this impact analysis process.

Kind regards,

s. 47F(1) (she/her) | Adviser
 Office of Impact Analysis
 Department of the Prime Minister and Cabinet
 p. s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) awe.gov.au>
Sent: Monday, 28 November 2022 6:52 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

Hi ^{s. 47F(1)}

I'm just reaching out from our team with an update on the ESCAS Review and upcoming stakeholder consultation, to keep you in the loop.

We have released a revised summary and scoping document (attached), to reflect our updated approach to stakeholder engagement. We intend to include a wider group of stakeholders at stage 1 for challenge identification/proposal of solutions, then a more targeted group later on for the testing of recommendations.

We have completed the stage 1 desktop review, and are about to commence stage 1 consultation. As previously discussed, we have contracted a team for their technical expertise to assist with our review, and they have developed draft material for stakeholder consultation. We are reviewing this material internally, prior to publication on the department's engagement platform 'Have Your Say'.

Any feedback or comments on how our current approach may impact the RIS process would be greatly appreciated.

Kind regards,

s. 22(1)(a)(ii)
 Senior Technical Officer | Regulatory Performance | s. 22(1)(a)(ii)
 Live Animal Exports Branch | Plant & Live Animal Exports Division

Department of Agriculture, Fisheries and Forestry
 GPO Box 858 Canberra ACT 2601
awe.gov.au

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Sent: Monday, 14 November 2022 4:32 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

Thanks very much for getting back to us, ^{s. 47F(1)}

I'll be in touch again leading up our second consultation stage, to seek your thoughts on our approach at the time.

Kind regards
^{s. 22(1)(a)(ii)}

From: s. 47F(1) <s. 47F(1) pmc.gov.au>
Sent: Monday, 14 November 2022 5:07 PM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

OFFICIAL

Good afternoon ^{s. 22(1)(a)(ii)}

Thanks very much for providing these documents for OBPR's review. ^{s. 47F(1)} and I have discussed the documents and in order to meet the requirements to be certified in lieu of a RIS, the following will need to be considered and included in the development of the review:

- When presenting recommendations to address identified problems in stages 2 and 3, there should be a range of options considered, including at least one non-regulatory option.
- In order to meet the requirements, the final document will need to analyse the costs and benefits of each option. We suggest consultation in stage 2 should include questions to draw out expected costs and benefits from stakeholders. Stakeholders should be encouraged to provide any evidence, data or statistics of the quantitative impact various options may have on themselves, the community or other groups. Where quantification is not possible, stakeholders should be encouraged to be specific in qualitative assessments of likely impacts.

We're happy to discuss these points further if you would like.

Kind regards,

^{s. 47F(1)} | Adviser

Office of Best Practice Regulation

Economic Division | Department of the Prime Minister and Cabinet

p. ^{s. 47F(1)} | e. ^{s. 47F(1)} pmc.gov.au | w. www.pmc.gov.au

One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600

From: ^{s. 22(1)(a)(ii)} <^{s. 22(1)(a)(ii)} awe.gov.au>

Sent: Friday, 4 November 2022 5:17 PM

To: ^{s. 47F(1)} <^{s. 47F(1)} pmc.gov.au>

Cc: ^{s. 22(1)(a)(ii)} <^{s. 22(1)(a)(ii)} agriculture.gov.au>

Subject: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

Good afternoon ^{s. 47F(1)}

I hope this finds you well.

You might recall that we spoke some weeks ago about the Exporter Supply Chain Assurance System (ESCAS) Review. As discussed, it would be good to get an indication from you about when we should engage with the OBPR as this project progresses.

On this note, please find attached:

- The ESCAS Review project plan, and
- The ESCAS Review scoping and summary document, which outlines focus areas and specific framework components we will be reviewing as part of this project.

We look forward to hearing back from you.

Thanks and have a great weekend!

Kind regards,

^{s. 22(1)(a)(ii)}

Senior Veterinary Officer

Regulatory Performance | Live Animal Export Branch | Plant and Live Animal Exports Division

Phone: ^{s. 22(1)(a)(ii)}

Department of Agriculture, Fisheries and Forestry
18 Marcus Clarke Street, Canberra ACT 2601 Australia
GPO Box 858 Canberra ACT 2601 Australia

agriculture.gov.au

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IMPORTANT: This message, and any attachments to it, contains information that is confidential and may also be the subject of legal professional or other privilege. If you are not the intended recipient of this message, you must not review, copy, disseminate or disclose its contents to any other party or take action in reliance of any material contained within it. If you have received this message in error, please notify the sender immediately by return email informing them of the mistake and delete all copies of the message from your computer system.

s. 47F(1)

Advisor, Office of Impact Analysis

s. 47F(1) or s. 47F(1)

s. 47F(1) pmc.gov.au

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IMPORTANT: This message, and any attachments to it, contains information that is confidential and may also be the subject of legal professional or other privilege. If you are not the intended recipient of this message, you must not review, copy, disseminate or disclose its contents to any other party or take action in reliance of any material contained within it. If you have received this message in error, please notify the sender immediately by return email informing them of the mistake and delete all copies of the message from your computer system.

s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii)
Sent: Friday, 21 July 2023 11:13 AM
To: s. 47F(1)
Cc: s. 47F(1) Helpdesk-OIA; s. 47F(1)
Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]
Attachments: ESCAS Review - Stage 2 Aggregated Report_Final.pdf

Hi s. 47F(1)

Sorry to have missed your call – I've just returned from a couple weeks leave! Nice to e-meet you, and looking forward to working with you as we progress the Exporter Supply Chain Assurance System (ESCAS) review.

In terms of an update on the current progress, we are currently halfway through stage 2 and have recently published the Stage 2 Aggregated Report on our Have Your Say [consultation page](#) (please see attached). This report contains the department's high-level analysis of the submissions received at stage 1, and considerations for formulating recommendations to address challenges within the ESCAS framework.

As a general summary of the themes, the stage 1 submissions often reflected the opposed viewpoints held by our stakeholders.

- Primary areas of contention included the department's approach to noncompliance management under ESCAS, as well as control and traceability; submissions disagreed on whether the various challenges under these focus areas existed, as well as gave varying opinion as to how they should be addressed and managed, e.g., whether to focus on outcomes-based versus prescriptive requirements.
- There was also a significant amount of feedback (and discrepancy) on the ESCAS Animal Welfare Standards and their relation to international/domestic standards.

To give a recap of the stages:

- **Stage 1** included a desktop review to identify potential challenges in the ESCAS framework, which were documented in the Stage 1 Discussion Paper. Many challenges were previously identified in the Inspector-General of Live Animal Exports' review of ESCAS in 2021 (this report is one of the primary focuses for the review to address), and others originate from industry research papers, internal process documents, noncompliance reports, and ESCAS documentation/standards. We then conducted formal consultation on the discussion paper to gain stakeholder perspectives on whether they agreed or disagreed with the existence of the challenges, and where relevant, the proposal of solutions to address the challenges.
- **Stage 2** so far has included the review of stakeholder feedback from stage 1, contained in the Stage 2 Aggregated Report. We followed up this publication with a broadcast session on 7 July 2023, where we presented the content of the aggregated report, provided opportunity for questions and outlined the next steps.
 - We are now organising one-on-one sessions with stakeholders, for anything that may have been missed or misinterpreted from the stage 1 feedback. We are aiming to conduct these over the next 1.5 weeks. Any relevant feedback will be incorporated into the **draft recommendations for improvements to the framework**, which we are in the initial stages of drafting.
 - Once the draft recommendations are finalised, we will commence formal consultation on the recommendations via Have Your Say. We anticipate this will occur in September.
- **Stage 3** (refresh and production of materials) will include finalising the recommendations and conducting consultation on the implementation of the final recommendations.

In general, the difficulty up to this stage has been in determining when a decision can be made on whether an Impact Analysis will be required. Throughout stage 1 and part of stage 2, it seemed premature as we were still obtaining stakeholder views on the challenges and potential solutions – the degree and number of potential changes to the framework were not yet fully realised.

We are now drafting these recommendations and have an initial rough draft that is being reviewed by our team (we still need to determine feasibility, gaps, level of detail, etc.). Happy to meet with you in the coming weeks – in particular, let me know if it would be useful to share draft content at this stage, or wait until we are closer to finalising the draft recommendations.

Hope that makes sense and happy to discuss further.

Kind regards,

s. 22(1)(a)(ii)

Senior Technical Officer | Regulatory Performance and Compliance | **s. 22(1)(a)(ii)**
Live Animal Export Branch | Traceability, Plant and Live Animal Exports Division

Department of Agriculture, Fisheries and Forestry
GPO Box 858 Canberra ACT 2601
agriculture.gov.au

From: **s. 47F(1)** <**s. 47F(1)** @pmc.gov.au>
Sent: Tuesday, July 18, 2023 9:41 AM
To: **s. 22(1)(a)(ii)** <**s. 22(1)(a)(ii)** aff.gov.au>
Cc: **s. 47F(1)** <**s. 47F(1)** pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; **s. 47F(1)** <**s. 47F(1)** pmc.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

s. 22(1)(a)(ii)

Following up my previous email – are you able to supply an update on state-of-play re. the Exporter Supply Chain Assurance System proposal.
Happy to discuss at a time that best suits you.

Regards,

s. 47F(1)

s. 47F(1) | Adviser, Office of Impact Analysis
Department of the Prime Minister and Cabinet
p. **s. 47F(1)**
Ngunawal Country, 1 National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600
e. **s. 47F(1)** a@pmc.gov.au w. pmc.gov.au



The Department acknowledges and pays respect to the past, present and emerging Elders and Traditional Custodians of Country, and the continuation of cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander peoples.

From: **s. 47F(1)**
Sent: Tuesday, 11 July 2023 10:43 AM
To: **s. 22(1)(a)(ii)** <**s. 22(1)(a)(ii)** aff.gov.au>
Cc: **s. 47F(1)** <**s. 47F(1)** pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; **s. 47F(1)** <**s. 47F(1)** pmc.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

s. 22(1)(a)(ii)

Gave you a call to introduce myself as your new first point of contact in OIA.

Looking forward to working with you on the Exporter Supply Chain Assurance System issue (and other issues).

Regards,

s. 47F(1)

s. 47F(1) | Adviser, Office of Impact Analysis

Department of the Prime Minister and Cabinet

p. s. 47F(1)

Ngunawal Country, 1 National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600

e. s. 47F(1) @pmc.gov.au w. pmc.gov.au



The Department acknowledges and pays respect to the past, present and emerging Elders and Traditional Custodians of Country, and the continuation of cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander peoples.

From: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>

Sent: Monday, 10 July 2023 11:21 AM

To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Cc: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 47F(1)

<s. 47F(1) @pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>

Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 22(1)(a)(ii)

I hope that you've been well.

I am just reaching out to inform you that s. 47F(1) will be taking over the relevant portfolio from today, and will therefore be dealing with any possible Impact Analysis requirements from here. I have cc'd them in this email, so that when you've completed the consolidation of the results from the consultation that you've recently undertaken, you can both organise a meeting.

Kind regards

s. 47F(1)

s. 47F(1) | Adviser

Office of Impact Analysis | Economic Division | Department of the Prime Minister and Cabinet

p. s. 47F(1) | e. s. 47F(1) pmc.gov.au | w. pmc.gov.au

Ngunawal Country, One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600

----- Original Message -----

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>;

Received: Fri Jun 02 2023 17:15:04 GMT+1000 (Australian Eastern Standard Time)

To: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>;

Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1)

<s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; OIA Help Desk helpdesk-oia@pmc.gov.au

<helpdesk-oia@pmc.gov.au>; OBPR Mailbox <helpdesk-oia@pmc.gov.au>; s. 47F(1)

<s. 47F(1) pmc.gov.au>;

Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

Apologies for the change – it would be great if we could actually postpone the update at this time, as it will take us a bit longer than expected to publish the draft report and we are finalising details for ongoing stakeholder engagement over the coming weeks.

I am anticipating it will be more productive to meet once we have the draft report finalised (sorry for reaching out prematurely!).

Will be in touch and apologies for any inconvenience.

Kind regards,

s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii)

Sent: Tuesday, May 30, 2023 5:58 PM

To: 's. 47F(1)' <s. 47F(1) pmc.gov.au>

Cc: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>

Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

Thanks for the quick response and that sounds good – afternoon works for us as well!

I'll send through a meeting invite shortly, and looking forward to speaking next week.

Kind regards,

s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>

Sent: Tuesday, May 30, 2023 3:15 PM

To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Cc: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>

Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Good afternoon s. 22(1)(a)(ii)

Thanks for reaching out, glad to hear from you. Would you also be able to include s. 47F(1) (cc'd) on a discussion invite? He's supporting me in s. 47F(1) absence.

Would next Wednesday work? We are free any time after 1pm. Otherwise, happy to provide some other times.

Kind regards

s. 47F(1)

s. 47F(1) | Adviser | Office of Impact Analysis

Economic Division | Department of the Prime Minister and Cabinet

p. s. 47F(1) | e. s. 47F(1) pmc.gov.au | w. pmc.gov.au

Ngunnawal Country, One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600





The Department acknowledges and pays respect to the past, present and emerging Elders and Traditional Custodians of Country, and the continuation of cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander peoples.

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Sent: Tuesday, 30 May 2023 1:22 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

I am just reaching out with an update on the ESCAS review since we spoke last – we have completed a first draft of the aggregated report, on the department's analysis of the feedback received during stage 1 consultation.

We are currently working to finalise this draft, before publishing on HYS for stakeholders to view prior to the facilitated session in June.

Did you have any availability next week for a meeting to discuss some of the emerging themes?

Kind regards,

s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii)
Sent: Monday, April 24, 2023 4:03 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

Sounds great, I'll send through a meeting invite now.

Looking forward to chatting on Thursday!

Cheers,

s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>
Sent: Monday, 24 April 2023 3:58 PM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Hi s. 22(1)(a)(ii) let's go for 2pm on Thursday. Half hour should be fine. It would be me and s. 47F(1) from our end.

Regards

s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Sent: Monday, 24 April 2023 2:02 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

Thanks for the response, more than happy to meet and discuss.

At this stage, I can provide detail on trends in feedback and some claims on regulatory burden *should* a change be implemented by the department, although there hasn't been commitment to implement specific changes as of yet (other than those described in the summary & scoping document/stage 1 discussion paper, for example the introduction of a control and traceability standard). We'll need more time for stage 2 to progress in terms of the development of the draft recommendations, which will constitute the specific proposed changes to the framework.

Happy to discuss further, my afternoons are generally pretty free. A few times this week are:

- Wednesday after 1pm (excluding 3-3:30pm)
- Thursday after 2pm
- Friday between 1-3:30pm

Kind regards,

s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>
Sent: Friday, 21 April 2023 8:32 AM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>
Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Hi s. 22(1)(a)(ii)

Thanks for your email and the progress update. I agree that it would be good to target some of your questions towards issues that might arise in an Impact Analysis. However, it may be opportune to have a discussion about impacts following the feedback from consultation including issues identified through the confidential submissions (to the extent that you can share this) so as to determine whether you're in IA territory. That is, are we in a position to assess whether the proposals arising from the ESCAS review are likely to result in more than a minor regulatory impact? Or do we need more time for Stage 2 to progress further? Perhaps a meeting to discuss would be worthwhile?

Regards

s. 47F(1) | Advisor

Office of Impact Analysis | Economic Division
Department of the Prime Minister and Cabinet

p. s. 47F(1) s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Sent: Wednesday, 19 April 2023 11:12 AM
To: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

I work in s. 22(1)(a)(ii) team and am just reaching out on her behalf – she's acting in another role for 6 weeks, and I am the current point of contact for the ESCAS review.

I wanted to provide an update on our progress in stage 2, particularly as we have extended our timeframe (stage 2 anticipated to conclude in August) and refined various aspects of our approach, including:

- We have published all non-confidential submissions received during stage 1 on the departmental platform [Have Your Say](#)
- We will be drafting an aggregated report in response to the submissions, i.e., outlining feedback received and the department's response and consideration of this feedback (est. May)
- We will be engaging with stakeholders in a facilitated session mid-stage 2 (est. early June) to discuss overall themes in the aggregated report and the development of draft recommendations, and
- Once draft recommendations are released for review and consultation, offering informal 1-on-1 sessions with stakeholders (in combination with a formal submission process) to ensure all voices are heard independently prior to finalisation of recommendations.

Considering past feedback from the OIA, going forward would it be beneficial to integrate specific questions on stakeholder impacts into upcoming consultation? E.g., Being deliberate during the consultation on draft recommendations during stage 2 in asking questions of stakeholders, particularly industry, on impact, cost and benefit, etc.

Grateful if you had any comments or recommendations on this, as well as our general approach. I understand the difficulty in commenting, while the perceived impact is still in large part unknown; however, happy to send/discuss the aggregated report on stage 1 analysis of feedback once finalised, if this gives a better indication on the tone of feedback received thus far and general direction the department is considering in response.

Kind regards,

s. 22(1)(a)(ii)

A/g Assistant Director | Regulatory Performance and Compliance | s. 22(1)(a)(ii)
Live Animal Export Branch | Traceability, Plant and Live Animal Exports Division

Department of Agriculture, Fisheries and Forestry
GPO Box 858 Canberra ACT 2601
agriculture.gov.au

From: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Sent: Thursday, 2 March 2023 2:43 PM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>
Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 22(1)(a)(ii)

Thanks for the email on 27 February, the discussion paper and for the discussion on the phone today.

It is not clear at this stage whether the changes proposed are likely to result in 'more than a minor' regulatory impact. This is partly because the ESCAS framework is fundamentally remaining intact and many of the changes

proposed would appear incremental or of a programmatic nature. I note your advice that some industry participants are claiming that the changes might have a significant impact on their commercial viability.

I therefore agree with your proposal that we hold our assessment at this stage and assess the significance of the ESCAS reforms as Stage 2 progresses (about April/May 2023). This will give you an opportunity to assess the claims of those industry participants.

If we determine that the proposal is more than minor, an Impact Analysis will need to be required to be prepared for Stage 3 to inform the decision, consistent with Government requirements.

We look forward to further discussions at this time. In the interim, feel free to contact me (or [s. 47F^{s. 47F\(1\)}](#)) to discuss any other issues that might assist with your consultation and policy development process.

regards

[s. 47F\(1\)](#) | Advisor
Office of Impact Analysis | Economic Division
Department of the Prime Minister and Cabinet
p. [s. 47F\(1\)](#) [s. 47F\(1\)](#)

From: [s. 22\(1\)\(a\)\(ii\)](#) <[s. 22\(1\)\(a\)\(ii\)](#) aff.gov.au>
Sent: Monday, 27 February 2023 11:01 PM
To: [s. 47F\(1\)](#) <[s. 47F\(1\)](#) pmc.gov.au>
Cc: [s. 22\(1\)\(a\)\(ii\)](#) <[s. 22\(1\)\(a\)\(ii\)](#) aff.gov.au>
Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Dear [s. 47F\(1\)](#)

Thank you for taking the time to chat about the ESCAS Review this morning, and apologies for missing your call on Friday.

Allow me to introduce [s. 22\(1\)\(a\)\(ii\)](#) (copied) who is working with me on this project.

As discussed, here is some relevant background on:

The Exporter Supply Chain Assurance System (ESCAS)

- ESCAS is a regulatory framework that seeks to ensure animal welfare, control and traceability outcomes for feeder and slaughter livestock from the point of arrival in importing countries up until and including the point of slaughter.
- Livestock exporters are the regulated entities under ESCAS. They are responsible for establishing and managing arrangements with supply chain partners (i.e. importers, feedlots and abattoirs) in importing countries to ensure that ESCAS requirements are met.
- ESCAS was developed in 2011 in response to public outrage following the release of footage on *Four Corners* depicting poor animal handling and slaughter practices at Indonesian abattoirs, and progressively rolled out to all countries importing Australian feeder and slaughter livestock during 2012.
 - - Currently there are around 90 approved ESCAS supply chains across 17 countries.
 - ESCAS has since been largely effective in delivering against its intended outcomes.
 - Alleged ESCAS non-compliances are investigated by the department and regulatory action taken as indicated and as soon as practically possible.
- - Since 2013, less than 0.20% of exported livestock covered by ESCAS have been involved with confirmed ESCAS non-compliances.
 - Reports of alleged ESCAS non-compliance are received from exporters (self-reports – 55%), third-parties (animal welfare organisations or private citizens in importing countries – 35%), industry groups, included in independent audit reports submitted by exporters or identified by the department.

The ESCAS Review

- The department is reviewing components of the ESCAS framework to ensure that it remains fit-for-purpose and supports consistent, risk-based regulation.
- The review is being conducted in 3 stages, with stakeholder engagement at the end of each stage. A **Summary and scoping document** setting out focus areas for the project, work at each stage, our stakeholder engagement approach and key review outcomes is attached for your reference.

- Key outcomes of this review include the production of a consolidated, single source reference of ESCAS for departmental staff and stakeholders, and to follow-through with the department's commitment to address recommendations in the [Inspector-General Review of ESCAS \(2021\)](#).
- We have just concluded stage 1 of the review, including associated stakeholder engagement. This stage was a gap analysis, with possible areas for improvement to the current ESCAS framework identified as 'challenges'.
 - - Targeted stakeholder groups (i.e., livestock exporters and their peak industry bodies, industry groups and animal welfare organisations) were invited to provide constructive feedback on, and propose practical solutions to these specific technical challenges. There was also the opportunity to present challenges that they felt had not been identified.
 - This consultation stage was launched as a survey on the *Have Your Say* platform on 10 January and closed on 21 February 2023.
 - The attached *Discussion Paper* sets out identified challenges and is the exhaustive basis on which the *Have Your Say* survey was built.
- We are now in stage 2 of the ESCAS Review, and are reviewing and analysing submissions from our recent consultation stage.
 - - The aim of this stage is to use feedback from the first consultation stage to inform recommendations for improvements to ESCAS.
 - These recommendations will be tested with livestock exporters at the stage 2 stakeholder consultation phase.
- Then, stage 3 of the project will follow, where recommendations are used to review and update ESCAS policies, with the final output being a consolidated document on all aspects of the framework.
 - - The plan is to consult publicly at this stage of the review.

Interactions with OIA to date

- We met with the OIA (^{s. 47F(1)} and ^{s. 47F(1)}) and a industry peak body representative last year, following finalisation of the first version of our *Summary and scoping document* and prior to the commencement of the review, to discuss views on stakeholder engagement and whether the review can be conducted in a manner consistent with a RIS-like process, so that a full RIS might not be required at its conclusion and prior to implementation.
 - - A focus of this meeting was to discuss strong exporter concerns about the department engaging with animal welfare organisations during the review process. Additionally, industry remains opined that animal welfare organisations, being opposed to the livestock export trade and not being directly affected by regulatory decisions, might distort/bias engagement results, and therefore should not be considered key stakeholders for the purpose of engagement.
 - We disagree and consider wide engagement necessary to capture the myriad and nuanced views on livestock exports – a highly scrutinised industry that continues to polarise. It is important that our process and decisions reflect regulatory best practice and considers contemporary social views on the subject. Animal welfare organisations are a key stakeholder, reflected in their interest in the trade and continued role in reporting alleged ESCAS breaches.
- To date, feedback has been positive and we committed to keep the OIA informed as we progress, to ensure our processes continued to be consistent with a RIS-like process (see email exchange with ^{s. 47F(1)} below).

To recap our conversation

- I understand that to you knowledge, no formal assessment of our project and approach has been conducted by the OIA and this will need to happen for any definitive advise on whether our approach constitutes a RIS-like process or equivalent.
- Pending your review and assessment, the *Inspector-General Review of ESCAS (2021)* might qualify as a RIS-like process equivalent. The basis for this is the extensive consultation that was undertaken as part of the review, and that a primary focus of the ESCAS Review is to address its recommendations. If this is a possibility, the decision needs to be endorsed at a Deputy Secretary level.
- Integral to an impact analysis is a determination of the magnitude of change and the affected stakeholders. This may be qualitative and subjective, but must be defensible.

●
s. 47E(d)

- Given that the magnitude of changes will depend on recommendations made as a result of feedback currently being analysed, it might be difficult to determine this until stage 3 of the review (when the outcome of the review is being drafted). However, any assessment on the impacts on industry would be useful.

As discussed, I'd be very grateful for your advice on:

- Anything we need to consider/reconsider about our approach so that our process is consistent with a RIS-like process.
- If you think we might be able to rely on the *Inspector-General Review of ESCAS (2021)* as a RIS-like equivalent.
- If we should be incorporating into our engagement strategy, a request for industry to quantify the impact of proposed changes to them/the trade, particularly where best practice regulation might be resisted on the basis of burden.

I realise this is a lot of information, but I hope it makes sense and trust that it informs you sufficiently to be able to offer the advice we are seeking.

Please let me know if I have missed or misinterpreted anything, and if you have any questions.

I look forward to further discussions.

Kind regards,

s. 22(1)(a)(ii)

Senior Veterinary Officer

Regulatory Performance | Live Animal Export Branch | Plant and Live Animal Exports Division

Phone: s. 22(1)(a)(ii)

Department of Agriculture, Fisheries and Forestry

GPO Box 858 Canberra ACT 2601 Australia

aff.gov.au

From: s. 47F(1) <s. 47F(1) pmc.gov.au>

Sent: Friday, 24 February 2023 4:02 PM

To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Hi s. 22(1)(a)(ii)

I left a message for you but I'm not sure if my landline is working so here is my mobile number below. If you could contact me, that would be great.

Regards

s. 47F(1) | Advisor

Office of Impact Analysis | Economic Division

Department of the Prime Minister and Cabinet

p. s. 47F(1) s. 47F(1)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>

Sent: Thursday, 23 February 2023 6:32 PM

To: s. 47F(1) <s. 47F(1) pmc.gov.au>

Subject: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Can you get in touch with s. 22(1)(a)(ii) and let her know you're the new lead on this pls?

We will need to give them some advice about how to meet the independent review requirements (noting this commenced under the former arrangements)

s. 47F(1)

s. 47F(1) Senior Adviser

Office of Impact Analysis

p. s. 47F(1) | m. s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Sent: Thursday, 23 February 2023 6:26 PM

To: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>

Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Good afternoon s. 47F(1)

I hope 2023 has started off well for you and your team.

I am reaching out with a status update on the ESCAS Review.

We recently concluded the first of 3 stakeholder consultation stages, which was launched as a survey on the *Have Your Say* platform from 10 January to 21 February 2023. Targeted stakeholders were invited to provide constructive feedback on specific technical challenges to the ESCAS framework.

Survey questions are reflected in the Discussion paper, attached for your interest. We are now collating and analysing feedback received and will use it to inform recommendations for improvements to ESCAS in stage 2 of this project.

We would greatly appreciate your advice/confirmation that our processes remain aligned with a RIS-like process, and if there are any relevant considerations from your perspective, on how feedback is handled and analysed, noting that some submissions have been marked as confidential.

Happy to meet to discuss if easier.

Kind regards,
s. 22(1)(a)(ii)
Senior Veterinary Officer

Regulatory Performance | Live Animal Export Branch | Plant and Live Animal Exports Division
Phone: s. 22(1)(a)(ii)

Department of Agriculture, Fisheries and Forestry
GPO Box 858 Canberra ACT 2601 Australia

aff.gov.au

From: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Sent: Wednesday, 7 December 2022 12:30 PM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>
Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Good afternoon s. 22(1)(a)(ii)

Thanks very much for sending this through, and apologies for the delay in my response. I've reviewed the summary and scoping document and have no major concerns. It's good to hear that consultation will be expanded. Seeking quantitative evidence of how proposed solutions will impact various stakeholder groups will assist in providing a more detailed outline of the anticipated costs and benefits.

I am happy to talk through the changes to the Impact Analysis framework once they are settled and am keen to ensure OIA supports you through this impact analysis process.

Kind regards,

s. 47F(1) (she/her) | Adviser
Office of Impact Analysis
Department of the Prime Minister and Cabinet
p. s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) awe.gov.au>
Sent: Monday, 28 November 2022 6:52 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

Hi s. 47F(1)

I'm just reaching out from our team with an update on the ESCAS Review and upcoming stakeholder consultation, to keep you in the loop.

We have released a revised summary and scoping document (attached), to reflect our updated approach to stakeholder engagement. We intend to include a wider group of stakeholders at stage 1 for challenge identification/proposal of solutions, then a more targeted group later on for the testing of recommendations.

We have completed the stage 1 desktop review, and are about to commence stage 1 consultation. As previously discussed, we have contracted a team for their technical expertise to assist with our review, and they have developed draft material for stakeholder consultation. We are reviewing this material internally, prior to publication on the department's engagement platform 'Have Your Say'.

Any feedback or comments on how our current approach may impact the RIS process would be greatly appreciated.

Kind regards,

s. 22(1)(a)(ii)
Senior Technical Officer | Regulatory Performance | s. 22(1)(a)(ii)
Live Animal Exports Branch | Plant & Live Animal Exports Division

Department of Agriculture, Fisheries and Forestry
GPO Box 858 Canberra ACT 2601

awe.gov.au

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Sent: Monday, 14 November 2022 4:32 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

Thanks very much for getting back to us, s. 47F(1)

I'll be in touch again leading up our second consultation stage, to seek your thoughts on our approach at the time.

Kind regards

s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>
Sent: Monday, 14 November 2022 5:07 PM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

OFFICIAL

Good afternoon s. 22(1)(a)(ii)

Thanks very much for providing these documents for OBPR's review. s. 47F(1) and I have discussed the documents and in order to meet the requirements to be certified in lieu of a RIS, the following will need to be considered and included in the development of the review:

- When presenting recommendations to address identified problems in stages 2 and 3, there should be a range of options considered, including at least one non-regulatory option.
- In order to meet the requirements, the final document will need to analyse the costs and benefits of each option. We suggest consultation in stage 2 should include questions to draw out expected costs and benefits from stakeholders. Stakeholders should be encouraged to provide any evidence, data or statistics of the quantitative impact various options may have on themselves, the community or other groups. Where quantification is not possible, stakeholders should be encouraged to be specific in qualitative assessments of likely impacts.

We're happy to discuss these points further if you would like.

Kind regards,

s. 47F(1) | Adviser
 Office of Best Practice Regulation
 Economic Division | Department of the Prime Minister and Cabinet
 p. s. 47F(1) | e. s. 47F(1) pmc.gov.au | w. www.pmc.gov.au
 One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) awe.gov.au>
Sent: Friday, 4 November 2022 5:17 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

Good afternoon s. 47F(1)

I hope this finds you well.

You might recall that we spoke some weeks ago about the Exporter Supply Chain Assurance System (ESCAS) Review. As discussed, it would be good to get an indication from you about when we should engage with the OBPR as this project progresses.

On this note, please find attached:

- The ESCAS Review project plan, and
- The ESCAS Review scoping and summary document, which outlines focus areas and specific framework components we will be reviewing as part of this project.

We look forward to hearing back from you.

Thanks and have a great weekend!

Kind regards,

s. 22(1)(a)(ii)

Senior Veterinary Officer

Regulatory Performance | Live Animal Export Branch | Plant and Live Animal Exports Division
 Phone: s. 22(1)(a)(ii)

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 18 Marcus Clarke Street, Canberra ACT 2601 Australia
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s. 47F(1)

Advisor, Office of Impact Analysis

s. 47F(1) or s. 47F(1)

s. 47F(1) pmc.gov.au

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Australian Government

Department of Agriculture,
Fisheries and Forestry

Exporter Supply Chain Assurance System (ESCAS) Review – stage 2

Aggregated Report: Challenges and feedback

June 2023



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Acknowledgements

Thank you to Schuster Consulting Group and Angela Schuster, Managing Director and Peter Schuster, Senior Consultant, at Schuster Consulting Group, for assistance in preparing this report.

Acknowledgement of Country

We acknowledge the Traditional Custodians of Australia and their continuing connection to land and sea, waters, environment and community. We pay our respects to the Traditional Custodians of the lands we live and work on, their culture, and their Elders past and present.

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1 Overview

The Exporter Supply Chain Assurance System (ESCAS) was introduced in 2011, following the suspension of export of feeder and slaughter cattle to Indonesia due to mistreatment of Australian cattle in some Indonesian abattoirs. ESCAS is a set of regulatory conditions placed on exporters. It requires them to have arrangements in the importing country to ensure humane treatment and handling of livestock from the time the animals arrive up to and including the point of slaughter. Australia is the only country in the world, out of over 100 livestock exporting nations, with such a regulatory system in operation.

The department is progressing a targeted review of ESCAS. This is the first review by the department of ESCAS since the framework was first implemented in 2011. The review will ensure the existing ESCAS framework remains robust, functional and effective in ensuring that animal welfare, control and traceability outcomes continue to be met for exported feeder and slaughter livestock in importing countries, up until and including the point of slaughter.

The ESCAS Review is being conducted in a staged manner according to a specific scope (**Appendix 1: summary and scoping document**) that identifies 5 focus areas that can be summarised as:

- 1) Monitoring and verification activities – for example closing the inter-audit gap and ongoing monitoring and verification activities.
- 2) Control and traceability – for example developing a control and traceability standard.
- 3) Noncompliance management – for example updating the *Biosecurity guideline for management of non-compliance* to incorporate a proportionate escalating noncompliance framework which considers aggravating and mitigating factors.
- 4) Administration – for example streamlining and improving internal administrative processes.
- 5) The ESCAS Animal Welfare Standards – for example comparison with the World Organisation for Animal Health (WOAH) Terrestrial Animal Health Code (2022); and updating the Standards where relevant.

In particular, the review is considering recommendations from the Inspector-General of Live Animal Exports' (IGLAE) review of ESCAS conducted in 2021 (IGLAE Report). The IGLAE Report recognised that ESCAS has largely achieved its broad objectives and has lifted the standards and practices that Australian livestock are subjected to in importing countries; however, a range of issues were identified that need to be addressed to ensure all Australian livestock exported for slaughter are treated in accordance with ESCAS requirements and that ESCAS is operating as effectively and efficiently as possible.

Given the targeted nature of this review, the following areas are beyond scope:

- The effectiveness or appropriateness of the legislative basis for ESCAS
- The expansion of ESCAS to breeders
- The development of a detailed quality assurance system
- Cost recovery arrangements

The 3 stages of the review are:

- Stage 1: Identify current state challenges
- Stage 2: Develop and test recommendations
- Stage 3: Refresh and produce materials

Each stage includes a component of stakeholder consultation.

2 Approach

Stage 1 involved a critical analysis of documentation to identify challenges with the current state of ESCAS based on the focus areas within the scope of the review.

Publicly available information, reports and presentations related to ESCAS were reviewed. This included:

- The IGLAE Report
- World Organisation for Animal Health, Terrestrial Animal Health Code, 2022 (WOAH Code)
- Current ESCAS legislation, policies and procedures including Export Advisory Notices (EANs)
- ESCAS guidance documentation including audit report templates and auditor guidelines
- The ESCAS Animal Welfare Standards
- The *Biosecurity guideline for management of non-compliance*
- Correspondence and media from exporters and animal welfare organisations
- Issues that have been identified by the LAE ESCAS team (ESCAS Issues Register)
- ESCAS Compliance Reports
- Research and development project reports relevant to the scope
- A full list of information analysed is provided in Appendix 2 (**Appendix 2: Documented information analysed**).

These items were reviewed and analysed utilising a root-cause and cross-analysis approach. That is, where issues were identified through these sources of information, they were further assessed to determine any underlying causes for these issues or any connection to other issues, as well as the risk they posed to the ESCAS framework in fulfilling its mandate. For example, the IGLAE Report provided high-level recommendations to issues; however, further analysis of the detail of the IGLAE Report and comparison with other information was conducted. Thus, the root cause (or causes) of an issue the recommendation was designed to address could be more specifically identified as a challenge and the risk determined.

Challenges identified through this process were documented in a Stage 1 report (*Exporter Supply Chain Assurance System Review (ESCAS) stage 1 discussion paper: current state challenge identification*) as components of ESCAS that required further consideration through the review process. A summary of each challenge is provided in Appendix 3 (**Appendix 3: Summary of challenges**). These challenges were not failings, nor did their identification confirm conclusively that the issue is occurring, rather they presented either a possible risk to the regulatory framework in fulfilling its mandate or a risk to the effectiveness of compliance measures.

Further, the analysis considered documented information on face value and deliberately did not consider whether industry had implemented initiatives (either individually or collectively) to address challenges within ESCAS. The review did not consider historical norms and approaches that had been

established overtime but rather issues were considered from the perspective of someone unfamiliar with ESCAS and how they would interpret the framework based on available documentation.

The Stage 1 report did not propose solutions in identifying these challenges but was released to invite constructive feedback from stakeholders in pursuit of an understanding of the quantum of the challenges and potential solutions. The opportunity for stakeholders to qualify, contest or add to the identified challenges was also provided through the Stage 1 consultation process.

The consultation process involved releasing the Stage 1 report to stakeholders and utilising the survey option on the department's 'Have Your Say' platform.

The first part of Stage 2 involved a detailed analysis of stakeholder feedback provided in response to the Stage 1 report. This report presents that analysis on a challenge-by-challenge basis and outlines considerations made in formulating recommendations to address the challenge.

The second part of Stage 2 will involve sharing the analysis of feedback with stakeholders and seeking further feedback. Recommendations to address relevant challenges will then be formulated. There will be further opportunity for stakeholder consultation on the draft recommendations.

3 Basis for identified challenges

Each of the challenges identified in Stage 1 was drawn directly and independently or collectively from the critical analysis of documentation conducted at the beginning of Stage 1. The majority of these (but not without exception) were drawn from analysis of the IGLAE Report. Table 1, Table 2, Table 3, Table 4 and Table 5 demonstrate where challenges within each focus area were drawn from.

Table 1 – Focus area 1: Monitoring and verification activities

Challenges	<ul style="list-style-type: none"> 1.1 Requirements for audit company accreditation and auditor rotation 1.2 Specific standard/s for auditor competency to conduct ESCAS audits 1.3 Interpretation of requirements by auditors 1.4 Audit sharing and allocation of noncompliance responsibility 1.5 Sample sizes for audits 1.6 Inter-audit gap 1.7 Use of other surveillance methods
Basis	<ul style="list-style-type: none"> • Inspector-General of Live Animal Exports 2021, Review of the Exporter Supply Chain Assurance System • ESCAS Issues Register • DAFF, EAN 2015-06 • MLA/LiveCorp, W.LIV.3014 – Exporter Supply Chain Assurance System – Development of a risk management and quality assurance program • MLA/LiveCorp, W.LIV.3014 – Exporter Supply Chain Assurance System – Review of audit duplication and consideration of options for audit synchronisation. Addendum to Final report • MLA/LiveCorp, W.LIV.3027 – Development of a global assurance program for the livestock export industry • MLA/LiveCorp, W.LIV.3054 – Determination of control and traceability arrangements that will support LGAP – Final report • ISO/IEC 17021:2011, Conformity assessment – Requirements for bodies providing audit and certification of management systems • ISO/IEC 17050-1:2004, Conformity assessment – Supplier's declaration of conformity – Part 1: General requirements and ISO/IEC 17050-2:2004, Conformity assessment – Supplier's declaration of conformity – Part 2: Supporting documentation

Table 2 – Focus area 2: Control and traceability

Challenges	<p>2.1 Overall standard or detailed requirements</p> <p>2.2 Expectation of 100% compliance</p> <p>2.3 Use of indicator events</p> <p>2.4 Critical control points for traceability</p> <p>2.5 Timely provision of data</p> <p>2.6 Variability in approaches</p> <p>2.7 Methods to verify traceability</p> <p>2.8 Accuracy of traceability data</p> <p>2.9 Third-party traceability providers</p> <p>2.10 Attribution of noncompliance</p> <p>2.11 Proportionate noncompliance</p>
Basis	<ul style="list-style-type: none"> Inspector-General of Live Animal Exports 2021, Review of the Exporter Supply Chain Assurance System DAFF, ESCAS Regulatory Performance Reports MLA/LiveCorp, W.LIV.3054 – Determination of control and traceability arrangements that will support LGAP – Final report

Table 3 – Focus area 3: Noncompliance management

Challenges	<p>3.1 Framework for noncompliance</p> <p>3.2 Corrective action and timeframes for correction</p> <p>3.3 Process for managing allegations of noncompliances</p> <p>3.4 Utilisation of auditors in noncompliance management</p> <p>3.5 Effective framework for analysing noncompliances</p> <p>3.6 Incentives for performing higher than a minimum standard</p> <p>3.7 Consideration of risk factors in risk rating</p> <p>3.8 Timeframe for compliance information exchange</p>
Basis	<ul style="list-style-type: none"> Inspector-General of Live Animal Exports 2021, Review of the Exporter Supply Chain Assurance System DAFF, Biosecurity guideline for management of non-compliance ESCAS Issues Register MLA/LiveCorp, W.LIV.3014 – Exporter Supply Chain Assurance System – Development of a risk management and quality assurance program MLA/LiveCorp, W.LIV.3027 – Development of a global assurance program for the livestock export industry MLA/LiveCorp, W.LIV.3054 – Determination of control and traceability arrangements that will support LGAP – Final report

Table 4 – Focus area 4: Administration

Challenges	<p>4.1 Facility risk ratings</p> <p>4.2 Naming conventions and premises identification</p> <p>4.3 Consolidation of ESCAS requirements</p> <p>4.4 Mechanism for continual improvement in ESCAS</p>
Basis	<ul style="list-style-type: none"> Inspector-General of Live Animal Exports 2021, Review of the Exporter Supply Chain Assurance System ESCAS Issues Register MLA/LiveCorp, W.LIV.3027 – Development of a global assurance program for the livestock export industry

Table 5 – Focus area 5: The ESCAS Animal Welfare Standards

Challenges	<ul style="list-style-type: none"> 5.1 Consistency of ESCAS AW Standards with WOH recommendations 5.2 Differentiating between signs of unconsciousness and signs of death 5.3 Method for throat cut 5.4 Requirements for landing sites or physical transportation 5.5 Specificity in the Standards 5.6 Structure and nomenclature of requirements 5.7 Interpretation of Standard 29 5.8 Requirement to keep records of outcomes of processes
Basis	<ul style="list-style-type: none"> • Inspector-General of Live Animal Exports 2021, Review of the Exporter Supply Chain Assurance System • ESCAS Issues Register • WOH Code

4 Overall analysis of feedback

Stakeholders were given the opportunity to provide comments on the findings in the Stage 1 report via a survey on the department's 'Have Your Say' platform. Some stakeholders chose to provide comments in alternative formats.

All comments relevant to the scope of the review and the focus areas were considered, regardless of the format of submission.

Overall, 222 comments were received across the full range of focus areas and challenges, along with 24 comments that related to additional challenges identified by stakeholders. Not all the comments or additional challenges provided related to the scope of the review.

The level of detail in comments varied significantly, with some stakeholders making general statements of agreement or disagreement while others provided further detail and suggestions for solutions to the challenge.

At a high level, the feedback demonstrated:

- the expectations of some stakeholders do not reflect the intent and scope of the review
- a divergence of opinion on:
 - the role of the department under ESCAS in fulfilling a monitoring function versus compliance function, and
 - the department's role with respect to livestock exports
- inconsistency in opinion on whether ESCAS should draw on international standards or domestic standards
- various solutions to some challenges have, by necessity, been initiated over time; however, the challenge and the risk presented have not been formally resolved
- a need to balance outcomes-based requirements under ESCAS with a level of specificity to avoid ambiguity, misinterpretation and inconsistent implementation, assessment and compliance
- a lack of agreement that an effective ESCAS monitors compliance, detects noncompliance and rectifies noncompliance, with these components occurring without the need for regulatory intervention
- occasional mismatching between the position taken on the existence of a challenge and the comments provided to support this position
- throughout almost every focus area, the overall lack of clarity within ESCAS, combined with the decentralised nature of ESCAS documentation and requirements, results in inconsistent interpretation, implementation, assessment and compliance.

Throughout the feedback, an emerging theme was the existence of various discrepant views on the underlying principles of ESCAS, the scope of the regulatory framework and the roles and responsibilities of the various parties to ESCAS. To provide clarity, a set of guiding principles were

established by the department. These are contained in **section 5** and were used to guide the in-depth analysis of the feedback received during stage 1.

A detailed analysis of the feedback is contained in **section 6**.

5 Guiding principles

The following guiding principles outline the purpose of ESCAS, the roles and responsibilities of parties to ESCAS and the expectations for interaction between parties. These principles were used as the basis for detailed analysis of stakeholder feedback and will be used to formulate recommendations to address the challenges identified.

5.1 The purpose of ESCAS

ESCAS is the regulatory framework, underpinned by legislation, administered by the department to ensure feeder and slaughter livestock exported from Australia are handled in accordance with international animal welfare standards from the time of arrival in the importing country up to and including slaughter.

To achieve this purpose, the regulatory framework has 4 key components:

1. Control:

The exporter must have arrangements in place to ensure control of its supply chain from the point of unloading of the vessel up until and including the point of slaughter.

The control process must ensure that all livestock exported by the exporter into the supply chain can be accounted for at all stages and that handling and slaughter practices meet the ESCAS Animal Welfare Standards at all times.

The control process, including movement recording, reconciliation and verification processes, must be transparent and verifiable by the exporter.

2. Traceability/accountability:

The exporter must be able to trace the location of all livestock at all points of the supply chain.

For cattle and buffalo, the exporter must be able to provide reports on the movements along the supply chain of individual animals.

For sheep and goats, in the absence of an Australian domestic requirement for individual animal identification, the exporter must be able to account for all sheep and goats that enter the supply chain.

Effective traceability is dependent on effective control measures through the supply chain.

3. Animal welfare

The exporter must ensure all handling and slaughter of livestock in the importing country is in accordance with the ESCAS Animal Welfare Standards.

The ESCAS Animal Welfare Standards are based on recommendations provided by the World Organisation for Animal Health (WOAH) in its Terrestrial Animal Health Code (WOAH Code).

Assurance of animal welfare outcomes is dependent on effective control measures through the supply chain.

4. Independent auditing

The exporter must ensure the supply chain is audited by an auditor who is independent, has no conflicts of interest and possesses an appropriate level of competence and expertise (through qualifications, training and experience).

The exporter must be able to demonstrate current accreditation of auditing companies by an appropriate authority such as a member of the international body for accreditation of conformity assessment bodies – the International Accreditation Forum (IAF), with the scope of accreditation being against relevant standards provided by the International Organisation for Standardization (ISO), e.g. be related to compliance auditing and quality management systems such as that provided in ISO/IEC 17021, *Conformity assessment – Requirements for bodies providing audit and certification of management systems* (ISO 17021).

5.2 The role of the department

The role of the department is to regulate the exporter in accordance with Australian legislation.

The department is the independent and impartial regulator of live animal exports. This means that the department develops and reviews regulatory frameworks, consulting widely and duly considering stakeholder views on proposed changes and the impact those changes may have. The department, having taken into account all relevant considerations, has the ultimate decision-making authority and bears responsibility for setting requirements and standards in relation to livestock exports. The department's decisions must be consistent with, and defensible under, relevant legislation.

The department supports trade continuity through ensuring compliance with Australian legislation by regulated entities.

5.3 The responsibilities of the department and exporters, with regards to ESCAS

Under ESCAS, exporters are responsible for ensuring ongoing, day-to-day compliance with control, traceability and animal welfare requirements within their supply chains. This is achieved by implementing and maintaining systems throughout the supply chain to ensure that animals are accounted for, and that handling and slaughter practices are in accordance with the ESCAS Animal Welfare Standards. These systems should be supported by effective processes for verification and reporting along the supply chain.

The department's responsibility is to set the regulatory requirements and to regulate the exporter in accordance with the regulatory requirements.

5.4 The expectations of the relationship between the department and exporters etc.

The approach to and conduct within interactions is respectful, with the department recognised as the regulator of livestock exports with the roles, responsibilities and authority described above.

The department responds to all reasonable requests from industry regarding decisions made and approaches taken and industry accepts these decisions so long as they are lawful, defensible, transparent and equitable. Concerns may be escalated up the hierarchy, by both departmental staff and industry, as/when necessary.

6 Focus area-specific analysis of feedback

The following section provides the department's analysis of the feedback, challenge-by-challenge. This is not a conclusive analysis but represents general themes, points of note and considerations for the formulation of recommendations to challenges.

Numbering of this section has been designed to reflect the numbering of the challenges in the Stage 1 report to assist with reader cross-referencing. In some cases, related challenges have been grouped where there is overlap between the challenge, risk or feedback and addressed as a group (e.g. challenges 1.1, 1.2 and 1.3 have been grouped and analysed collectively).

Where additional challenges were raised under a focus area, they were included in the analysis if assessed to be within the review's scope and not addressed elsewhere. Comment has also been provided for some of the additional challenges that were deemed out of scope.

Focus area 1: Monitoring and verification activities

1.1 Requirements for audit company accreditation and auditor rotation

1.2 Specific standard/s for auditor competency to conduct ESCAS audits

1.3 Interpretation of requirements by auditors

The majority of stakeholders considered auditor quality and performance to be a substantial challenge and that auditor quality and performance is critical to the integrity of ESCAS. In addition, the majority of stakeholders agreed that the requirements under ESCAS are not always clearly defined and while individual auditors may be confident in how they are interpreting the requirements, this interpretation is likely to vary between auditors due to the lack of specific and unambiguous requirements.

Despite assertions to the contrary in one comment received, the department does not currently formally assess auditors and the safeguards to ensure audit quality are limited. The IGLAE Report identified the department's lack of ability to monitor the quality or performance of auditors as a weakness in the framework. The primary root-cause is the absence of a standard or requirements against which auditors may be monitored and their performance assessed. The IGLAE Report also identified that a range of risks arise from the potential for conflicts of interest to exist among auditors, potentially compounded by a lack of auditor rotation.

One comment received suggested that the introduction of an international standard for auditor competency and a scope for the ESCAS audit was more aligned to "quality assurance" (i.e. conformity assessment) and therefore outside the scope of ESCAS and this review. As the scope of the review includes the IGLAE Report and the IGLAE report indicated a need to monitor the quality and

performance of auditors, an understanding of competency requirements upon which to base an assessment of quality is required.

Audit companies under ESCAS must be accredited to a relevant international standard in Quality Management Systems or equivalent (such as ISO/IEC 17021, *Conformity assessment – Requirements for bodies providing audit and certification of management systems*). ISO's accreditation standards include requirements for audit companies to ensure that auditors are competent in the field they are auditing, taking into consideration the requirements of the system. Typically, the owner of the system (in this case the department) would specify the competency requirements for audit companies to use when selecting auditors. This is not solely applicable to conformity assessment programs because ISO 17021 is an example of the accreditation scope required by audit companies under ESCAS, therefore those operating under this standard would require this.

Further, the regulatory framework seeks assurance that required standards are being met on an ongoing basis. There must be integrity in the method used for assessing compliance (i.e. auditors conducting audits) and providing this assurance to the regulator. It is within the scope of ESCAS, and incumbent upon the department, to implement mechanisms to ensure integrity within the regulatory framework.

Considerations for any solutions to these challenges identified through the feedback were that:

- there is a limited auditor pool that exporters are able to draw upon; and
- the accreditation scope for audit companies could instead be aligned to that used under the industry-endorsed Livestock Global Assurance Program (LGAP) which draws on ISO/IEC 17065, *Conformity assessment – Requirements for bodies certifying products, processes and services*.

1.4 Audit sharing and allocation of noncompliance responsibility

There was consensus that under an audit sharing regime there must also be shared accountability and shared responsibility for issues of noncompliance.

1.5 Sample sizes for audits

The majority of stakeholders considered this challenge to exist and proposed that this challenge be addressed based on the risk of noncompliance.

Considerations identified for formulation of recommendations related to:

- scale of operations
- varying operating conditions of facilities, and
- feedlots that hold animals on a semi-regular basis.

1.6 Inter-audit gap

1.7 Use of other surveillance (e.g. audit) methods

The majority of stakeholders considered that both of these challenges exist.

Tools currently in use to manage the ‘inter-audit gap’ were identified through various comments provided by industry, although these are not currently standardised. Tools identified in relation to this challenge (and other challenges related to supporting compliance) include record keeping, internal control methods such as internal audits and on-ground observation and monitoring by trained staff. The use of unannounced random audits and desktop audits was also proposed as a solution.

The formalisation of the use of tools such as record keeping, internal control measures and personnel is noted as a possible solution to this challenge. This is particularly feasible given industry has identified through their commentary that these tools are currently utilised to ensure compliance day-to-day.

One comment indicated that inter-audit monitoring was more aligned to “quality assurance” (i.e. conformity assessment) and therefore outside the scope of ESCAS and this review. The regulatory framework seeks assurance that required standards are being met on an ongoing basis. If this is not being delivered to the satisfaction of the regulator, other mechanisms to gain assurance, such as inter-audit monitoring, may be required and are as such deemed to be within the scope of the regulatory framework and this review.

A consideration in formulating a solution to this challenge is that unannounced audits are difficult to undertake in-market and can present a physical and legal risk to auditors.

Focus area 2: Control and traceability

2.1 Overall standard or detailed requirements

There was unanimous support for the development of specific requirements in relation to control and traceability (C&T).

Existing LGAP standards and resources, EANs and market-specific requirements were proposed by stakeholders as considerations in the development of such requirements. The suggestion was also made to consider the National Livestock Identification System (NLIS) and the National Livestock Traceability Performance Standards (NLTPS) in the development of any requirements.

The feedback indicated that requirements should deal with both the C&T system and the use of the C&T system.

2.2 Expectation of 100% compliance

The challenge with the current expectation of 100% compliance was recognised in stakeholder comments, indicating that a possible solution to this challenge is to address the lack of specific requirements around C&T systems and their use, as well as the use of indicator events.

Upon review of the feedback, there are risks with including a tolerance for leakage which may be perceived as allowing leakage and put animals at risk. The expectation that all livestock remain in an

approved supply chain until either death or sale as a breeding animal is appropriate; however, the focus should be on ensuring effective controls are in place to monitor compliance on an ongoing basis and detect/rectify issues where there are indicators that this outcome is not being achieved.

2.3 Use of indicator events

There was general acceptance that indicator events are identifiable and useful in risk management. One comment indicated that Supply Chain Management Plans required under ESCAS in high-risk markets include indicator events as a way to mitigate risk. The formalisation of such arrangements under ESCAS may be an effective way to address this challenge in all markets.

2.4 Critical control points for traceability

There was general agreement that critical control points exist within the supply chain, although identification and management of these control points vary. One comment indicated that systems have been developed to ensure traceability at all points in the supply chain. The formalisation or standardisation of these systems, to leverage existing initiatives at identified critical stages in the supply chain, may potentially address this challenge.

2.5 Timely provision of data

The timely provision of data was acknowledged as being an essential characteristic of functional control and traceability systems, and something which would benefit from formalisation under ESCAS. Notwithstanding commercial in confidence considerations, the NLTPS were suggested as a reasonable basis for the development of standardised timeframes.

2.6 Variability in approaches

2.6.1 Varying systems and sophistication

One submission indicated this challenge was not an issue; however, analysis of ESCAS Compliance Reports as well as MLA/LiveCorp, W.LIV.3054 – *Determination of control and traceability arrangements that will support LGAP – Final report* indicated there is variability in the use of systems, technology and human resources for C&T which contributes to the risks identified under this challenge.

There were comments to the extent that standardised requirements would help address this challenge.

Considerations for formulating a solution to this challenge include:

- the requirement for ESCAS to have outcomes-based requirements balanced with a sufficient level of prescription to avoid ambiguity; and
- the expectation that a system used more frequently than another presents a lower risk.

2.6.2 Varying oversight and verification

One comment indicated this challenge was not an issue; however, analysis of ESCAS Compliance Reports as well as MLA/LiveCorp, W.LIV.3054 – *Determination of control and traceability arrangements that will support LGAP – Final report* indicated there is variation in the levels of oversight, verification and reconciliation that individual exporters perform on their own or through third-party control and traceability systems. This is predicated on the issue that relevant requirements are not clearly articulated under the current ESCAS framework.

Clarifying and standardising the approaches utilised in-market under a set of C&T requirements for ESCAS may provide certainty. MLA/LiveCorp, W.LIV.3054 – *Determination of control and traceability arrangements that will support LGAP – Final report* provides insights into the types of controls utilised in-market, which may be considered in formulating recommendations to address this challenge.

An additional consideration for addressing this challenge is the potential for some markets to have advanced approaches to traceability, beyond what may be specified in any ESCAS C&T requirements. A mechanism for recognising this market-to-market variability may be required.

2.6.3 Varying data custodianship

Consistent with this challenge, feedback indicated that data for animal sales and slaughter is owned by the importer and subject to commercial arrangements between importers and exporters. Recommendations formulated will need to be mindful of these arrangements.

2.7 Methods to verify traceability

2.7.1 Use of imagery

Feedback identified several challenges in addition to those provided in the Stage 1 report to be considered in the development of recommendations to address the challenges associated with the use of imagery. These were:

- Climatic conditions
- Physical environments
- Legal impediments
- Lack of connectivity

2.7.2 Use of visual recording and fixed radio frequency identification (RFID) scanning

The IGLAE Report recommended a risk-based approach to requiring the use of visual recording devices (e.g. CCTV or photos) and fixed radio frequency identification (RFID) scanning.

In general, stakeholder feedback related to the need for any requirements for traceability to be outcomes-based and not prescribe the use of specific technology. This is consistent with good

practice in standards setting, as outcomes-based standards allow for innovation in approaches to effective compliance. LGAP was proposed by stakeholders for consideration in developing any recommendations in relation to this challenge.

Conversely, various comments suggested to broadly mandate the use of CCTV. While this may be considered, the IGLAE report recommends requiring CCTV in response to significant non-compliance as part of a proportionate regulatory response model.

A risk-based approach could be applied particularly where markets, facilities or individual exporters show a systematic loss of control and traceability. While technology offers opportunities to improve ESCAS monitoring, the intent is to avoid excluding potential alternative solutions to address identified system issues.

2.7.3 Transfer and storage of evidence

Feedback indicated that any requirements for traceability should be outcomes-based and not prescribe the use of specific technology. This is consistent with good practice in standards setting, as outcomes-based standards allow for innovation in approaches to effective compliance. LGAP was proposed by stakeholders for consideration in developing any recommendations in relation to this challenge.

2.7.4 Reliance on technology

(including challenge 2.8.2 Technology as the ‘solution’ to accurate sheep and goat counting)

Some comments indicated this challenge was not an issue. In Report 1, this challenge was identified through analysis of ESCAS Compliance Reports, as well as MLA/LiveCorp, W.LIV.3054 – *Determination of control and traceability arrangements that will support LGAP – Final report* which found that effective traceability is “multifaceted and relies on a balanced combination of on-ground resourcing to verify events, an effective management system and readily and rapidly accessible data. Where any one of these factors is diminished, so too is the reliability of the process, thereby increasing the risk of noncompliance.”

The feedback generally maintained that any requirements for traceability should be outcomes-based and not prescribe the use of specific technology. This is consistent with good practice in standards setting, as outcomes-based standards allow for innovation in approaches to effective compliance. LGAP was proposed by stakeholders for consideration in developing any recommendations in relation to this challenge.

Comments were also received in relation to mandating individual electronic identification for sheep and goats. It is noted that Australia now has an agreed timeframe for the introduction of electronic identification for sheep and goats, which may provide for this to be reflected in ESCAS C&T requirements.

2.7.5 Availability of traceability data

One comment indicated there is already a requirement under ESCAS audit guidelines that traceability data be made available to those who undertake verification activities, for example to auditors by

importers, facilities or third-party system providers. While this is referenced currently in ESCAS, it is included under auditor guidelines rather than formalised in a specific requirement. Furthermore, this challenge was identified in the context of the risk that data may not be made available. This risk was identified through an analysis of MLA/LiveCorp, W.LIV.3054 – *Determination of control and traceability arrangements that will support LGAP – Final report*.

LGAP was proposed for consideration in developing any recommendations in relation to this challenge. Other comments suggested the introduction of individual electronic identification for sheep and goats (refer 2.7.4) and the use of increased surveillance methods such as random unannounced spot checks.

2.8 Accuracy of traceability data

2.8.1 Accuracy of counting livestock

There was agreement that this challenge exists and that different technologies to address this challenge present different risks.

2.8.2 Technology as the ‘solution’ to accurate sheep and goat counting

Refer 2.7.4.

2.9 Third-party traceability providers

The potential for a conflict of interest, where traceability service providers also provide verification services, was identified in MLA/LiveCorp, W.LIV.3054 – *Determination of control and traceability arrangements that will support LGAP – Final report*.

EAN 2015-06 was identified in the feedback as the means by which this risk is managed. While this is accurate, the identification of the risk through the more recent industry report indicates the potential risk continues to exist. It would be appropriate therefore to consider further mechanisms to strengthen what is currently contained in EAN 2015-06.

2.10 Attribution of noncompliance

Considerations for addressing this challenge related to:

- the importance of C&T systems that allow animals to be traced back to individual exporters with a high degree of confidence, which would then enable accurate attribution of noncompliance, and
- the utilisation of ESCAS conditions and requiring additional verification to ensure exporters improve traceability systems and records. It was proposed that this approach would provide an incentive and an accountability mechanism for multiple exporters to take collective responsibility for managing risks in such facilities, in the circumstances where noncompliance is identified in video footage but livestock are unable to be identified, traced and attributed to Australian exporters’ supply chains.

2.11 Proportionate noncompliance

There was a divergence of opinion over the use of the number of animals involved in a noncompliance or the frequency of the occurrence of noncompliance as a means to determine proportionate noncompliance.

LGAP was proposed by stakeholders for consideration in developing any recommendations in relation to this challenge, in respect to how the program uses the occurrence of the noncompliance (e.g. infrequent, numerous or systemic) in combination with the impact of the noncompliance to determine the category of noncompliance assigned.

Additional challenge

An additional challenge raised under this focus area was that continuous expansion and approval of different supply chains compounds the risk of leakage.

It was proposed that limiting the number of available supply chains would improve control measures as well as animal welfare outcomes, reduce the risks of noncompliance and reduce the department's administrative burden.

Focus area 3: Noncompliance management

Comments related to this focus area indicated agreement that the *Biosecurity guideline for the management of non-compliance* requires significant revision. This was a recommendation in the IGLAE Report, and the challenges identified in Report 1 focused on areas of the guideline that represent significant challenge in the interpretation and application of compliance measures.

3.1 Framework for noncompliance

3.1.1 Noncompliance categorisation

Consideration of the impact and prevalence of a noncompliance was identified in comments as important in forming recommendations for addressing this challenge.

Comments suggested the maintenance of a relevant list of noncompliances, as well as instructions regarding categorisation (noting that such a list and instruction would not be exhaustive and should be reviewed frequently).

LGAP was proposed by stakeholders for consideration in developing any recommendations in relation to this challenge; in particular, the need to align categories of noncompliance under ESCAS to the program, as well as consideration of LGAP's list of unacceptable practices and how nonconformities are categorised.

An additional consideration raised was that the approach to noncompliance management should be based on the principles of continual improvement and procedural fairness. Such an approach would acknowledge that degrees of noncompliance exist, that corrective actions should give an exporter and/or facility an opportunity to remedy the root-cause of the noncompliance and that facilities should be able to continue to operate while the noncompliance is corrected.

3.1.2 Consideration of noncompliance

There were divergent views as to whether noncompliance identified through different mechanisms should be treated the same or differently.

It was proposed that if there was no difference in response to noncompliance based on how it was identified, then it would disincentivise self-reporting and the implementation of rapid, effective corrective action. Further, it was proposed that mitigating and aggravating factors should be considered in formulating recommendations to this challenge.

Overall, comments indicate that clarity with respect to the reporting, categorisation and treatment of noncompliances is required.

3.1.3 Consideration of cumulative noncompliance

There was general consensus that this challenge exists.

Commentary was received on the importance of considering whether repeated, similar noncompliance is due to a common fault or coincidentally occurring from different circumstances.

To note, effective corrective action is defined by ISO as action to eliminate the root-cause, or causes, of a nonconformity and prevent reoccurrence (International Organization for Standardization (ISO) and the International Electrotechnical Commission (IEC), 2012). Therefore, if corrective action is effective, it is unlikely there would a coincidental reoccurrence of the same noncompliance against the same requirement.

3.1.4 Escalation pathway for noncompliance

There was general agreement that the escalation pathway for noncompliances is unclear, as well as how this relates to regulation and other compliance measures.

LGAP was proposed by stakeholders for consideration in developing any recommendations in relation to this challenge; in particular, its matrix for the escalation of nonconformities.

Other considerations included ensuring the *Biosecurity guideline for the management of non-compliance* was updated to:

- include detail on how noncompliances may be escalated, and
- ensure broader compliance measures that could be applied to better reflect the Export Control Act 2020.

3.2 Corrective action and timeframes for correction

It was commented that the lack of clarity around what is required to correct noncompliances, i.e. in terms of actions, timeframes and evidence, requires review.

LGAP was proposed by stakeholders for consideration in developing any recommendations in relation to this challenge; in particular, its timeframes for corrective actions and matrix for the

escalation of nonconformities. Further considerations include the view that time limitations and measuring effective corrective action is essential and that corrective action should only continue until the noncompliance is closed out.

To note, considering the definition of corrective action as action that eliminates the root-cause(s) of a noncompliance and prevents reoccurrence, action to correct the noncompliance would continue. This would differ from regulatory actions utilised to prevent noncompliance while corrective action is taken.

3.3 Process for managing allegations of noncompliances

There was general consensus that this challenge requires consideration and effective resolution.

The process for managing allegations of noncompliance requires clarification and clear documentation.

LGAP was proposed by stakeholders for consideration in developing any recommendations in relation to this challenge; in particular, its Rules around complaints.

3.4 Utilisation of auditors in noncompliance management

The utilisation of auditors in noncompliance management was supported and should be considered in the development of recommendations to address this challenge. The department's supervision of this process, as well as the continued need for all noncompliance to be reported to the department, was identified as an important consideration and auditor involvement should not be a substitute for department oversight or reporting.

3.5 Effective framework for analysing noncompliances

There was general agreement that this challenge exists.

Considerations in developing any recommendations include ensuring any framework for analysing noncompliances draws on existing record keeping, as well as compliance monitoring activity in-market and through audits.

It was suggested that the challenge may be in the deployment and use of an existing framework for analysing noncompliances, rather than developing a new framework.

The IT system utilised under LGAP was proposed by stakeholders for consideration in developing any recommendations in relation to this challenge.

3.6 Incentives for performing higher than a minimum standard

Some comments seemed to express contradictory sentiment, i.e. that ESCAS is only a minimum standard but also cannot impose obligations beyond those imposed domestically nor beyond those provided by the WOA Code.

Consideration should be given to the fact that all export markets are members of WOA, which means they have endorsed the guidelines provided by the WOA Code. To ensure consistency with Australia's international trade obligations, ESCAS animal welfare requirements must be based around internationally agreed standards (as opposed to Australian standards) and the WOA Code is the appropriate international basis.

This is not to say that higher standards cannot be introduced, provided they are voluntary in their adoption. Incentivising voluntary adoption of higher standards was supported in many comments; however, considerations in formulating recommendations to address this challenge related to ensuring such incentivisation does not take the form of lower levels of surveillance or requirements.

3.7 Consideration of risk factors in risk rating

There was qualified in principle support for a more comprehensive and useful method for determining a facility or supply chain's risk rating.

LGAP was proposed by stakeholders for consideration in developing any recommendations in relation to this challenge; in particular, its matrix for risk assessment.

3.8 Timeframe for compliance information exchange

There was a divergence of opinion regarding the management of this challenge. One comment indicated that protocols are currently in place to address this challenge; however, these are not formalised, and limited evidence was provided to support their existence. Other comments indicated that the current one-month maximum period for providing an audit report, as well as a lack of clarity on the timeframes associated with compliance information exchange, pose an unacceptable risk to animal welfare.

LGAP was proposed by stakeholders for consideration in developing any recommendations in relation to this challenge, in particular the IT system that underpins the program.

Additional challenges

The following additional challenges were raised under this focus area, and considered by the department:

- the notion that the department does not accept noncompliance in independent performance audit reports (IPARs).
 - Department response and/or action to a noncompliance identified in an IPAR is dependent upon a range of factors including the severity and nature of the noncompliance, whether any corrective action was taken and the issue resolved, and whether the exporter provided notification of the noncompliance in accordance with reporting timeframes.
- a comment that there is no ability to challenge or dispute a decision made regarding a noncompliance.

- The outcome of an ESCAS investigation is a finding, rather than a decision. Throughout the investigation process, however, exporters are provided an opportunity to respond to noncompliance allegations and findings.
- the implication that noncompliance reporting is not written impartially.
 - In the review of Compliance Reports undertaken through this review, this was not substantiated. This may be substantiated through the provision of a partially and impartially written report.

Focus area 4: Administration

4.1 Facility risk ratings – approval date

There was general consensus that this challenge should be resolved. One comment asserted that this challenge did not exist; however, this challenge was identified through an analysis of an internal Issues Register.

4.1.1 Naming conventions and premises identification

There was consensus that this challenge exists.

Reference was made to industry solutions and third-party coordination as able to address the issue, although limited detail was provided. LGAP was proposed by stakeholders for consideration; in particular, a numeric system has been introduced under LGAP in Vietnam, which may provide a template for broader application.

4.2 Consolidation of ESCAS requirements

There was overall consensus that this challenge exists, and support expressed for the development of a central reference point for ESCAS. The format of the Australian Standard for the Export of Livestock (ASEL) and the associated guidelines were suggested as offering a reasonable structure for restructuring ESCAS.

LGAP was proposed by stakeholders for consideration in developing any recommendations in relation to this challenge; in particular, the distinction between standards (being the documentation of requirements) and rules (being the documentation of roles, responsibilities, obligations and compliance processes).

Further comment was received on the need to ensure the format of ESCAS materials clearly differentiates a standard (i.e. requirement), evidence of compliance and auditor guidance.

4.3 Mechanism for continual improvement in ESCAS

One stakeholder raised concerns that the continual improvement of ESCAS would mean regular changes, which may cause confusion and uncertainty; others indicated this was logical and would allow for routine, scheduled updates and improvements to ensure fitness for purpose and the framework remaining contemporary, effective and efficient.

The concern raised by the former may be alleviated by the distinction between continual improvement (which allows for change, a period of stable implementation, review and then change) as opposed to continuous improvement (which results in constant change).

Considerations in formulating recommendations to this challenge include:

- the WOH Code is reviewed on a regular basis, which could be the trigger for a review of ESCAS
- the use of a mechanism to allow for regulated entity feedback
- ensuring appropriate consultation and communication mechanisms with exporters for material changes, and
- new research, techniques and technologies should be considered in consultation with appropriate research and development bodies.

Additional challenges

Additional challenges raised under this focus area include:

- consideration of arrangements for cultural events
- the format and operational procedure for IPARs is repetitive, time-consuming and inefficient
- timeliness for gaining approval for a new facility to be included in an ESCAS, when the facility is already approved in another exporter's ESCAS

One comment suggested the consideration of an independent administrator to administer ESCAS, separate from the regulator. This is considered outside the scope of the review, as it is dependent on legislative frameworks and additional resourcing being identified.

Focus area 5: ESCAS Animal Welfare Standards

5.1 Consistency of ESCAS Animal Welfare (AW) Standards with WOH recommendations

5.1.1 Use of goads

The use of electric goads elicited divergent opinion, which will be considered in the development of recommendations.

One comment indicated that the current requirements relating to electric goads were adequate, while others indicated that “electric goads have been reported in nearly every adverse animal welfare report at port, unloading or at end destination handling.” Another recommended the banning of goads entirely.

5.1.2 Facility design

One comment promoted EAN 2015-06 as adequately addressing this challenge; however, analysis of the EAN supports the initial challenge that requirements for facility design are vague. Commentary received throughout the focus areas supports the need for clarity in requirements, as well as maintaining WOAHA as a minimum standard.

5.1.3 Tethering

There was in principle support for the WOAHA recommendations to be included under ESCAS, although one comment indicated that market sensitivities complicate the issue. A consideration in formulating a solution to this challenge is that any reference to tethering must avoid a resultant poor animal welfare outcome.

5.1.4 Protection

One comment indicated that commercial incentives provide adequate motivation to ensure protection and security, and no noncompliances have been raised in this respect; another advocated that ESCAS be revised to reflect the WOAHA recommendations.

5.1.5 Foetus management

One comment suggested that foetuses are beyond the scope of ESCAS and that extending ESCAS requirements to address foetus management may contradict local laws.

As an Australian-based regulatory framework, local laws take precedent over ESCAS; however, the welfare implications and optics of a mismanaged neonate in-country within an ESCAS approved supply chain would not be acceptable and/or palatable to any reasonable member of the Australian public.

Other comments supported the need for consistency between WOAHA and ESCAS with respect to foetus management.

5.1.6 Back-up stunning device

There was a divergence of opinion on whether WOAHA is too specific or ESCAS too open. Clarification of what constitutes an acceptable back-up stunning procedure would improve the understanding and application of the requirement.

Considerations in formulating recommendations to this challenge include:

- there are limited solutions specific to each cause and facilities should have systems to effectively identify which applies, and
- this is identified as a critical control point in the process, and a risk-based approach may be appropriate.

5.1.7 Consolidation of list of unacceptable practices

While there was divergent opinion as to whether the consolidation of a list of unacceptable practices is required, the development of such a list would provide clarification without adding to the implied requirements under the ESCAS AW Standard 2.

In comments under other key areas, LGAP was proposed by stakeholders for consideration in developing any recommendations in relation to this challenge; in particular, consideration of LGAP's list of unacceptable practices.

5.1.8 Specification of competencies

There was divergent opinion as to whether the specification of competencies is required; however, the formalisation of how competency is established and maintained would remove ambiguity without necessarily adding to what is required. It was also identified in comments this would enhance consistency between ESCAS and WOAHA.

Considerations in developing recommendations to address this challenge include the need for training and periodic competency assessment.

5.2 Differentiating between signs of unconsciousness and signs of death

There was agreement that better definition of the signs of unconsciousness or insensibility and the signs of death are required. LGAP and the Australian Meat Industry Council's (AMIC) *Animal Welfare Standard for Livestock Processing Establishments* were identified by stakeholders as potentially useful sources of information when formulating recommendations to address this challenge.

5.3 Method for throat cut

There was unanimous support for the clarification of what constitutes an acceptable method of throat cut, and the profound importance of this challenge was noted.

LGAP was proposed by stakeholders for consideration in developing any recommendations in relation to this challenge.

5.4 Requirements for landing sites or physical transportation

There were differing views as to whether landing sites or physical transportation present a risk in ESCAS. Comments referenced evidence from Independent Observer reports that transit (e.g. landing sites or physical transportation) poses considerable animal welfare risks. Other comments indicated that transport and discharge ports pose a low risk.

Comments identified that discharge processes are overseen by animal welfare officers and Australian Accredited Stockpersons to ensure ESCAS requirements are met. The formalisation of these processes would assist in standardising practices without necessarily adding to existing processes, and therefore minimise potential risk.

LGAP was proposed by stakeholders for consideration in developing any recommendations in relation to this challenge.

An area identified for consideration relates to the variety of complications that present when auditing transport arrangements, including but not limited to:

- balancing auditor availability with transport activity at a facility
- ensuring that transport arrangements for all exporters are audited
- assigning noncompliance for landing sites and physical transportation to the appropriate party where such facilities are shared
- auditing the journey of animals on mode of transport.

5.5 Specificity in the Standards

While this challenge was acknowledged as existing, either directly or indirectly, there was a divergence of opinion regarding whether this would be better addressed through enhanced referencing and consistency with WOA, or greater specificity and alignment with WOA.

A consideration in formulating a solution to this challenge is that previous comments received across a range of focus areas indicate the need for consolidated, clear and unambiguous requirements.

5.6 Consistency of structure and nomenclature of requirements under ESCAS with best practice standards design

The need for a review of ESCAS documentation to ensure clarity for supply chain participants and auditors was agreed, although the need to adhere to best practice in standards design was questioned in one comment.

Further comment related to ensuring the format of ESCAS materials clearly differentiates between a standard (i.e. requirement), evidence of compliance and auditor guidance. It was suggested that terminology used under ESCAS should revert to the previous version of the ESCAS Animal Welfare Standards (circa pre-2016).

Overall, the commentary on the lack of clarity in the ESCAS Animal Welfare Standards and its terminology suggests a need for following best practice in standards design. Such practices ensure requirements are written in a manner that avoids ambiguity and clearly delineates requirements from guidance.

5.7 Interpretation of Standard 29

The need for flexibility in the application of Standard Operating Procedures (SOPs) was noted by stakeholders. Comments indicated that SOPs may be standardised and made more prescriptive, while flexibility and the unique characteristics of each facility should be accommodated through individual work instructions.

5.8 Requirement to keep records of outcomes of processes

There was a divergence of opinion regarding the usefulness of record keeping to demonstrate ongoing compliance; however, this challenge strongly relates to the risk posed by the inter-audit gap as provided under challenge 1.6, and related commentary received for challenge 1.6 from industry indicates that they do keep records of this nature.

Commentary received indicated that LGAP may be a consideration in formulating recommendations to this challenge, in that LGAP includes provisions for record keeping.

Additional challenges

Additional challenges raised under this focus area include:

- the discrepancy in relation to the use of bedding for animals in lairages between WOH Article 7.5.4 and the ESCAS Animal Welfare Standards
- the proposal to consider the inclusion of a broader range of performance-based outcomes to measure animal welfare, with the United Kingdom's (UK) AssureWel project cited as a possible source to consider
- the consideration of the American Meat Institute Foundation's Recommendation Animal Handling Guidelines and Audit Guide: A Systematic Approach to Animal Welfare to assist with clarifying approaches to auditing

Another comment suggested the use of indicators to evidence how the welfare of animals is being impacted throughout the live export trade. This was determined to be beyond the scope of the review, due to the required research and development component.

Appendix 1: summary and scoping document

Purpose

To review specific elements of the ESCAS framework, policies and processes to ensure ESCAS continues to be fit for purpose; to integrate improvements identified throughout its implementation; and to include, where appropriate, findings of reviews, including by the Inspector-General of Live Animal Exports (IGLAE). The review will also identify and address gaps and consolidate ESCAS policy. The outcome of the review will support consistent risk-based and proportionate regulation and provide a single documented source of truth for stakeholders and departmental staff.

Scope

The scope of the review includes specific elements of the framework, guidelines, policies, instructional material, independent auditing, and the department's assurance activities in relation to ESCAS. The *Biosecurity guideline for management of non-compliance* will also be reviewed. The key focus of the review is:

- Closing the inter-audit gap (ongoing monitoring and verification activities)
- Developing a control and traceability standard
- Updating of the *Biosecurity guideline for management of non-compliance* to incorporate a proportionate escalating non-compliance framework which considers aggravating and mitigating factors
- Streamlining and improving internal administrative processes
- Addressing the recommendations from the IGLAE review of ESCAS conducted in 2021.

Out of scope

The review will not consider expansion of ESCAS to breeders. The review will not consider the effectiveness or appropriateness of the legislative basis for ESCAS; however, opportunities for improvements to the Export Control (Animals) Rules 2021 may be identified for consideration following the review. The review will not develop a detailed quality assurance system. It will be up to exporters to ensure their ESCAS arrangements continue to meet the standards.

Related projects

Outcomes of the ESCAS review will feed into the performance and compliance project.

Process

Current state and challenge identification

The current state of ESCAS with areas for improvement and issues for resolution will be identified through a review of:

- 1) Data – including number of exporters with approved ESCAS supply chains, markets and volume of livestock that move through the system
- 2) Current legislation, policies and procedures in the framework, including Export Advisory Notices relevant to ESCAS
- 3) Recommendations from the IGLAE report into ESCAS (which included views from stakeholders)
- 4) Outcomes of ESCAS investigations
- 5) Correspondence and media from exporters and animal welfare organisations in relation to ESCAS
- 6) Issues that have been identified and noted for consideration by the LAE ESCAS team
- 7) Comparison with WOH standards

Engagement at stage 1 will encompass a wide range of stakeholders. It will include exporters with an existing approved ESCAS supply chain, ALEC, MLA, LiveCorp, Cattle Council of Australia, Sheep Producers Australia, the Australian Buffalo Industry Council, the Goat Industry Council of Australia, Exporter Supply Chain Assurance Operations (ESCAO) providers with an approved arrangement, and animal welfare organisations. These stakeholders will be invited to provide feedback and comment on matters they would like considered as part of the review that fall within the determined scope. Feedback will be received through the department's 'Have Your Say' platform. A stage 1 engagement plan will define the scope of engagement and articulate how the broad group of stakeholders can provide relevant, specific and actionable feedback.

Develop recommendations

Following stage 1, recommendations will be developed to revise relevant parts of the ESCAS framework. A refreshed model will be proposed for approval.

The recommendations will clearly articulate options for addressing the issues identified in the review and justification for recommending options.

Engagement at stage 2 will test the recommendations on a targeted range of stakeholders and may include the use of workshops and interviews. Not all groups will be engaged in the same way on all issues. In this stage of engagement, comment and feedback on the technical components will be invited and considered in finalising the revised ESCAS framework.

Refresh and production of new materials

Following approval of any proposed revisions to the ESCAS framework, guidelines, policies, procedures and instructions will be refreshed to ensure that the documents clearly articulate the reviewed arrangements.

Engagement at stage 3 will include public consultation with relevant stakeholders and engagement with exporters and industry groups on the readability and design of materials for industry.

Any changes arising from the review will be rolled out in 2023 (date or tranche dates to be determined). We will focus on change management and provide industry and the department with a preparation period prior to implementation.

Appendix 2: Documented information analysed

Department of Agriculture, Fisheries and Forestry, Export Advisory Notice (EAN) 2015–06 Revised risk-based auditing requirements for ESCAS (2015).

Department of Agriculture, Fisheries and Forestry, Export Advisory Notice (EAN) 2014–16 New applications and variations.

Department of Agriculture, Fisheries and Forestry, Export Advisory Notice (EAN) 2015–07 Cross border ESCAS.

Department of Agriculture, Fisheries and Forestry, Export Advisory Notice (EAN) 2015–08 Accounting & Traceability Declaration.

Department of Agriculture, Fisheries and Forestry, Export Advisory Notice (EAN) 2018–01 Animal welfare standards and auditor guidance.

Department of Agriculture, Fisheries and Forestry, Export Advisory Notice (EAN) 2017–10 Independence of auditors.

Department of Agriculture, Fisheries and Forestry, Export Advisory Notice (EAN) 2013–13 Submission of summary audit reports without checklists.

Department of Agriculture, Fisheries and Forestry, Export Advisory Notice (EAN) 2015–06 Facility risk rating and independent auditor requirements.

Department of Agriculture, Fisheries and Forestry, Export Advisory Notice (EAN) 2018–01 Animal welfare checklist.

Department of Agriculture, Fisheries and Forestry, Export Advisory Notice (EAN) 2013–03 Additional Mark IV checklist.

Department of Agriculture, Fisheries and Forestry, Export Advisory Notice (EAN) 2017–07 Exporter review checklist.

Department of Agriculture, Fisheries and Forestry, Export Advisory Notice (EAN) 2017–05 IPAR Exemptions.

Department of Agriculture, Fisheries and Forestry, Export Advisory Notice (EAN) 2017–03 Facility GPS coordinates.

Department of Agriculture, Fisheries and Forestry, Export Advisory Notice (EAN) 2020–06 COVID-19 remote auditing.

Department of Agriculture, Fisheries and Forestry, Export Advisory Notice (EAN) 2018–01 ESCAS animal welfare standards.

Department of Agriculture, Fisheries and Forestry, Export Advisory Notice (EAN) 2015–11 Eid al-Adha.

Department of Agriculture, Fisheries and Forestry, Export Advisory Notice (EAN) 2017–04 Supply chain management plans.

Department of Agriculture, Fisheries and Forestry, Export Advisory Notice (EAN) 2017–11 Discharge in Israel.

Department of Agriculture, Fisheries and Forestry, Export Advisory Notice (EAN) 2015–10 Vietnam Control and Traceability Requirements.

Department of Agriculture, Fisheries and Forestry, Export Advisory Notice (EAN) 2014–02 Resumption of trade to Egypt.

Department of Agriculture, Fisheries and Forestry, Export Advisory Notice (EAN) 2022–11 Korban in Malaysia.

Department of Agriculture, Fisheries and Forestry, Export Advisory Notice (EAN) 2014–11 End of Processing reports.

Department of Agriculture, Fisheries and Forestry, Export Advisory Notice (EAN) 2020–25 LGAP audits.

Department of Agriculture, Fisheries and Forestry, Export Advisory Notice (EAN) 2019–12 Regulatory Impact Statement consultation.

Department of Agriculture, Fisheries and Forestry, ESCAS Instrument Template.

Department of Agriculture, Fisheries and Forestry, Guideline for the Management of Non-compliance.

Department of Agriculture, Fisheries and Forestry, Internal process documents.

Department of Agriculture, Fisheries and Forestry, Regulatory performance reports (online).

Inspector-General of Live Animal Exports 2021, *Review of the Exporter Supply Chain Assurance System*, Department of Agriculture, Water and the Environment, Canberra. CC BY 4.0. ISBN 978-1-76003-393-4.

International Organization for Standardization, ISO/IEC 17021:2011, *Conformity assessment – Requirements for bodies providing audit and certification of management systems*.

Meat & Livestock Australia/LiveCorp, *ESCAS Auditor Awareness Training Program pilot*.

Meat & Livestock Australia/LiveCorp, *Standard Operating Procedures - Train the Trainer program*.

Meat & Livestock Australia/LiveCorp, *W.LIV.3014 – ESCAS – Development of a risk management and quality assurance program*.

Meat & Livestock Australia/LiveCorp, *W.LIV.3014 – Exporter Supply Chain Assurance System - Review of audit duplication and consideration of options for audit synchronisation. Addendum to Final report*.

Meat & Livestock Australia/LiveCorp, W.LIV.3027 – Development of a global assurance program for the livestock export industry.

Meat & Livestock Australia/LiveCorp, W.LIV.3054 – Determination of control and traceability arrangements that will support LGAP – Final report.

National Biosecurity Committee - [Sheep and Goat Traceability Task Force](#) .

The Traceability Working Group 2019, *National Traceability Framework: enhancing Australia’s world-class agricultural traceability systems*, Canberra, 29 January. CC BY 4.0. ISBN: 978-1-76003-197-8.

World Organisation for Animal Health, [Terrestrial Animal Health Code \(2022\)](#). Accessed online.

Appendix 3: Summary of challenges

Stage 1 identified a number of challenges in relation to the key focus areas, and risks associated with these challenges. These are summarised below – the full details are available in the *Exporter Supply Chain Assurance System Review (ESCAS) stage 1 discussion paper: current state challenge identification*.

Numbering of this section has been designed to reflect the numbering of the challenges in the Stage 1 report to assist with reader cross-referencing. It should be noted that in some instances, the headings for groups of challenges and the associated numbering hierarchy have been removed for ease of reading.

Focus area 1: Monitoring and verification activities

1.1 Requirements for audit company accreditation and auditor rotation

- No clear criteria for audit company accreditation and auditor rotation.
- No clear criteria for audit company or auditor performance review by the department.
- Risks relating to unsuitably accredited auditors, potential for conflict of interest, quality of service, noncompliance going undetected.

1.2 Specific standard/s for auditor competency to conduct ESCAS audits

- An international standard for auditor competency and scope for the ESCAS audit is not formally defined.
- Subsequent difficulty in conducting performance reviews (refer 1.1) and creates risk that an auditor's scope of auditing is not suited to live animals, traceability, control and processes.

1.3 Interpretation of requirements by auditors

- Requirements under ESCAS are not always clearly defined.
- Creates risk of ambiguity and misinterpretation, which in turn can result in variation between auditors and unclear understanding by on-site personnel.
- Creates a risk that there is inconsistent monitoring and verification activities as well as outcomes.

1.4 Audit sharing and allocation of noncompliance responsibility

- Problematic determination of accountability under audit sharing arrangements.
- Risk that noncompliance and corrective action requirements are unable to be allocated to the correct party.

1.5 Sample sizes for audits

- Sample sizes for minimum number of animals to be observed in feedlots during an audit are unclear.

1.6 Inter-audit gap

- Mechanisms do not exist under ESCAS to effectively provide assurances that facilities remain consistently compliant between audits.
- Risk that a facility's compliance on the day of audit might not reflect their compliance during the period between audits (inter-audit gap).

1.7 Use of other surveillance (e.g. audit) methods

- The surveillance methods used to determine compliance are one-dimensional and do not incorporate the range of methods used in other audited systems.
- There is a risk that this can result in inflexibility and inefficiencies in assessing compliance.

Focus area 2: Control and traceability

2.1 Overall standard or detailed requirements

- No overall standard with detailed requirements for control and traceability exists under ESCAS.
- This creates a risk that requirements are interpreted, applied and enforced with significant variance between auditors, supply chain stakeholders and the department.

2.2 Expectation of 100% compliance

- There is a requirement for 100% compliance in traceability, which is unachievable.
- There is a risk that such an expectation can create doubt as to the veracity when such a level of compliance is achieved.

2.3 Use of indicator events

- There is no requirement for the monitoring and analysis of information that may indicate a possible issue with traceability.
- There is a risk that without the use of such indicator events there is no early warning of potential issues, impacting the ability to assess and address such issues before a noncompliance occurs.

2.4 Critical control points for traceability

- There are no specific requirements for the monitoring of traceability critical control points.
- This may lead to a lack of clarity regarding the location of animals relative to the critical control points.

2.5 Timely provision of data

- There is variation for when traceability data is collected and reported.
- This leads to potential risks associated with the efficient and effective identification, management, reporting and investigation of issues.

2.6 Variability in approaches

2.6.1 Varying systems and sophistication

- There is a high degree of variation in the systems, technology and human resources used for control and traceability.
- This creates a risk that tampering, inaccuracies or human error may occur. This risk is compounded if data is transferred using a method such as email.

2.6.2 Varying oversight and verification

- Requirements for the oversight, verification and reconciliation of control and traceability systems are not clear.
- This creates a risk that interpretation and application is highly variable as is compliance.

2.6.3 Varying data custodianship

- There is variation in the approach to data custodianship.
- This creates a risk that there is variation in the security and management of data.

2.7 Methods to verify traceability

2.7.1 Use of imagery

- In the absence of clear requirements, the use of imagery to verify traceability can be problematic, particularly in relation to aspects such as image quality, framing and focus, GPS referencing and location verification etc.

2.7.2 Use of visual recording and fixed radio frequency identification (RFID) scanning

- Visual recording combined with RFID scanning to verify traceability is hindered by connectivity challenges, cost and possible legal issues.

2.7.3 Transfer and storage of evidence

- In the absence of clear requirements, data may be transferred and stored in an unsecure way, leading to a risk of improper access and tampering.

2.7.4 Reliance on technology

(including challenge 2.8.2 Technology as the ‘solution to accurate sheep and goat counting)

- The current requirements and sentiments from some stakeholders allow for a potential over-reliance on technology alone as the solution to traceability.
- There is a risk that other non-technology-based mechanisms are not utilised, which can impact the reliability of the process and thereby increase the risk of noncompliance.

2.7.5 Availability of traceability data

- There is a potential risk that traceability data may not be accessible for verification purposes.

2.8 Accuracy of traceability data

2.8.1 Accuracy of counting livestock

- Counting of livestock, regardless of individual identification, may be subject to human error.

2.8.2 Technology as the ‘solution’ to accurate sheep and goat counting

- Refer 2.7.4

2.9 Third-party traceability providers

- There is the potential for a conflict of interest where traceability service providers also provide verification services.

2.10 Attribution of noncompliance

- Attribution of traceability non-compliances in shared supply chains can be problematic.
- There is a risk that noncompliance is not able to be attributed accurately, which may act as a disincentive to improve compliance.

2.11 Proportionate noncompliance

- The severity of a non-compliance bears no relationship to the number of animals involved.

Focus area 3: Noncompliance management

3.1 Framework for noncompliance

3.1.1 Noncompliance categorisation

- Non-compliance categorisation is at times difficult to interpret and implement, with limited consideration given to the association between impact and prevalence in the categorisation of non-compliances.
- This presents a risk that the category of noncompliance is applied inconsistently or inappropriately.

3.1.2 Consideration of noncompliance

- There is a lack of clarity regarding the treatment of noncompliances based on how they were identified.
- This may disincentivise identification of noncompliance.

3.1.3 Consideration of cumulative noncompliance

- No consideration is given to past performance in the response to noncompliances.
- There is a risk that underlying or systemic causes of noncompliance are not identified and corrected, or that appropriate regulatory action cannot be taken in proportion to compliance performance history.

3.1.4 Escalation pathway for noncompliance

- The escalation pathway for noncompliance is unclear, as is how this relates to regulation and other compliance measures.
- This creates a risk that noncompliance is not managed consistently or effectively.

3.2 Corrective action and timeframes for correction

- There is at times a lack of clarity around what is required to correct noncompliances and timeframes for corrective action to occur.
- This creates a risk that corrective action is ineffective or delayed. This can also lead to inefficiencies in selecting and implementing the most effective corrective action.

3.3 Process for managing allegations of noncompliances

- The approach to investigating allegations of noncompliances is not clearly documented.
- This creates a risk that approaches are not undertaken consistently or effectively.

3.4 Utilisation of auditors in noncompliance management

- Auditors are under-utilised in noncompliance management under ESCAS relative to other systems they may audit.
- This potentially burdens the department resources internally. This also impacts continual improvement by removing the mechanism through which auditors would normally oversee and verify positive change.

3.5 Effective framework for analysing noncompliances

- ESCAS lacks a framework to enable department visibility into ongoing compliance management.
- This creates a risk that compliance trends are unable to be monitored, reported and acted upon.

3.6 Incentives for performing higher than a minimum standard

- ESCAS is currently based on a minimum standard with no mechanism to encourage and incentivise performance above the minimum.
- This disincentivises the attainment of a standard higher than the minimum.

3.7 Consideration of risk factors in risk rating

- The existing method for determining a facility's risk rating is limited.
- There is a risk that without considering the full breadth of risks and control mechanisms a full indication of a facility's risk is not well understood, which can impact compliance outcomes and measures.

3.8 Timeframe for compliance information exchange

- The timeframe for compliance information exchange is potentially protracted.
- This may present a risk that noncompliance identified during an audit may not be made known to exporters within a reasonable timeframe and that such noncompliance may not be reported to the department for up to a month. This impacts the exporter's ability to implement corrective action to resolve the noncompliance in a timely manner.

Focus area 4: Administration

4.1 Facility risk ratings

- Facility risk ratings may not reflect time spent unapproved in any supply chain.
- This creates a risk that facilities may potentially be re-added to a supply chain and automatically assigned a low risk rating despite not being audited recently.

4.1.1 Naming conventions and premises identification

- A standardised method for naming and identifying facilities does not exist.
- There is a risk that facilities are duplicated in department records, or some facilities are not removed from supply chains in response to noncompliance.

4.2 Consolidation of ESCAS requirements

- There is no consolidated single source of truth defining ESCAS requirements; rather, the full range of requirements and responsibilities are spread through a multitude of documents and sources.
- This creates a risk that the full range of requirements and responsibilities are not completely known, or they are interpreted and applied consistently.

4.3 Mechanism for continual improvement in ESCAS

- There is currently no inbuilt mechanism within ESCAS for the regular review of all requirements and an ongoing appraisal of the regulatory framework's fitness for purpose.
- This creates a risk that requirements are not kept current.

Focus area 5: ESCAS Animal Welfare Standards

5.1 Consistency of ESCAS Animal Welfare Standards with WOAH recommendations

5.1.1 Use of goads

- The acceptable use of goads is defined differently by WOAH Article 7.5.2 and ESCAS.

5.1.2 Facility design

- The ESCAS requirements for facility design are not aligned to what is required under WOAH Article 7.5.3.

5.1.3 Tethering

- Acceptable tethering is defined by WOAH Article 7.5.4 but not ESCAS.

5.1.6 Protection

- There is inconsistency between WOAH Article 7.5.4 and ESCAS with regard to the security of animals and protection from predation.

5.1.5 Foetus management

- There is inconsistency between WOAH Article 7.5.5 and ESCAS in how foetuses must be managed.

5.1.6 Back-up stunning device

- There is inconsistency between the WOAH Article 7.5.7 specifications for back-up stunning and ESCAS requirements.

5.1.7 Consolidation of list of unacceptable practices

- There is no single reference point for unacceptable practices and inappropriate handling based on WOAH Chapter 7.1, 7.3 and 7.5 under ESCAS.

5.1.8 Specification of competencies

- ESCAS does not clearly define the level of competence required to undertake particular tasks to the degree found in WOAH Article 7.5.1.

5.2 Differentiating between signs of unconsciousness and signs of death

- What constitutes and how to identify consciousness and unconsciousness with stun and non-stun is not clearly defined under ESCAS.
- This creates a risk that methods are inconsistent and ineffective and that appropriate courses of action following an adverse outcome are not understood or applied consistently.

5.3 Method for throat cut

- The acceptable method of throat cut is not clearly defined.
- This creates a risk that the method is applied inconsistently and ineffectively, and that appropriate courses of action following an adverse outcome are not understood or applied consistently.

5.4 Requirements for landing sites or physical transportation

- There are no clear requirements for landing sites or physical transportation reflected in the documentation.
- This creates confusion as to requirements, responsibilities and management of these sites.

5.5 Specificity in the Standards

- ESCAS references to WOAHA recommendations are vague and lack specificity.
- This creates a risk that facilities and auditors overlook the full range of requirements, with implications on facility compliance and whether auditors are assessing compliance appropriately.

5.6 Consistency of structure and nomenclature of requirements under ESCAS with best practice standards design

- Inconsistencies in the documentation structure and nomenclature used in ESCAS relative to other standards-based systems creates a disconnect between what auditors perceive to be requirements and what facilities perceive to be requirements.
- There is a risk that this creates confusion and inconsistent interpretation, implementation and evaluation. It may also create further challenges when assigning noncompliances.

5.7 Interpretation of Standard 29

- Standard 29 references “appropriate” procedures without defining what these are.
- There is a risk that this creates confusion and inconsistent interpretation, implementation and evaluation. It may also create further challenges when assigning noncompliances.

5.8 Requirement to keep records of outcomes of processes

- There is no requirement under ESCAS to maintain records which demonstrate ongoing compliance with processes on a day-to-day basis.
- This creates a risk for facilities in demonstrating historical compliance if issues are identified through audits or third-party reports.

References

International Organization for Standardization (ISO) and the International Electrotechnical Commission (IEC) (2012). ISO/IEC Directives, ISO Supplement, Appendix 3 (3rd Edition).

s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1) @pmc.gov.au>
Sent: Friday, 21 July 2023 3:27 PM
To: s. 22(1)(a)(ii)
Cc: Helpdesk-OIA; s. 47F(1) s. 47F(1)
Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

s. 22(1)(a)(ii)

Hope you had a nice break. Thanks for your comprehensive update – very useful for getting me up to speed in my new role. We'll take you up on your offer of meeting in coming weeks - when you and your team are closer to finalising draft recommendations i.e. rather than taking up your valuable time now. Best wishes for your drafting.

Thanks again and regards

s. 47F(1)

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The Department acknowledges and pays respect to the past, present and emerging Elders and Traditional Custodians of Country, and the continuation of cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander peoples.

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Sent: Friday, 21 July 2023 11:13 AM
To: s. 47F(1) <s. 47F(1) @pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

Sorry to have missed your call – I've just returned from a couple weeks leave! Nice to e-meet you, and looking forward to working with you as we progress the Exporter Supply Chain Assurance System (ESCAS) review.

In terms of an update on the current progress, we are currently halfway through stage 2 and have recently published the Stage 2 Aggregated Report on our Have Your Say [consultation page](#) (please see attached). This report contains the department's high-level analysis of the submissions received at stage 1, and considerations for formulating recommendations to address challenges within the ESCAS framework.

As a general summary of the themes, the stage 1 submissions often reflected the opposed viewpoints held by our stakeholders.

- Primary areas of contention included the department's approach to noncompliance management under ESCAS, as well as control and traceability; submissions disagreed on whether the various challenges under

these focus areas existed, as well as gave varying opinion as to how they should be addressed and managed, e.g., whether to focus on outcomes-based versus prescriptive requirements.

- There was also a significant amount of feedback (and discrepancy) on the ESCAS Animal Welfare Standards and their relation to international/domestic standards.

To give a recap of the stages:

- **Stage 1** included a desktop review to identify potential challenges in the ESCAS framework, which were documented in the Stage 1 Discussion Paper. Many challenges were previously identified in the Inspector-General of Live Animal Exports' review of ESCAS in 2021 (this report is one of the primary focuses for the review to address), and others originate from industry research papers, internal process documents, noncompliance reports, and ESCAS documentation/standards. We then conducted formal consultation on the discussion paper to gain stakeholder perspectives on whether they agreed or disagreed with the existence of the challenges, and where relevant, the proposal of solutions to address the challenges.
- **Stage 2** so far has included the review of stakeholder feedback from stage 1, contained in the Stage 2 Aggregated Report. We followed up this publication with a broadcast session on 7 July 2023, where we presented the content of the aggregated report, provided opportunity for questions and outlined the next steps.
 - We are now organising one-on-one sessions with stakeholders, for anything that may have been missed or misinterpreted from the stage 1 feedback. We are aiming to conduct these over the next 1.5 weeks. Any relevant feedback will be incorporated into the **draft recommendations for improvements to the framework**, which we are in the initial stages of drafting.
 - Once the draft recommendations are finalised, we will commence formal consultation on the recommendations via Have Your Say. We anticipate this will occur in September.
- **Stage 3** (refresh and production of materials) will include finalising the recommendations and conducting consultation on the implementation of the final recommendations.

In general, the difficulty up to this stage has been in determining when a decision can be made on whether an Impact Analysis will be required. Throughout stage 1 and part of stage 2, it seemed premature as we were still obtaining stakeholder views on the challenges and potential solutions – the degree and number of potential changes to the framework were not yet fully realised.

We are now drafting these recommendations and have an initial rough draft that is being reviewed by our team (we still need to determine feasibility, gaps, level of detail, etc.). Happy to meet with you in the coming weeks – in particular, let me know if it would be useful to share draft content at this stage, or wait until we are closer to finalising the draft recommendations.

Hope that makes sense and happy to discuss further.

Kind regards,

s. 22(1)(a)(ii)

Senior Technical Officer | Regulatory Performance and Compliance | **s. 22(1)(a)(ii)**
Live Animal Export Branch | Traceability, Plant and Live Animal Exports Division

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From: **s. 47F(1)** <**s. 47F(1)** @pmc.gov.au>

Sent: Tuesday, July 18, 2023 9:41 AM

To: **s. 22(1)(a)(ii)** <**s. 22(1)(a)(ii)** aff.gov.au>

Cc: **s. 47F(1)** <**s. 47F(1)** pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; **s. 47F(1)** <**s. 47F(1)** pmc.gov.au>

Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

s. 22(1)(a)(ii)

Following up my previous email – are you able to supply an update on state-of-play re. the Exporter Supply Chain Assurance System proposal.

Happy to discuss at a time that best suits you.

Regards,

s. 47F(1)

s. 47F(1) | Adviser, Office of Impact Analysis

Department of the Prime Minister and Cabinet

p. s. 47F(1)

Ngunawal Country, 1 National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600

e. s. 47F(1) @pmc.gov.au w. pmc.gov.au



The Department acknowledges and pays respect to the past, present and emerging Elders and Traditional Custodians of Country, and the continuation of cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander peoples.

From: s. 47F(1)

Sent: Tuesday, 11 July 2023 10:43 AM

To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>

Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

s. 22(1)(a)(ii)

Gave you a call to introduce myself as your new first point of contact in OIA.

Looking forward to working with you on the Exporter Supply Chain Assurance System issue (and other issues).

Regards,

s. 47F(1)

s. 47F(1) | Adviser, Office of Impact Analysis

Department of the Prime Minister and Cabinet

p. s. 47F(1)

Ngunawal Country, 1 National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600

e. s. 47F(1) a@pmc.gov.au w. pmc.gov.au



The Department acknowledges and pays respect to the past, present and emerging Elders and Traditional Custodians of Country, and the continuation of cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander peoples.

From: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>

Sent: Monday, 10 July 2023 11:21 AM

To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Cc: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 47F(1)

<s. 47F(1) @pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>

Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi ^{s. 22(1)(a)(ii)}

I hope that you've been well.

I am just reaching out to inform you that s. 47F(1) will be taking over the relevant portfolio from today, and will therefore be dealing with any possible Impact Analysis requirements from here. I have cc'd them in this email, so that when you've completed the consolidation of the results from the consultation that you've recently undertaken, you can both organise a meeting.

Kind regards

s. 47F(1)

s. 47F(1) | Adviser

Office of Impact Analysis | Economic Division | Department of the Prime Minister and Cabinet

p. s. 47F(1) | e. s. 47F(1) pmc.gov.au | w. pmc.gov.au

Ngunnawal Country, One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600

----- Original Message -----

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>;

Received: Fri Jun 02 2023 17:15:04 GMT+1000 (Australian Eastern Standard Time)

To: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>;

Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; OIA Help Desk helpdesk-oia

<helpdesk-oia@pmc.gov.au>; OBPR Mailbox <helpdesk-oia@pmc.gov.au>; s. 47F(1)

<s. 47F(1) pmc.gov.au>;

Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

Apologies for the change – it would be great if we could actually postpone the update at this time, as it will take us a bit longer than expected to publish the draft report and we are finalising details for ongoing stakeholder engagement over the coming weeks.

I am anticipating it will be more productive to meet once we have the draft report finalised (sorry for reaching out prematurely!).

Will be in touch and apologies for any inconvenience.

Kind regards,

^{s. 22(1)(a)(ii)}

From: s. 22(1)(a)(ii)

Sent: Tuesday, May 30, 2023 5:58 PM

To: 's. 47F(1) <s. 47F(1) pmc.gov.au>

Cc: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>

Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

Thanks for the quick response and that sounds good – afternoon works for us as well!

I'll send through a meeting invite shortly, and looking forward to speaking next week.

Kind regards,
s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>
Sent: Tuesday, May 30, 2023 3:15 PM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Cc: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Good afternoon s. 22(1)(a)(ii)

Thanks for reaching out, glad to hear from you. Would you also be able to include s. 47F(1) (cc'd) on a discussion invite? He's supporting me in s. 47F(1) absence.

Would next Wednesday work? We are free any time after 1pm. Otherwise, happy to provide some other times.

Kind regards

s. 47F(1)

s. 47F(1) | Adviser | Office of Impact Analysis
 Economic Division | Department of the Prime Minister and Cabinet
 p. s. 47F(1) | e. s. 47F(1) pmc.gov.au | w. pmc.gov.au
 Ngunnawal Country, One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600



The Department acknowledges and pays respect to the past, present and emerging Elders and Traditional Custodians of Country, and the continuation of cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander peoples.

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Sent: Tuesday, 30 May 2023 1:22 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

I am just reaching out with an update on the ESCAS review since we spoke last – we have completed a first draft of the aggregated report, on the department's analysis of the feedback received during stage 1 consultation.

We are currently working to finalise this draft, before publishing on HYS for stakeholders to view prior to the facilitated session in June.

Did you have any availability next week for a meeting to discuss some of the emerging themes?

Kind regards,
s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii)

Sent: Monday, April 24, 2023 4:03 PM

To: s. 47F(1) <s. 47F(1) pmc.gov.au>

Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

Sounds great, I'll send through a meeting invite now.

Looking forward to chatting on Thursday!

Cheers,

s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>

Sent: Monday, 24 April 2023 3:58 PM

To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Hi s. 22(1)(a)(ii) let's go for 2pm on Thursday. Half hour should be fine. It would be me and s. 47F(1) from our end.

Regards

s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Sent: Monday, 24 April 2023 2:02 PM

To: s. 47F(1) <s. 47F(1) pmc.gov.au>

Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

Thanks for the response, more than happy to meet and discuss.

At this stage, I can provide detail on trends in feedback and some claims on regulatory burden *should* a change be implemented by the department, although there hasn't been commitment to implement specific changes as of yet (other than those described in the summary & scoping document/stage 1 discussion paper, for example the introduction of a control and traceability standard). We'll need more time for stage 2 to progress in terms of the development of the draft recommendations, which will constitute the specific proposed changes to the framework.

Happy to discuss further, my afternoons are generally pretty free. A few times this week are:

- Wednesday after 1pm (excluding 3-3:30pm)
- Thursday after 2pm
- Friday between 1-3:30pm

Kind regards,

s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>
Sent: Friday, 21 April 2023 8:32 AM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>
Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Hi s. 22(1)(a)(ii)

Thanks for your email and the progress update. I agree that it would be good to target some of your questions towards issues that might arise in an Impact Analysis. However, it may be opportune to have a discussion about impacts following the feedback from consultation including issues identified through the confidential submissions (to the extent that you can share this) so as to determine whether you're in IA territory. That is, are we in a position to assess whether the proposals arising from the ESCAS review are likely to result in more than a minor regulatory impact? Or do we need more time for Stage 2 to progress further? Perhaps a meeting to discuss would be worthwhile?

Regards

s. 47F(1) | Advisor
Office of Impact Analysis | Economic Division
Department of the Prime Minister and Cabinet
p. s. 47F(1) s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Sent: Wednesday, 19 April 2023 11:12 AM
To: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

I work in s. 22(1)(a)(ii) team and am just reaching out on her behalf – she's acting in another role for 6 weeks, and I am the current point of contact for the ESCAS review.

I wanted to provide an update on our progress in stage 2, particularly as we have extended our timeframe (stage 2 anticipated to conclude in August) and refined various aspects of our approach, including:

- We have published all non-confidential submissions received during stage 1 on the departmental platform [Have Your Say](#)
- We will be drafting an aggregated report in response to the submissions, i.e., outlining feedback received and the department's response and consideration of this feedback (est. May)
- We will be engaging with stakeholders in a facilitated session mid-stage 2 (est. early June) to discuss overall themes in the aggregated report and the development of draft recommendations, and
- Once draft recommendations are released for review and consultation, offering informal 1-on-1 sessions with stakeholders (in combination with a formal submission process) to ensure all voices are heard independently prior to finalisation of recommendations.

Considering past feedback from the OIA, going forward would it be beneficial to integrate specific questions on stakeholder impacts into upcoming consultation? E.g., Being deliberate during the consultation on draft recommendations during stage 2 in asking questions of stakeholders, particularly industry, on impact, cost and benefit, etc.

Grateful if you had any comments or recommendations on this, as well as our general approach. I understand the difficulty in commenting, while the perceived impact is still in large part unknown; however, happy to send/discuss the aggregated report on stage 1 analysis of feedback once finalised, if this gives a better indication on the tone of feedback received thus far and general direction the department is considering in response.

Kind regards,

s. 22(1)(a)(ii)

A/g Assistant Director | Regulatory Performance and Compliance | **s. 22(1)(a)(ii)**
Live Animal Export Branch | Traceability, Plant and Live Animal Exports Division

Department of Agriculture, Fisheries and Forestry
GPO Box 858 Canberra ACT 2601
agriculture.gov.au

From: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>

Sent: Thursday, 2 March 2023 2:43 PM

To: **s. 22(1)(a)(ii)** <**s. 22(1)(a)(ii)** aff.gov.au>

Cc: **s. 22(1)(a)(ii)** <**s. 22(1)(a)(ii)** aff.gov.au>; **s. 47F(1)** <**s. 47F(1)** pmc.gov.au>; **s. 47F(1)** <**s. 47F(1)** pmc.gov.au>

Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi **s. 22(1)(a)(ii)**

Thanks for the email on 27 February, the discussion paper and for the discussion on the phone today.

It is not clear at this stage whether the changes proposed are likely to result in 'more than a minor' regulatory impact. This is partly because the ESCAS framework is fundamentally remaining intact and many of the changes proposed would appear incremental or of a programmatic nature. I note your advice that some industry participants are claiming that the changes might have a significant impact on their commercial viability.

I therefore agree with your proposal that we hold our assessment at this stage and assess the significance of the ESCAS reforms as Stage 2 progresses (about April/May 2023). This will give you an opportunity to assess the claims of those industry participants.

If we determine that the proposal is more than minor, an Impact Analysis will need to be required to be prepared for Stage 3 to inform the decision, consistent with Government requirements.

We look forward to further discussions at this time. In the interim, feel free to contact me (or **s. 47F^{s. 47F(1)}**) to discuss any other issues that might assist with your consultation and policy development process.

regards

s. 47F(1) | Advisor
Office of Impact Analysis | Economic Division
Department of the Prime Minister and Cabinet
p. **s. 47F(1)** **s. 47F(1)**

From: **s. 22(1)(a)(ii)** <**s. 22(1)(a)(ii)** aff.gov.au>

Sent: Monday, 27 February 2023 11:01 PM

To: **s. 47F(1)** <**s. 47F(1)** pmc.gov.au>

Cc: **s. 22(1)(a)(ii)** <**s. 22(1)(a)(ii)** aff.gov.au>

Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Dear **s. 47F(1)**

Thank you for taking the time to chat about the ESCAS Review this morning, and apologies for missing your call on Friday.

Allow me to introduce ^{s. 22(1)(a)(ii)} (copied) who is working with me on this project.

As discussed, here is some relevant background on:

The Exporter Supply Chain Assurance System (ESCAS)

- ESCAS is a regulatory framework that seeks to ensure animal welfare, control and traceability outcomes for feeder and slaughter livestock from the point of arrival in importing countries up until and including the point of slaughter.
- Livestock exporters are the regulated entities under ESCAS. They are responsible for establishing and managing arrangements with supply chain partners (i.e. importers, feedlots and abattoirs) in importing countries to ensure that ESCAS requirements are met.
- ESCAS was developed in 2011 in response to public outrage following the release of footage on *Four Corners* depicting poor animal handling and slaughter practices at Indonesian abattoirs, and progressively rolled out to all countries importing Australian feeder and slaughter livestock during 2012.
 - - Currently there are around 90 approved ESCAS supply chains across 17 countries.
- ESCAS has since been largely effective in delivering against its intended outcomes.
- Alleged ESCAS non-compliances are investigated by the department and regulatory action taken as indicated and as soon as practically possible.
 - - Since 2013, less than 0.20% of exported livestock covered by ESCAS have been involved with confirmed ESCAS non-compliances.
 - Reports of alleged ESCAS non-compliance are received from exporters (self-reports – 55%), third-parties (animal welfare organisations or private citizens in importing countries – 35%), industry groups, included in independent audit reports submitted by exporters or identified by the department.

The ESCAS Review

- The department is reviewing components of the ESCAS framework to ensure that it remains fit-for-purpose and supports consistent, risk-based regulation.
- The review is being conducted in 3 stages, with stakeholder engagement at the end of each stage. A **Summary and scoping document** setting out focus areas for the project, work at each stage, our stakeholder engagement approach and key review outcomes is attached for your reference.
- Key outcomes of this review include the production of a consolidated, single source reference of ESCAS for departmental staff and stakeholders, and to follow-through with the department's commitment to address recommendations in the [Inspector-General Review of ESCAS \(2021\)](#).
- We have just concluded stage 1 of the review, including associated stakeholder engagement. This stage was a gap analysis, with possible areas for improvement to the current ESCAS framework identified as 'challenges'.
 - - Targeted stakeholder groups (i.e., livestock exporters and their peak industry bodies, industry groups and animal welfare organisations) were invited to provide constructive feedback on, and propose practical solutions to these specific technical challenges. There was also the opportunity to present challenges that they felt had not been identified.
 - This consultation stage was launched as a survey on the *Have Your Say* platform on 10 January and closed on 21 February 2023.
 - The attached **Discussion Paper** sets out identified challenges and is the exhaustive basis on which the *Have Your Say* survey was built.
- We are now in stage 2 of the ESCAS Review, and are reviewing and analysing submissions from our recent consultation stage.
 - - The aim of this stage is to use feedback from the first consultation stage to inform recommendations for improvements to ESCAS.
 - These recommendations will be tested with livestock exporters at the stage 2 stakeholder consultation phase.
- Then, stage 3 of the project will follow, where recommendations are used to review and update ESCAS policies, with the final output being a consolidated document on all aspects of the framework.
 - - The plan is to consult publicly at this stage of the review.

Interactions with OIA to date

- We met with the OIA (^{s. 47F(1)} and ^{s. 47F(1)}) and a industry peak body representative last year, following finalisation of the first version of our *Summary and scoping document* and prior to the commencement of the review, to discuss views on stakeholder engagement and whether the review can be conducted in a manner consistent with a RIS-like process, so that a full RIS might not be required at its conclusion and prior to implementation.
 - - A focus of this meeting was to discuss strong exporter concerns about the department engaging with animal welfare organisations during the review process. Additionally, industry remains opined that animal welfare organisations, being opposed to the livestock export trade and not being directly affected by regulatory decisions, might distort/bias engagement results, and therefore should not be considered key stakeholders for the purpose of engagement.

- We disagree and consider wide engagement necessary to capture the myriad and nuanced views on livestock exports – a highly scrutinised industry that continues to polarise. It is important that our process and decisions reflect regulatory best practice and considers contemporary social views on the subject. Animal welfare organisations are a key stakeholder, reflected in their interest in the trade and continued role in reporting alleged ESCAS breaches.
- To date, feedback has been positive and we committed to keep the OIA informed as we progress, to ensure our processes continued to be consistent with a RIS-like process (see email exchange with [s. 47F\(1\)](#) below).

To recap our conversation

- I understand that to your knowledge, no formal assessment of our project and approach has been conducted by the OIA and this will need to happen for any definitive advice on whether our approach constitutes a RIS-like process or equivalent.
- Pending your review and assessment, the *Inspector-General Review of ESCAS (2021)* might qualify as a RIS-like process equivalent. The basis for this is the extensive consultation that was undertaken as part of the review, and that a primary focus of the ESCAS Review is to address its recommendations. If this is a possibility, the decision needs to be endorsed at a Deputy Secretary level.
- Integral to an impact analysis is a determination of the magnitude of change and the affected stakeholders. This may be qualitative and subjective, but must be defensible.

- - [s. 47E\(d\)](#)

- Given that the magnitude of changes will depend on recommendations made as a result of feedback currently being analysed, it might be difficult to determine this until stage 3 of the review (when the outcome of the review is being drafted). However, any assessment on the impacts on industry would be useful.

As discussed, I'd be very grateful for your advice on:

- Anything we need to consider/reconsider about our approach so that our process is consistent with a RIS-like process.
- If you think we might be able to rely on the *Inspector-General Review of ESCAS (2021)* as a RIS-like equivalent.
- If we should be incorporating into our engagement strategy, a request for industry to quantify the impact of proposed changes to them/the trade, particularly where best practice regulation might be resisted on the basis of burden.

I realise this is a lot of information, but I hope it makes sense and trust that it informs you sufficiently to be able to offer the advice we are seeking.

Please let me know if I have missed or misinterpreted anything, and if you have any questions.

I look forward to further discussions.

Kind regards,

[s. 22\(1\)\(a\)\(ii\)](#)

Senior Veterinary Officer

Regulatory Performance | Live Animal Export Branch | Plant and Live Animal Exports Division

Phone: [s. 22\(1\)\(a\)\(ii\)](#)

Department of Agriculture, Fisheries and Forestry

GPO Box 858 Canberra ACT 2601 Australia

aff.gov.au

From: [s. 47F\(1\)](#) <[s. 47F\(1\)](#) pmc.gov.au>

Sent: Friday, 24 February 2023 4:02 PM

To: [s. 22\(1\)\(a\)\(ii\)](#) <[s. 22\(1\)\(a\)\(ii\)](#) aff.gov.au>

Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Hj [s. 22\(1\)\(a\)\(ii\)](#)

I left a message for you but I'm not sure if my landline is working so here is my mobile number below. If you could contact me, that would be great.

Regards

[s. 47F\(1\)](#) | Advisor

Office of Impact Analysis | Economic Division

Department of the Prime Minister and Cabinet

p. [s. 47F\(1\)](#) [s. 47F\(1\)](#)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>
Sent: Thursday, 23 February 2023 6:32 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Subject: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Can you get in touch with ^{s. 22(1)(a)(ii)} and let her know you're the new lead on this pls?
 We will need to give them some advice about how to meet the independent review requirements (noting this commenced under the former arrangements)

s. 47F(1)

s. 47F(1) Senior Adviser
 Office of Impact Analysis
 p. s. 47F(1) | m. s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Sent: Thursday, 23 February 2023 6:26 PM
To: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Good afternoon ^{s. 47F(1)}

I hope 2023 has started off well for you and your team.

I am reaching out with a status update on the ESCAS Review.

We recently concluded the first of 3 stakeholder consultation stages, which was launched as a survey on the *Have Your Say* platform from 10 January to 21 February 2023. Targeted stakeholders were invited to provide constructive feedback on specific technical challenges to the ESCAS framework. Survey questions are reflected in the Discussion paper, attached for your interest. We are now collating and analysing feedback received and will use it to inform recommendations for improvements to ESCAS in stage 2 of this project.

We would greatly appreciate your advice/confirmation that our processes remain aligned with a RIS-like process, and if there are any relevant considerations from your perspective, on how feedback is handled and analysed, noting that some submissions have been marked as confidential.

Happy to meet to discuss if easier.

Kind regards,
^{s. 22(1)(a)(ii)}
Senior Veterinary Officer

Regulatory Performance | Live Animal Export Branch | Plant and Live Animal Exports Division
 Phone: ^{s. 22(1)(a)(ii)}

Department of Agriculture, Fisheries and Forestry
 GPO Box 858 Canberra ACT 2601 Australia

aff.gov.au

From: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Sent: Wednesday, 7 December 2022 12:30 PM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>
Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Good afternoon ^{s. 22(1)(a)(ii)}

Thanks very much for sending this through, and apologies for the delay in my response. I've reviewed the summary and scoping document and have no major concerns. It's good to hear that consultation will be expanded. Seeking quantitative evidence of how proposed solutions will impact various stakeholder groups will assist in providing a more detailed outline of the anticipated costs and benefits.

I am happy to talk through the changes to the Impact Analysis framework once they are settled and am keen to ensure OIA supports you through this impact analysis process.

Kind regards,

s. 47F(1) (she/her) | Adviser
Office of Impact Analysis
Department of the Prime Minister and Cabinet
p. s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) awe.gov.au>
Sent: Monday, 28 November 2022 6:52 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

Hi; s. 47F(1)

I'm just reaching out from our team with an update on the ESCAS Review and upcoming stakeholder consultation, to keep you in the loop.

We have released a revised summary and scoping document (attached), to reflect our updated approach to stakeholder engagement. We intend to include a wider group of stakeholders at stage 1 for challenge identification/proposal of solutions, then a more targeted group later on for the testing of recommendations.

We have completed the stage 1 desktop review, and are about to commence stage 1 consultation. As previously discussed, we have contracted a team for their technical expertise to assist with our review, and they have developed draft material for stakeholder consultation. We are reviewing this material internally, prior to publication on the department's engagement platform 'Have Your Say'.

Any feedback or comments on how our current approach may impact the RIS process would be greatly appreciated.

Kind regards,

s. 22(1)(a)(ii)
Senior Technical Officer | Regulatory Performance | s. 22(1)(a)(ii)
Live Animal Exports Branch | Plant & Live Animal Exports Division

Department of Agriculture, Fisheries and Forestry
GPO Box 858 Canberra ACT 2601
awe.gov.au

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Sent: Monday, 14 November 2022 4:32 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

Thanks very much for getting back to us, s. 47F(1)

I'll be in touch again leading up our second consultation stage, to seek your thoughts on our approach at the time.

Kind regards

s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>
Sent: Monday, 14 November 2022 5:07 PM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

OFFICIAL

Good afternoon s. 22(1)(a)(ii)

Thanks very much for providing these documents for OBPR's review. s. 47F(1) and I have discussed the documents and in order to meet the requirements to be certified in lieu of a RIS, the following will need to be considered and included in the development of the review:

- When presenting recommendations to address identified problems in stages 2 and 3, there should be a range of options considered, including at least one non-regulatory option.
- In order to meet the requirements, the final document will need to analyse the costs and benefits of each option. We suggest consultation in stage 2 should include questions to draw out expected costs and benefits from stakeholders. Stakeholders should be encouraged to provide any evidence, data or statistics of the quantitative impact various options may have on themselves, the community or other groups. Where quantification is not possible, stakeholders should be encouraged to be specific in qualitative assessments of likely impacts.

We're happy to discuss these points further if you would like.

Kind regards,
s. 47F(1) | Adviser
Office of Best Practice Regulation

Economic Division | Department of the Prime Minister and Cabinet
p. s. 47F(1) | e. s. 47F(1) pmc.gov.au | w. www.pmc.gov.au
One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) awe.gov.au>
Sent: Friday, 4 November 2022 5:17 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

Good afternoon s. 47F(1)

I hope this finds you well.

You might recall that we spoke some weeks ago about the Exporter Supply Chain Assurance System (ESCAS) Review. As discussed, it would be good to get an indication from you about when we should engage with the OBPR as this project progresses.

On this note, please find attached:

- The ESCAS Review project plan, and
- The ESCAS Review scoping and summary document, which outlines focus areas and specific framework components we will be reviewing as part of this project.

We look forward to hearing back from you.

Thanks and have a great weekend!

Kind regards,
s. 22(1)(a)(ii)
Senior Veterinary Officer

Regulatory Performance | Live Animal Export Branch | Plant and Live Animal Exports Division
Phone: s. 22(1)(a)(ii)

Department of Agriculture, Fisheries and Forestry
18 Marcus Clarke Street, Canberra ACT 2601 Australia
GPO Box 858 Canberra ACT 2601 Australia

agriculture.gov.au

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s. 47F(1)

Advisor, Office of Impact Analysis

s. 47F(1) or s. 47F(1)

s. 47F(1) pmc.gov.au

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s. 22(1)(a)(ii)

From: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Sent: Wednesday, 6 September 2023 10:15 AM
To: s. 22(1)(a)(ii)
Cc: s. 47F(1) Helpdesk-OIA; Helpdesk-OIA; s. 47F(1) s. 47F(1) s. 47F(1)
Subject: RE: Catch-up in the next week or so ESCAS Review OBPR OBPR22-03259 [SEC=OFFICIAL]

Follow Up Flag: Follow up
Flag Status: Completed

s. 22(1)(a)(ii)

Thanks for your time on the phone this morning.

As discussed, EL2 s. 47F(1) and I are keen to meet in the next week or so when you have updated draft recommendations - noting that recommendations subject to change after going out to consultation (as you said) in late Sept early Oct.

Items for discussion can include:

- . timeliness for any impact analysis that may be required; and
- . (as your raised) the possibility of an IA equivalent process.

Thanks again and regards,

s. 47F(1)

s. 47F(1) | Adviser, Office of Impact Analysis

Department of the Prime Minister and Cabinet

p. s. 47F(1)

Ngunawal Country, 1 National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600

e. s. 47F(1) a@pmc.gov.au w. pmc.gov.au



The Department acknowledges and pays respect to the past, present and emerging Elders and Traditional Custodians of Country, and the continuation of cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander peoples.

----- Original Message -----

From: s. 47F(1) <s. 47F(1)@pmc.gov.au>;
Received: Fri Jul 21 2023 15:27:03 GMT+1000 (Australian Eastern Standard Time)
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@pmc.gov.au>;
Cc: s. 47F(1) <s. 47F(1)@pmc.gov.au>; s. 47F(1) <s. 47F(1)@pmc.gov.au>; OIA Help Desk helpdesk-oia <helpdesk-oia@pmc.gov.au>; OBPR Mailbox <helpdesk-oia@pmc.gov.au>; s. 47F(1) <s. 47F(1)@pmc.gov.au>; s. 47F(1) <s. 47F(1)@pmc.gov.au>;
Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

s. 22(1)(a)(ii)

Hope you had a nice break. Thanks for your comprehensive update – very useful for getting me up to speed in my new role. We'll take you up on your offer of meeting in coming weeks - when you and your team are closer to finalising draft recommendations i.e. rather than taking up your valuable time now. Best wishes for your drafting.

Thanks again and regards

s. 47F(1)

s. 47F(1) | Adviser, Office of Impact Analysis

Department of the Prime Minister and Cabinet

p. s. 47F(1)

Ngunawal Country, 1 National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600

e. s. 47F(1) @pmc.gov.au w. pmc.gov.au



The Department acknowledges and pays respect to the past, present and emerging Elders and Traditional Custodians of Country, and the continuation of cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander peoples.

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Sent: Friday, 21 July 2023 11:13 AM

To: s. 47F(1) <s. 47F(1) @pmc.gov.au>

Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>

Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

Sorry to have missed your call – I've just returned from a couple weeks leave! Nice to e-meet you, and looking forward to working with you as we progress the Exporter Supply Chain Assurance System (ESCAS) review.

In terms of an update on the current progress, we are currently halfway through stage 2 and have recently published the Stage 2 Aggregated Report on our Have Your Say [consultation page](#) (please see attached). This report contains the department's high-level analysis of the submissions received at stage 1, and considerations for formulating recommendations to address challenges within the ESCAS framework.

As a general summary of the themes, the stage 1 submissions often reflected the opposed viewpoints held by our stakeholders.

- Primary areas of contention included the department's approach to noncompliance management under ESCAS, as well as control and traceability; submissions disagreed on whether the various challenges under these focus areas existed, as well as gave varying opinion as to how they should be addressed and managed, e.g., whether to focus on outcomes-based versus prescriptive requirements.
- There was also a significant amount of feedback (and discrepancy) on the ESCAS Animal Welfare Standards and their relation to international/domestic standards.

To give a recap of the stages:

- **Stage 1** included a desktop review to identify potential challenges in the ESCAS framework, which were documented in the Stage 1 Discussion Paper. Many challenges were previously identified in the Inspector-General of Live Animal Exports' review of ESCAS in 2021 (this report is one of the primary focuses for the review to address), and others originate from industry research papers, internal process documents, noncompliance reports, and ESCAS documentation/standards. We then conducted formal consultation on the discussion paper to gain stakeholder perspectives on whether they agreed or disagreed with the existence of the challenges, and where relevant, the proposal of solutions to address the challenges.
- **Stage 2** so far has included the review of stakeholder feedback from stage 1, contained in the Stage 2 Aggregated Report. We followed up this publication with a broadcast session on 7 July 2023, where we presented the content of the aggregated report, provided opportunity for questions and outlined the next steps.

- We are now organising one-on-one sessions with stakeholders, for anything that may have been missed or misinterpreted from the stage 1 feedback. We are aiming to conduct these over the next 1.5 weeks. Any relevant feedback will be incorporated into the **draft recommendations for improvements to the framework**, which we are in the initial stages of drafting.
- Once the draft recommendations are finalised, we will commence formal consultation on the recommendations via Have Your Say. We anticipate this will occur in September.
- **Stage 3** (refresh and production of materials) will include finalising the recommendations and conducting consultation on the implementation of the final recommendations.

In general, the difficulty up to this stage has been in determining when a decision can be made on whether an Impact Analysis will be required. Throughout stage 1 and part of stage 2, it seemed premature as we were still obtaining stakeholder views on the challenges and potential solutions – the degree and number of potential changes to the framework were not yet fully realised.

We are now drafting these recommendations and have an initial rough draft that is being reviewed by our team (we still need to determine feasibility, gaps, level of detail, etc.). Happy to meet with you in the coming weeks – in particular, let me know if it would be useful to share draft content at this stage, or wait until we are closer to finalising the draft recommendations.

Hope that makes sense and happy to discuss further.

Kind regards,

s. 22(1)(a)(ii)

Senior Technical Officer | Regulatory Performance and Compliance | s. 22(1)(a)(ii)
Live Animal Export Branch | Traceability, Plant and Live Animal Exports Division

Department of Agriculture, Fisheries and Forestry
GPO Box 858 Canberra ACT 2601
agriculture.gov.au

From: s. 47F(1) <s. 47F(1) @pmc.gov.au>

Sent: Tuesday, July 18, 2023 9:41 AM

To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>

Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

s. 22(1)(a)(ii)

Following up my previous email – are you able to supply an update on state-of-play re. the Exporter Supply Chain Assurance System proposal.

Happy to discuss at a time that best suits you.

Regards,

s. 47F(1)

s. 47F(1) | Adviser, Office of Impact Analysis

Department of the Prime Minister and Cabinet

p. s. 47F(1)

Ngunawal Country, 1 National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600

e. s. 47F(1) [@pmc.gov.au](mailto:pmc.gov.au) w. pmc.gov.au





The Department acknowledges and pays respect to the past, present and emerging Elders and Traditional Custodians of Country, and the continuation of cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander peoples.

From: s. 47F(1)
Sent: Tuesday, 11 July 2023 10:43 AM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

s. 22(1)(a)(ii)

Gave you a call to introduce myself as your new first point of contact in OIA.

Looking forward to working with you on the Exporter Supply Chain Assurance System issue (and other issues).

Regards,
 s. 47F(1)

s. 47F(1) | Adviser, Office of Impact Analysis
 Department of the Prime Minister and Cabinet
 p. s. 47F(1)
 Ngunawal Country, 1 National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600
 e. s. 47F(1) @pmc.gov.au w. pmc.gov.au



The Department acknowledges and pays respect to the past, present and emerging Elders and Traditional Custodians of Country, and the continuation of cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander peoples.

From: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Sent: Monday, 10 July 2023 11:21 AM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Cc: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 47F(1) <s. 47F(1) @pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 22(1)(a)(ii)

I hope that you've been well.

I am just reaching out to inform you that s. 47F(1) will be taking over the relevant portfolio from today, and will therefore be dealing with any possible Impact Analysis requirements from here. I have cc'd them in this email, so that when you've completed the consolidation of the results from the consultation that you've recently undertaken,

you can both organise a meeting.

Kind regards

s. 47F(1)

s. 47F(1) | Adviser

Office of Impact Analysis | Economic Division | Department of the Prime Minister and Cabinet

p. s. 47F(1) | e. s. 47F(1) pmc.gov.au | w. pmc.gov.au

Ngunnawal Country, One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600

----- Original Message -----

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>;

Received: Fri Jun 02 2023 17:15:04 GMT+1000 (Australian Eastern Standard Time)

To: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>;

Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>;

<s. 47F(1) helpdesk-oia@pmc.gov.au>; OBPR Mailbox <helpdesk-oia@pmc.gov.au>; s. 47F(1)

<s. 47F(1) pmc.gov.au>;

Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

Apologies for the change – it would be great if we could actually postpone the update at this time, as it will take us a bit longer than expected to publish the draft report and we are finalising details for ongoing stakeholder engagement over the coming weeks.

I am anticipating it will be more productive to meet once we have the draft report finalised (sorry for reaching out prematurely!).

Will be in touch and apologies for any inconvenience.

Kind regards,

s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii)

Sent: Tuesday, May 30, 2023 5:58 PM

To: 's. 47F(1)' <s. 47F(1) pmc.gov.au>

Cc: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii)

<s. 22(1)(a)(ii) aff.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>

Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

Thanks for the quick response and that sounds good – afternoon works for us as well!

I'll send through a meeting invite shortly, and looking forward to speaking next week.

Kind regards,

s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>

Sent: Tuesday, May 30, 2023 3:15 PM

To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Cc: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii)

<s. 22(1)(a)(ii) aff.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>

Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Good afternoon ^{s. 22(1)(a)(ii)}

Thanks for reaching out, glad to hear from you. Would you also be able to include **s. 47F(1)** (cc'd) on a discussion invite? He's supporting me in **s. 47F(1)** absence.

Would next Wednesday work? We are free any time after 1pm. Otherwise, happy to provide some other times.

Kind regards

s. 47F(1)

s. 47F(1) | Adviser | Office of Impact Analysis
Economic Division | Department of the Prime Minister and Cabinet
p. **s. 47F(1)** | e. **s. 47F(1)** pmc.gov.au | w. pmc.gov.au
Ngunnawal Country, One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600



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From: **s. 22(1)(a)(ii)** <**s. 22(1)(a)(ii)** aff.gov.au>
Sent: Tuesday, 30 May 2023 1:22 PM
To: **s. 47F(1)** <**s. 47F(1)** pmc.gov.au>
Cc: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; **s. 47F(1)** <**s. 47F(1)** pmc.gov.au>; **s. 22(1)(a)(ii)** <**s. 22(1)(a)(ii)** aff.gov.au>; **s. 22(1)(a)(ii)** <**s. 22(1)(a)(ii)** aff.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi **s. 47F(1)**

I am just reaching out with an update on the ESCAS review since we spoke last – we have completed a first draft of the aggregated report, on the department's analysis of the feedback received during stage 1 consultation.

We are currently working to finalise this draft, before publishing on HYS for stakeholders to view prior to the facilitated session in June.

Did you have any availability next week for a meeting to discuss some of the emerging themes?

Kind regards,

^{s. 22(1)(a)(ii)}

From: **s. 22(1)(a)(ii)**
Sent: Monday, April 24, 2023 4:03 PM
To: **s. 47F(1)** <**s. 47F(1)** pmc.gov.au>
Cc: **s. 22(1)(a)(ii)** <**s. 22(1)(a)(ii)** aff.gov.au>; **s. 47F(1)** <**s. 47F(1)** pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; **s. 22(1)(a)(ii)** <**s. 22(1)(a)(ii)** aff.gov.au>
Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi **s. 47F(1)**

Sounds great, I'll send through a meeting invite now.

Looking forward to chatting on Thursday!

Cheers,

s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>

Sent: Monday, 24 April 2023 3:58 PM

To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Hi s. 22(1)(a)(ii) let's go for 2pm on Thursday. Half hour should be fine. It would be me and s. 47F(1) from our end.

Regards

s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Sent: Monday, 24 April 2023 2:02 PM

To: s. 47F(1) <s. 47F(1) pmc.gov.au>

Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

Thanks for the response, more than happy to meet and discuss.

At this stage, I can provide detail on trends in feedback and some claims on regulatory burden *should* a change be implemented by the department, although there hasn't been commitment to implement specific changes as of yet (other than those described in the summary & scoping document/stage 1 discussion paper, for example the introduction of a control and traceability standard). We'll need more time for stage 2 to progress in terms of the development of the draft recommendations, which will constitute the specific proposed changes to the framework.

Happy to discuss further, my afternoons are generally pretty free. A few times this week are:

- Wednesday after 1pm (excluding 3-3:30pm)
- Thursday after 2pm
- Friday between 1-3:30pm

Kind regards,

s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>

Sent: Friday, 21 April 2023 8:32 AM

To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>

Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>

Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Hi s. 22(1)(a)(ii)

Thanks for your email and the progress update. I agree that it would be good to target some of your questions towards issues that might arise in an Impact Analysis. However, it may be opportune to have a discussion about impacts following the feedback from consultation including issues identified through the confidential submissions (to the extent that you can share this) so as to determine whether you're in IA territory. That is, are we in a position to assess whether the proposals arising from the ESCAS review are likely to result in more than a minor regulatory impact? Or do we need more time for Stage 2 to progress further? Perhaps a meeting to discuss would be worthwhile?

Regards

s. 47F(1) | Advisor
Office of Impact Analysis | Economic Division
Department of the Prime Minister and Cabinet
p. s. 47F(1) s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Sent: Wednesday, 19 April 2023 11:12 AM
To: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

I work in s. 22(1)(a)(ii) team and am just reaching out on her behalf – she's acting in another role for 6 weeks, and I am the current point of contact for the ESCAS review.

I wanted to provide an update on our progress in stage 2, particularly as we have extended our timeframe (stage 2 anticipated to conclude in August) and refined various aspects of our approach, including:

- We have published all non-confidential submissions received during stage 1 on the departmental platform [Have Your Say](#)
- We will be drafting an aggregated report in response to the submissions, i.e., outlining feedback received and the department's response and consideration of this feedback (est. May)
- We will be engaging with stakeholders in a facilitated session mid-stage 2 (est. early June) to discuss overall themes in the aggregated report and the development of draft recommendations, and
- Once draft recommendations are released for review and consultation, offering informal 1-on-1 sessions with stakeholders (in combination with a formal submission process) to ensure all voices are heard independently prior to finalisation of recommendations.

Considering past feedback from the OIA, going forward would it be beneficial to integrate specific questions on stakeholder impacts into upcoming consultation? E.g., Being deliberate during the consultation on draft recommendations during stage 2 in asking questions of stakeholders, particularly industry, on impact, cost and benefit, etc.

Grateful if you had any comments or recommendations on this, as well as our general approach. I understand the difficulty in commenting, while the perceived impact is still in large part unknown; however, happy to send/discuss the aggregated report on stage 1 analysis of feedback once finalised, if this gives a better indication on the tone of feedback received thus far and general direction the department is considering in response.

Kind regards,

s. 22(1)(a)(ii)
A/g Assistant Director | Regulatory Performance and Compliance | s. 22(1)(a)(ii)

Live Animal Export Branch | Traceability, Plant and Live Animal Exports Division

Department of Agriculture, Fisheries and Forestry
GPO Box 858 Canberra ACT 2601
agriculture.gov.au

From: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>

Sent: Thursday, 2 March 2023 2:43 PM

To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>

Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi ^{s. 22(1)(a)(ii)}

Thanks for the email on 27 February, the discussion paper and for the discussion on the phone today.

It is not clear at this stage whether the changes proposed are likely to result in 'more than a minor' regulatory impact. This is partly because the ESCAS framework is fundamentally remaining intact and many of the changes proposed would appear incremental or of a programmatic nature. I note your advice that some industry participants are claiming that the changes might have a significant impact on their commercial viability.

I therefore agree with your proposal that we hold our assessment at this stage and assess the significance of the ESCAS reforms as Stage 2 progresses (about April/May 2023). This will give you an opportunity to assess the claims of those industry participants.

If we determine that the proposal is more than minor, an Impact Analysis will need to be required to be prepared for Stage 3 to inform the decision, consistent with Government requirements.

We look forward to further discussions at this time. In the interim, feel free to contact me (or s. 47F^{s. 47F(1)}) to discuss any other issues that might assist with your consultation and policy development process.

regards

s. 47F(1) | Advisor
Office of Impact Analysis | Economic Division
Department of the Prime Minister and Cabinet
p. s. 47F(1) s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Sent: Monday, 27 February 2023 11:01 PM

To: s. 47F(1) <s. 47F(1) pmc.gov.au>

Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Dear s. 47F(1)

Thank you for taking the time to chat about the ESCAS Review this morning, and apologies for missing your call on Friday.

Allow me to introduce ^{s. 22(1)(a)(ii)} (copied) who is working with me on this project.

As discussed, here is some relevant background on:

The Exporter Supply Chain Assurance System (ESCAS)

- ESCAS is a regulatory framework that seeks to ensure animal welfare, control and traceability outcomes for feeder and slaughter livestock from the point of arrival in importing countries up until and including the point of slaughter.
- Livestock exporters are the regulated entities under ESCAS. They are responsible for establishing and managing arrangements with supply chain partners (i.e. importers, feedlots and abattoirs) in importing countries to ensure that ESCAS requirements are met.
- ESCAS was developed in 2011 in response to public outrage following the release of footage on *Four Corners* depicting poor animal handling and slaughter practices at Indonesian abattoirs, and progressively rolled out to all countries importing Australian feeder and slaughter livestock during 2012.

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-
- Currently there are around 90 approved ESCAS supply chains across 17 countries.
- ESCAS has since been largely effective in delivering against its intended outcomes.
- Alleged ESCAS non-compliances are investigated by the department and regulatory action taken as indicated and as soon as practically possible.
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 - Since 2013, less than 0.20% of exported livestock covered by ESCAS have been involved with confirmed ESCAS non-compliances.
 - Reports of alleged ESCAS non-compliance are received from exporters (self-reports – 55%), third-parties (animal welfare organisations or private citizens in importing countries – 35%), industry groups, included in independent audit reports submitted by exporters or identified by the department.

The ESCAS Review

- The department is reviewing components of the ESCAS framework to ensure that it remains fit-for-purpose and supports consistent, risk-based regulation.
- The review is being conducted in 3 stages, with stakeholder engagement at the end of each stage. A **Summary and scoping document** setting out focus areas for the project, work at each stage, our stakeholder engagement approach and key review outcomes is attached for your reference.
- Key outcomes of this review include the production of a consolidated, single source reference of ESCAS for departmental staff and stakeholders, and to follow-through with the department's commitment to address recommendations in the [Inspector-General Review of ESCAS \(2021\)](#).
- We have just concluded stage 1 of the review, including associated stakeholder engagement. This stage was a gap analysis, with possible areas for improvement to the current ESCAS framework identified as 'challenges'.
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 -
 - Targeted stakeholder groups (i.e., livestock exporters and their peak industry bodies, industry groups and animal welfare organisations) were invited to provide constructive feedback on, and propose practical solutions to these specific technical challenges. There was also the opportunity to present challenges that they felt had not been identified.
 - This consultation stage was launched as a survey on the *Have Your Say* platform on 10 January and closed on 21 February 2023.
 - The attached **Discussion Paper** sets out identified challenges and is the exhaustive basis on which the *Have Your Say* survey was built.
- We are now in stage 2 of the ESCAS Review, and are reviewing and analysing submissions from our recent consultation stage.
 -
 -
 - The aim of this stage is to use feedback from the first consultation stage to inform recommendations for improvements to ESCAS.
 - These recommendations will be tested with livestock exporters at the stage 2 stakeholder consultation phase.
- Then, stage 3 of the project will follow, where recommendations are used to review and update ESCAS policies, with the final output being a consolidated document on all aspects of the framework.
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 - The plan is to consult publicly at this stage of the review.

Interactions with OIA to date

- We met with the OIA ([s. 47F\(1\)](#) and [s. 47F\(1\)](#)) and a industry peak body representative last year, following finalisation of the first version of our **Summary and scoping document** and prior to the commencement of the review, to discuss views on stakeholder engagement and whether the review can be conducted in a manner consistent with a RIS-like process, so that a full RIS might not be required at its conclusion and prior to implementation.
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 - A focus of this meeting was to discuss strong exporter concerns about the department engaging with animal welfare organisations during the review process. Additionally, industry remains opined that animal welfare organisations, being opposed to the livestock export trade and not being directly affected by regulatory decisions, might distort/bias engagement results, and therefore should not be considered key stakeholders for the purpose of engagement.
 - We disagree and consider wide engagement necessary to capture the myriad and nuanced views on livestock exports – a highly scrutinised industry that continues to polarise. It is important that our process and decisions reflect regulatory best practice and considers contemporary social views on the subject. Animal welfare organisations are a key stakeholder, reflected in their interest in the trade and continued role in reporting alleged ESCAS breaches.
- To date, feedback has been positive and we committed to keep the OIA informed as we progress, to ensure our processes continued to be consistent with a RIS-like process (see email exchange with [s. 47F\(1\)](#) below).

To recap our conversation

- I understand that to you knowledge, no formal assessment of our project and approach has been conducted by the OIA and this will need to happen for any definitive advise on whether our approach constitutes a RIS-like process or equivalent.
- Pending your review and assessment, the *Inspector-General Review of ESCAS (2021)* might qualify as a RIS-like process equivalent. The basis for this is the extensive consultation that was undertaken as part of the review, and that a primary focus of the ESCAS Review is to address its recommendations. If this is a possibility, the decision needs to be endorsed at a Deputy Secretary level.

- Integral to an impact analysis is a determination of the magnitude of change and the affected stakeholders. This may be qualitative and subjective, but must be defensible.
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 -
 - s. 47E(d)

- Given that the magnitude of changes will depend on recommendations made as a result of feedback currently being analysed, it might be difficult to determine this until stage 3 of the review (when the outcome of the review is being drafted). However, any assessment on the impacts on industry would be useful.

As discussed, I'd be very grateful for your advice on:

- Anything we need to consider/reconsider about our approach so that our process is consistent with a RIS-like process.
- If you think we might be able to rely on the *Inspector-General Review of ESCAS (2021)* as a RIS-like equivalent.
- If we should be incorporating into our engagement strategy, a request for industry to quantify the impact of proposed changes to them/the trade, particularly where best practice regulation might be resisted on the basis of burden.

I realise this is a lot of information, but I hope it makes sense and trust that it informs you sufficiently to be able to offer the advice we are seeking.

Please let me know if I have missed or misinterpreted anything, and if you have any questions.

I look forward to further discussions.

Kind regards,

s. 22(1)(a)(ii)

Senior Veterinary Officer

Regulatory Performance | Live Animal Export Branch | Plant and Live Animal Exports Division

Phone: s. 22(1)(a)(ii)

Department of Agriculture, Fisheries and Forestry

GPO Box 858 Canberra ACT 2601 Australia

aff.gov.au

From: s. 47F(1) <s. 47F(1) pmc.gov.au>

Sent: Friday, 24 February 2023 4:02 PM

To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Hi: s. 22(1)(a)(ii)

I left a message for you but I'm not sure if my landline is working so here is my mobile number below. If you could contact me, that would be great.

Regards

s. 47F(1) | Advisor

Office of Impact Analysis | Economic Division

Department of the Prime Minister and Cabinet

p. s. 47F(1) s. 47F(1)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>

Sent: Thursday, 23 February 2023 6:32 PM

To: s. 47F(1) <s. 47F(1) pmc.gov.au>

Subject: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Can you get in touch with s. 22(1)(a)(ii) and let her know you're the new lead on this pls?

We will need to give them some advice about how to meet the independent review requirements (noting this commenced under the former arrangements)

s. 47F(1)

s. 47F(1) Senior Adviser
Office of Impact Analysis
p. s. 47F(1) | m. s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Sent: Thursday, 23 February 2023 6:26 PM
To: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Good afternoon s. 47F(1)

I hope 2023 has started off well for you and your team.

I am reaching out with a status update on the ESCAS Review.

We recently concluded the first of 3 stakeholder consultation stages, which was launched as a survey on the *Have Your Say* platform from 10 January to 21 February 2023. Targeted stakeholders were invited to provide constructive feedback on specific technical challenges to the ESCAS framework. Survey questions are reflected in the Discussion paper, attached for your interest. We are now collating and analysing feedback received and will use it to inform recommendations for improvements to ESCAS in stage 2 of this project.

We would greatly appreciate your advice/confirmation that our processes remain aligned with a RIS-like process, and if there are any relevant considerations from your perspective, on how feedback is handled and analysed, noting that some submissions have been marked as confidential.

Happy to meet to discuss if easier.

Kind regards,
s. 22(1)(a)(ii)
Senior Veterinary Officer

Regulatory Performance | Live Animal Export Branch | Plant and Live Animal Exports Division
Phone: s. 22(1)(a)(ii)

Department of Agriculture, Fisheries and Forestry
GPO Box 858 Canberra ACT 2601 Australia

aff.gov.au

From: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Sent: Wednesday, 7 December 2022 12:30 PM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>
Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Good afternoon s. 22(1)(a)(ii)

Thanks very much for sending this through, and apologies for the delay in my response. I've reviewed the summary and scoping document and have no major concerns. It's good to hear that consultation will be expanded. Seeking quantitative evidence of how proposed solutions will impact various stakeholder groups will assist in providing a more detailed outline of the anticipated costs and benefits.

I am happy to talk through the changes to the Impact Analysis framework once they are settled and am keen to ensure OIA supports you through this impact analysis process.

Kind regards,

s. 47F(1) (she/her) | Adviser
Office of Impact Analysis
Department of the Prime Minister and Cabinet
p. s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) awe.gov.au>
Sent: Monday, 28 November 2022 6:52 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

Hi s. 47F(1)

I'm just reaching out from our team with an update on the ESCAS Review and upcoming stakeholder consultation, to keep you in the loop.

We have released a revised summary and scoping document (attached), to reflect our updated approach to stakeholder engagement. We intend to include a wider group of stakeholders at stage 1 for challenge identification/proposal of solutions, then a more targeted group later on for the testing of recommendations.

We have completed the stage 1 desktop review, and are about to commence stage 1 consultation. As previously discussed, we have contracted a team for their technical expertise to assist with our review, and they have developed draft material for stakeholder consultation. We are reviewing this material internally, prior to publication on the department's engagement platform 'Have Your Say'.

Any feedback or comments on how our current approach may impact the RIS process would be greatly appreciated.

Kind regards,

s. 22(1)(a)(ii)
Senior Technical Officer | Regulatory Performance | s. 22(1)(a)(ii)
Live Animal Exports Branch | Plant & Live Animal Exports Division

Department of Agriculture, Fisheries and Forestry
GPO Box 858 Canberra ACT 2601
awe.gov.au

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Sent: Monday, 14 November 2022 4:32 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

Thanks very much for getting back to us, s. 47F(1)

I'll be in touch again leading up our second consultation stage, to seek your thoughts on our approach at the time.

Kind regards

s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>
Sent: Monday, 14 November 2022 5:07 PM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

OFFICIAL

Good afternoon s. 22(1)(a)(ii)

Thanks very much for providing these documents for OBPR's review. s. 47F(1) and I have discussed the documents and in order to meet the requirements to be certified in lieu of a RIS, the following will need to be considered and included in the development of the review:

- When presenting recommendations to address identified problems in stages 2 and 3, there should be a range of options considered, including at least one non-regulatory option.
- In order to meet the requirements, the final document will need to analyse the costs and benefits of each option. We suggest consultation in stage 2 should include questions to draw out expected costs and benefits from stakeholders. Stakeholders should be encouraged to provide any evidence, data or statistics of the quantitative impact various options may have on themselves, the community or other groups. Where quantification is not possible, stakeholders should be encouraged to be specific in qualitative assessments of likely impacts.

We're happy to discuss these points further if you would like.

Kind regards,

s. 47F(1) | Adviser
Office of Best Practice Regulation
Economic Division | Department of the Prime Minister and Cabinet
p. s. 47F(1) | e. s. 47F(1) pmc.gov.au | w. www.pmc.gov.au
One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) awe.gov.au>
Sent: Friday, 4 November 2022 5:17 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

Good afternoon s. 47F(1)

I hope this finds you well.

You might recall that we spoke some weeks ago about the Exporter Supply Chain Assurance System (ESCAS) Review. As discussed, it would be good to get an indication from you about when we should engage with the OBPR as this project progresses.

On this note, please find attached:

- The ESCAS Review project plan, and
- The ESCAS Review scoping and summary document, which outlines focus areas and specific framework components we will be reviewing as part of this project.

We look forward to hearing back from you.

Thanks and have a great weekend!

Kind regards,

s. 22(1)(a)(ii)

Senior Veterinary Officer

Regulatory Performance | Live Animal Export Branch | Plant and Live Animal Exports Division

Phone: s. 22(1)(a)(ii)

Department of Agriculture, Fisheries and Forestry
18 Marcus Clarke Street, Canberra ACT 2601 Australia
GPO Box 858 Canberra ACT 2601 Australia

agriculture.gov.au

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s. 47F(1)

Advisor, Office of Impact Analysis

s. 47F(1) or s. 47F(1)

s. 47F(1) pmc.gov.au

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IMPORTANT: This message, and any attachments to it, contains information that is confidential and may also be the subject of legal professional or other privilege. If you are not the intended recipient of this message, you must not review, copy, disseminate or disclose its contents to any other party or take action in reliance of any material contained within it. If you have received this message in error, please notify the sender immediately by

return email informing them of the mistake and delete all copies of the message from your computer system.

s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii)
Sent: Wednesday, 20 September 2023 6:31 PM
To: Helpdesk-OIA
Cc: s. 47F(1) s. 47F(1) s. 47F(1) s. 22(1)(a)(ii)
Subject: RE: Catch-up in the next week or so ESCAS Review OBPR OBPR22-03259 [SEC=OFFICIAL]
Attachments: 20230912-ESCAS-Review-Stage-2-recom-DRAFT02.docx

Hi s. 47F(1)

Thank you for touching base a couple weeks ago, and apologies that this is coming through a bit later than expected.

I have attached the latest copy of our current draft recommendations, for your reference.

As you can see, this is still very much a working draft. We are intending to work through and finalise the detail of these recommendations over the coming weeks; however, I thought it beneficial to send through now as this should give you an indication on the scope of changes being considered, including the level of technical detail.

More than happy to discuss further once you/team have had a chance to take a look. My Director s. 22(1)(a)(ii) and I are reasonably flexible with availability, other than Mondays which are a bit busier.

Looking forward to meeting with you.

Kind regards,

s. 22(1)(a)(ii)

A/g Assistant Director | Regulatory Performance and Compliance | s. 22(1)(a)(ii)
 Live Animal Export Branch | Traceability, Plant and Live Animal Exports Division

Department of Agriculture, Fisheries and Forestry
 GPO Box 858 Canberra ACT 2601
agriculture.gov.au

From: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Sent: Wednesday, September 6, 2023 10:15 AM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) @pmc.gov.au>
Subject: Catch-up in the next week or so RE: ESCAS Review OBPR OBPR22-03259 [SEC=OFFICIAL]

s. 22(1)(a)(ii)

Thanks for your time on the phone this morning.

As discussed, EL2 s. 47F(1) and I are keen to meet in the next week or so when you have updated draft recommendations - noting that recommendations subject to change after going out to consultation (as you said) in late Sept early Oct.

Items for discussion can include:

- . timeliness for any impact analysis that may be required; and
- . (as your raised) the possibility of an IA equivalent process.

Thanks again and regards,
 s. 47F(1)

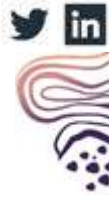
s. 47F(1) | Adviser, Office of Impact Analysis

Department of the Prime Minister and Cabinet

p. s. 47F(1)

Ngunawal Country, 1 National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600

e. s. 47F(1) @pmc.gov.au w. pmc.gov.au



The Department acknowledges and pays respect to the past, present and emerging Elders and Traditional Custodians of Country, and the continuation of cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander peoples.

----- Original Message -----

From: s. 47F(1) <s. 47F(1) @pmc.gov.au>;

Received: Fri Jul 21 2023 15:27:03 GMT+1000 (Australian Eastern Standard Time)

To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>;

Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; OIA Help Desk helpdesk-oia <helpdesk-oia@pmc.gov.au>; OBPR Mailbox <helpdesk-oia@pmc.gov.au>;

s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>;

Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

s. 22(1)(a)(ii)

Hope you had a nice break. Thanks for your comprehensive update – very useful for getting me up to speed in my new role. We'll take you up on your offer of meeting in coming weeks - when you and your team are closer to finalising draft recommendations i.e. rather than taking up your valuable time now. Best wishes for your drafting.

Thanks again and regards

s. 47F(1)

s. 47F(1) | Adviser, Office of Impact Analysis

Department of the Prime Minister and Cabinet

p. s. 47F(1)

Ngunawal Country, 1 National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600

e. s. 47F(1) @pmc.gov.au w. pmc.gov.au



The Department acknowledges and pays respect to the past, present and emerging Elders and Traditional Custodians of Country, and the continuation of cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander peoples.

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Sent: Friday, 21 July 2023 11:13 AM

To: s. 47F(1) <s. 47F(1) @pmc.gov.au>

Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>

Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

Sorry to have missed your call – I've just returned from a couple weeks leave! Nice to e-meet you, and looking forward to working with you as we progress the Exporter Supply Chain Assurance System (ESCAS) review.

In terms of an update on the current progress, we are currently halfway through stage 2 and have recently published the Stage 2 Aggregated Report on our Have Your Say [consultation page](#) (please see attached). This report contains the department's high-level analysis of the submissions received at stage 1, and considerations for formulating recommendations to address challenges within the ESCAS framework.

As a general summary of the themes, the stage 1 submissions often reflected the opposed viewpoints held by our stakeholders.

- Primary areas of contention included the department's approach to noncompliance management under ESCAS, as well as control and traceability; submissions disagreed on whether the various challenges under these focus areas existed, as well as gave varying opinion as to how they should be addressed and managed, e.g., whether to focus on outcomes-based versus prescriptive requirements.
- There was also a significant amount of feedback (and discrepancy) on the ESCAS Animal Welfare Standards and their relation to international/domestic standards.

To give a recap of the stages:

- **Stage 1** included a desktop review to identify potential challenges in the ESCAS framework, which were documented in the Stage 1 Discussion Paper. Many challenges were previously identified in the Inspector-General of Live Animal Exports' review of ESCAS in 2021 (this report is one of the primary focuses for the review to address), and others originate from industry research papers, internal process documents, noncompliance reports, and ESCAS documentation/standards. We then conducted formal consultation on the discussion paper to gain stakeholder perspectives on whether they agreed or disagreed with the existence of the challenges, and where relevant, the proposal of solutions to address the challenges.
- **Stage 2** so far has included the review of stakeholder feedback from stage 1, contained in the Stage 2 Aggregated Report. We followed up this publication with a broadcast session on 7 July 2023, where we presented the content of the aggregated report, provided opportunity for questions and outlined the next steps.
 - We are now organising one-on-one sessions with stakeholders, for anything that may have been missed or misinterpreted from the stage 1 feedback. We are aiming to conduct these over the next 1.5 weeks. Any relevant feedback will be incorporated into the **draft recommendations for improvements to the framework**, which we are in the initial stages of drafting.
 - Once the draft recommendations are finalised, we will commence formal consultation on the recommendations via Have Your Say. We anticipate this will occur in September.
- **Stage 3** (refresh and production of materials) will include finalising the recommendations and conducting consultation on the implementation of the final recommendations.

In general, the difficulty up to this stage has been in determining when a decision can be made on whether an Impact Analysis will be required. Throughout stage 1 and part of stage 2, it seemed premature as we were still obtaining stakeholder views on the challenges and potential solutions – the degree and number of potential changes to the framework were not yet fully realised.

We are now drafting these recommendations and have an initial rough draft that is being reviewed by our team (we still need to determine feasibility, gaps, level of detail, etc.). Happy to meet with you in the coming weeks – in particular, let me know if it would be useful to share draft content at this stage, or wait until we are closer to finalising the draft recommendations.

Hope that makes sense and happy to discuss further.

Kind regards,

s. 22(1)(a)(ii)

Senior Technical Officer | Regulatory Performance and Compliance | s. 22(1)(a)(ii)
Live Animal Export Branch | Traceability, Plant and Live Animal Exports Division

Department of Agriculture, Fisheries and Forestry
GPO Box 858 Canberra ACT 2601
agriculture.gov.au

From: s. 47F(1) <s. 47F(1) @pmc.gov.au>
Sent: Tuesday, July 18, 2023 9:41 AM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

s. 22(1)(a)(ii)

Following up my previous email – are you able to supply an update on state-of-play re. the Exporter Supply Chain Assurance System proposal.
Happy to discuss at a time that best suits you.

Regards,
s. 47F(1)

s. 47F(1) | Adviser, Office of Impact Analysis
Department of the Prime Minister and Cabinet
p. s. 47F(1)
Ngunawal Country, 1 National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600
e. s. 47F(1) @pmc.gov.au w. pmc.gov.au



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From: s. 47F(1)
Sent: Tuesday, 11 July 2023 10:43 AM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

s. 22(1)(a)(ii)

Gave you a call to introduce myself as your new first point of contact in OIA.

Looking forward to working with you on the Exporter Supply Chain Assurance System issue (and other issues).

Regards,
s. 47F(1)

s. 47F(1) | Adviser, Office of Impact Analysis

Department of the Prime Minister and Cabinet

p. **s. 47F(1)**

Ngunawal Country, 1 National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600

e. **s. 47F(1)** @pmc.gov.au w. pmc.gov.au



The Department acknowledges and pays respect to the past, present and emerging Elders and Traditional Custodians of Country, and the continuation of cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander peoples.

From: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>

Sent: Monday, 10 July 2023 11:21 AM

To: **s. 22(1)(a)(ii)** <**s. 22(1)(a)(ii)** aff.gov.au>

Cc: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; **s. 47F(1)** <**s. 47F(1)** @pmc.gov.au>; **s. 47F(1)** <**s. 47F(1)** pmc.gov.au>

Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi **s. 22(1)(a)(ii)**

I hope that you've been well.

I am just reaching out to inform you that **s. 47F(1)** will be taking over the relevant portfolio from today, and will therefore be dealing with any possible Impact Analysis requirements from here. I have cc'd them in this email, so that when you've completed the consolidation of the results from the consultation that you've recently undertaken, you can both organise a meeting.

Kind regards

s. 47F(1)

s. 47F(1) | Adviser

Office of Impact Analysis | Economic Division | Department of the Prime Minister and Cabinet

p. **s. 47F(1)** | e. **s. 47F(1)** pmc.gov.au | w. pmc.gov.au

Ngunawal Country, One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600

----- Original Message -----

From: **s. 22(1)(a)(ii)** <**s. 22(1)(a)(ii)** aff.gov.au>;

Received: Fri Jun 02 2023 17:15:04 GMT+1000 (Australian Eastern Standard Time)

To: **s. 47F(1)** <**s. 47F(1)** pmc.gov.au>; **s. 47F(1)** <**s. 47F(1)** pmc.gov.au>;

Cc: **s. 22(1)(a)(ii)** <**s. 22(1)(a)(ii)** aff.gov.au>; **s. 47F(1)** <**s. 47F(1)** pmc.gov.au>; **s. 47F(1)** <**s. 47F(1)** pmc.gov.au>; **s. 22(1)(a)(ii)** <**s. 22(1)(a)(ii)** aff.gov.au>; OIA Help Desk helpdesk-oia

<helpdesk-oia@pmc.gov.au>; OBPR Mailbox <helpdesk-oia@pmc.gov.au>; **s. 47F(1)**

<**s. 47F(1)** pmc.gov.au>;

Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi **s. 47F(1)**

Apologies for the change – it would be great if we could actually postpone the update at this time, as it will take us a bit longer than expected to publish the draft report and we are finalising details for ongoing stakeholder engagement over the coming weeks.

I am anticipating it will be more productive to meet once we have the draft report finalised (sorry for reaching out prematurely!).

Will be in touch and apologies for any inconvenience.

Kind regards,

s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii)

Sent: Tuesday, May 30, 2023 5:58 PM

To: 's. 47F(1) <s. 47F(1) pmc.gov.au>

Cc: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>

Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

Thanks for the quick response and that sounds good – afternoon works for us as well!

I'll send through a meeting invite shortly, and looking forward to speaking next week.

Kind regards,

s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>

Sent: Tuesday, May 30, 2023 3:15 PM

To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Cc: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>

Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Good afternoon s. 22(1)(a)(ii)

Thanks for reaching out, glad to hear from you. Would you also be able to include s. 47F(1) (cc'd) on a discussion invite? He's supporting me in s. 47F(1) absence.

Would next Wednesday work? We are free any time after 1pm. Otherwise, happy to provide some other times.

Kind regards

s. 47F(1)

s. 47F(1) | Adviser | Office of Impact Analysis

Economic Division | Department of the Prime Minister and Cabinet

p. s. 47F(1) | e. s. 47F(1) pmc.gov.au | w. pmc.gov.au

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From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Sent: Tuesday, 30 May 2023 1:22 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

I am just reaching out with an update on the ESCAS review since we spoke last – we have completed a first draft of the aggregated report, on the department's analysis of the feedback received during stage 1 consultation.

We are currently working to finalise this draft, before publishing on HYS for stakeholders to view prior to the facilitated session in June.

Did you have any availability next week for a meeting to discuss some of the emerging themes?

Kind regards,

s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii)
Sent: Monday, April 24, 2023 4:03 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

Sounds great, I'll send through a meeting invite now.

Looking forward to chatting on Thursday!

Cheers,

s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>
Sent: Monday, 24 April 2023 3:58 PM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Hi ^{s. 22(1)(a)(ii)} let's go for 2pm on Thursday. Half hour should be fine. It would be me and s. 47F(1) from our end.

Regards

s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Sent: Monday, 24 April 2023 2:02 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

Thanks for the response, more than happy to meet and discuss.

At this stage, I can provide detail on trends in feedback and some claims on regulatory burden *should* a change be implemented by the department, although there hasn't been commitment to implement specific changes as of yet (other than those described in the summary & scoping document/stage 1 discussion paper, for example the introduction of a control and traceability standard). We'll need more time for stage 2 to progress in terms of the development of the draft recommendations, which will constitute the specific proposed changes to the framework.

Happy to discuss further, my afternoons are generally pretty free. A few times this week are:

- Wednesday after 1pm (excluding 3-3:30pm)
- Thursday after 2pm
- Friday between 1-3:30pm

Kind regards,

s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>

Sent: Friday, 21 April 2023 8:32 AM

To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>

Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>

Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Hi s. 22(1)(a)(ii)

Thanks for your email and the progress update. I agree that it would be good to target some of your questions towards issues that might arise in an Impact Analysis. However, it may be opportune to have a discussion about impacts following the feedback from consultation including issues identified through the confidential submissions (to the extent that you can share this) so as to determine whether you're in IA territory. That is, are we in a position to assess whether the proposals arising from the ESCAS review are likely to result in more than a minor regulatory impact? Or do we need more time for Stage 2 to progress further? Perhaps a meeting to discuss would be worthwhile?

Regards

s. 47F(1) | Advisor

Office of Impact Analysis | Economic Division
Department of the Prime Minister and Cabinet
p. s. 47F(1) s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Sent: Wednesday, 19 April 2023 11:12 AM

To: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>

Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

I work in [s. 22\(1\)\(a\)\(ii\)](#) team and am just reaching out on her behalf – she's acting in another role for 6 weeks, and I am the current point of contact for the ESCAS review.

I wanted to provide an update on our progress in stage 2, particularly as we have extended our timeframe (stage 2 anticipated to conclude in August) and refined various aspects of our approach, including:

- We have published all non-confidential submissions received during stage 1 on the departmental platform [Have Your Say](#)
- We will be drafting an aggregated report in response to the submissions, i.e., outlining feedback received and the department's response and consideration of this feedback (est. May)
- We will be engaging with stakeholders in a facilitated session mid-stage 2 (est. early June) to discuss overall themes in the aggregated report and the development of draft recommendations, and
- Once draft recommendations are released for review and consultation, offering informal 1-on-1 sessions with stakeholders (in combination with a formal submission process) to ensure all voices are heard independently prior to finalisation of recommendations.

Considering past feedback from the OIA, going forward would it be beneficial to integrate specific questions on stakeholder impacts into upcoming consultation? E.g., Being deliberate during the consultation on draft recommendations during stage 2 in asking questions of stakeholders, particularly industry, on impact, cost and benefit, etc.

Grateful if you had any comments or recommendations on this, as well as our general approach. I understand the difficulty in commenting, while the perceived impact is still in large part unknown; however, happy to send/discuss the aggregated report on stage 1 analysis of feedback once finalised, if this gives a better indication on the tone of feedback received thus far and general direction the department is considering in response.

Kind regards,

[s. 22\(1\)\(a\)\(ii\)](#)

A/g Assistant Director | Regulatory Performance and Compliance | [s. 22\(1\)\(a\)\(ii\)](#)
[Live Animal Export Branch](#) | [Traceability, Plant and Live Animal Exports Division](#)

Department of Agriculture, Fisheries and Forestry
GPO Box 858 Canberra ACT 2601
[agriculture.gov.au](#)

From: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>

Sent: Thursday, 2 March 2023 2:43 PM

To: [s. 22\(1\)\(a\)\(ii\)](#) <[s. 22\(1\)\(a\)\(ii\)](#) aff.gov.au>

Cc: [s. 22\(1\)\(a\)\(ii\)](#) <[s. 22\(1\)\(a\)\(ii\)](#) aff.gov.au>; [s. 47F\(1\)](#) <[s. 47F\(1\)](#) pmc.gov.au>; [s. 47F\(1\)](#) <[s. 47F\(1\)](#) pmc.gov.au>

Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi [s. 22\(1\)\(a\)\(ii\)](#)

Thanks for the email on 27 February, the discussion paper and for the discussion on the phone today.

It is not clear at this stage whether the changes proposed are likely to result in 'more than a minor' regulatory impact. This is partly because the ESCAS framework is fundamentally remaining intact and many of the changes proposed would appear incremental or of a programmatic nature. I note your advice that some industry participants are claiming that the changes might have a significant impact on their commercial viability.

I therefore agree with your proposal that we hold our assessment at this stage and assess the significance of the ESCAS reforms as Stage 2 progresses (about April/May 2023). This will give you an opportunity to assess the claims of those industry participants.

If we determine that the proposal is more than minor, an Impact Analysis will need to be required to be prepared for Stage 3 to inform the decision, consistent with Government requirements.

We look forward to further discussions at this time. In the interim, feel free to contact me (or [s. 47F](#)^{s. 47F(1)}) to discuss any other issues that might assist with your consultation and policy development process.

regards

[s. 47F\(1\)](#) | Advisor
Office of Impact Analysis | Economic Division
Department of the Prime Minister and Cabinet
p. [s. 47F\(1\)](#) [s. 47F\(1\)](#)

From: [s. 22\(1\)\(a\)\(ii\)](#) <[s. 22\(1\)\(a\)\(ii\)](#) [aff.gov.au](#)>
Sent: Monday, 27 February 2023 11:01 PM
To: [s. 47F\(1\)](#) <[s. 47F\(1\)](#) [pmc.gov.au](#)>
Cc: [s. 22\(1\)\(a\)\(ii\)](#) <[s. 22\(1\)\(a\)\(ii\)](#) [aff.gov.au](#)>
Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Dear [s. 47F\(1\)](#)

Thank you for taking the time to chat about the ESCAS Review this morning, and apologies for missing your call on Friday.

Allow me to introduce ^{s. 22(1)(a)(ii)} (copied) who is working with me on this project.

As discussed, here is some relevant background on:

The Exporter Supply Chain Assurance System (ESCAS)

- ESCAS is a regulatory framework that seeks to ensure animal welfare, control and traceability outcomes for feeder and slaughter livestock from the point of arrival in importing countries up until and including the point of slaughter.
- Livestock exporters are the regulated entities under ESCAS. They are responsible for establishing and managing arrangements with supply chain partners (i.e. importers, feedlots and abattoirs) in importing countries to ensure that ESCAS requirements are met.
- ESCAS was developed in 2011 in response to public outrage following the release of footage on *Four Corners* depicting poor animal handling and slaughter practices at Indonesian abattoirs, and progressively rolled out to all countries importing Australian feeder and slaughter livestock during 2012.
 -
 -
 - Currently there are around 90 approved ESCAS supply chains across 17 countries.
- ESCAS has since been largely effective in delivering against its intended outcomes.
- Alleged ESCAS non-compliances are investigated by the department and regulatory action taken as indicated and as soon as practically possible.
 -
 -
 - Since 2013, less than 0.20% of exported livestock covered by ESCAS have been involved with confirmed ESCAS non-compliances.
 - Reports of alleged ESCAS non-compliance are received from exporters (self-reports – 55%), third-parties (animal welfare organisations or private citizens in importing countries – 35%), industry groups, included in independent audit reports submitted by exporters or identified by the department.

The ESCAS Review

- The department is reviewing components of the ESCAS framework to ensure that it remains fit-for-purpose and supports consistent, risk-based regulation.
- The review is being conducted in 3 stages, with stakeholder engagement at the end of each stage. A **Summary and scoping document** setting out focus areas for the project, work at each stage, our stakeholder engagement approach and key review outcomes is attached for your reference.
- Key outcomes of this review include the production of a consolidated, single source reference of ESCAS for departmental staff and stakeholders, and to follow-through with the department's commitment to address recommendations in the [Inspector-General Review of ESCAS \(2021\)](#).
- We have just concluded stage 1 of the review, including associated stakeholder engagement. This stage was a gap analysis, with possible areas for improvement to the current ESCAS framework identified as 'challenges'.
 -
 -
 - Targeted stakeholder groups (i.e., livestock exporters and their peak industry bodies, industry groups and animal welfare organisations) were invited to provide constructive feedback on, and propose practical solutions to these specific technical challenges. There was also the opportunity to present challenges that they felt had not been identified.
 - This consultation stage was launched as a survey on the *Have Your Say* platform on 10 January and closed on 21 February 2023.
 - The attached **Discussion Paper** sets out identified challenges and is the exhaustive basis on which the *Have Your Say* survey was built.

- We are now in stage 2 of the ESCAS Review, and are reviewing and analysing submissions from our recent consultation stage.
 -
 -
 - The aim of this stage is to use feedback from the first consultation stage to inform recommendations for improvements to ESCAS.
 - These recommendations will be tested with livestock exporters at the stage 2 stakeholder consultation phase.
- Then, stage 3 of the project will follow, where recommendations are used to review and update ESCAS policies, with the final output being a consolidated document on all aspects of the framework.
 -
 -
 - The plan is to consult publicly at this stage of the review.

Interactions with OIA to date

- We met with the OIA (s. 47F(1) and s. 47F(1)) and a industry peak body representative last year, following finalisation of the first version of our *Summary and scoping document* and prior to the commencement of the review, to discuss views on stakeholder engagement and whether the review can be conducted in a manner consistent with a RIS-like process, so that a full RIS might not be required at its conclusion and prior to implementation.
 -
 -
 - A focus of this meeting was to discuss strong exporter concerns about the department engaging with animal welfare organisations during the review process. Additionally, industry remains opined that animal welfare organisations, being opposed to the livestock export trade and not being directly affected by regulatory decisions, might distort/bias engagement results, and therefore should not be considered key stakeholders for the purpose of engagement.
 - We disagree and consider wide engagement necessary to capture the myriad and nuanced views on livestock exports – a highly scrutinised industry that continues to polarise. It is important that our process and decisions reflect regulatory best practice and considers contemporary social views on the subject. Animal welfare organisations are a key stakeholder, reflected in their interest in the trade and continued role in reporting alleged ESCAS breaches.
- To date, feedback has been positive and we committed to keep the OIA informed as we progress, to ensure our processes continued to be consistent with a RIS-like process (see email exchange with s. 47F(1) below).

To recap our conversation

- I understand that to your knowledge, no formal assessment of our project and approach has been conducted by the OIA and this will need to happen for any definitive advice on whether our approach constitutes a RIS-like process or equivalent.
- Pending your review and assessment, the *Inspector-General Review of ESCAS (2021)* might qualify as a RIS-like process equivalent. The basis for this is the extensive consultation that was undertaken as part of the review, and that a primary focus of the ESCAS Review is to address its recommendations. If this is a possibility, the decision needs to be endorsed at a Deputy Secretary level.
- Integral to an impact analysis is a determination of the magnitude of change and the affected stakeholders. This may be qualitative and subjective, but must be defensible.

•
•
s. 47E(d)

- Given that the magnitude of changes will depend on recommendations made as a result of feedback currently being analysed, it might be difficult to determine this until stage 3 of the review (when the outcome of the review is being drafted). However, any assessment on the impacts on industry would be useful.

As discussed, I'd be very grateful for your advice on:

- Anything we need to consider/reconsider about our approach so that our process is consistent with a RIS-like process.
- If you think we might be able to rely on the *Inspector-General Review of ESCAS (2021)* as a RIS-like equivalent.
- If we should be incorporating into our engagement strategy, a request for industry to quantify the impact of proposed changes to them/the trade, particularly where best practice regulation might be resisted on the basis of burden.

I realise this is a lot of information, but I hope it makes sense and trust that it informs you sufficiently to be able to offer the advice we are seeking.

Please let me know if I have missed or misinterpreted anything, and if you have any questions.

I look forward to further discussions.

Kind regards,
s. 22(1)(a)(ii)
Senior Veterinary Officer

Regulatory Performance | Live Animal Export Branch | Plant and Live Animal Exports Division
Phone: s. 22(1)(a)(ii)

Department of Agriculture, Fisheries and Forestry
GPO Box 858 Canberra ACT 2601 Australia

aff.gov.au

From: s. 47F(1) <s. 47F(1) pmc.gov.au>
Sent: Friday, 24 February 2023 4:02 PM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Hi: s. 22(1)(a)(ii)

I left a message for you but I'm not sure if my landline is working so here is my mobile number below. If you could contact me, that would be great.
Regards

s. 47F(1) | Advisor
Office of Impact Analysis | Economic Division
Department of the Prime Minister and Cabinet
p. s. 47F(1) s. 47F(1)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>
Sent: Thursday, 23 February 2023 6:32 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Subject: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Can you get in touch with s. 22(1)(a)(ii) and let her know you're the new lead on this pls?
We will need to give them some advice about how to meet the independent review requirements (noting this commenced under the former arrangements)

s. 47F(1)

s. 47F(1) Senior Adviser
Office of Impact Analysis
p. s. 47F(1) | m. s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Sent: Thursday, 23 February 2023 6:26 PM
To: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Good afternoon s. 47F(1)

I hope 2023 has started off well for you and your team.

I am reaching out with a status update on the ESCAS Review.

We recently concluded the first of 3 stakeholder consultation stages, which was launched as a survey on the *Have Your Say* platform from 10 January to 21 February 2023. Targeted stakeholders were invited to provide constructive feedback on specific technical challenges to the ESCAS framework. Survey questions are reflected in the Discussion paper, attached for your interest. We are now collating and analysing feedback received and will use it to inform recommendations for improvements to ESCAS in stage 2 of this project.

We would greatly appreciate your advice/confirmation that our processes remain aligned with a RIS-like process, and if there are any relevant considerations from your perspective, on how feedback is handled and analysed, noting that some submissions have been marked as confidential.

Happy to meet to discuss if easier.

Kind regards,
s. 22(1)(a)(ii)
Senior Veterinary Officer

Regulatory Performance | Live Animal Export Branch | Plant and Live Animal Exports Division
Phone: s. 22(1)(a)(ii)

Department of Agriculture, Fisheries and Forestry
GPO Box 858 Canberra ACT 2601 Australia

aff.gov.au

From: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Sent: Wednesday, 7 December 2022 12:30 PM
To: [s. 22\(1\)\(a\)\(ii\)](#) <[s. 22\(1\)\(a\)\(ii\)](#) aff.gov.au>
Cc: [s. 22\(1\)\(a\)\(ii\)](#) <[s. 22\(1\)\(a\)\(ii\)](#) aff.gov.au>; [s. 47F\(1\)](#) <[s. 47F\(1\)](#) pmc.gov.au>
Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Good afternoon [s. 22\(1\)\(a\)\(ii\)](#)

Thanks very much for sending this through, and apologies for the delay in my response. I've reviewed the summary and scoping document and have no major concerns. It's good to hear that consultation will be expanded. Seeking quantitative evidence of how proposed solutions will impact various stakeholder groups will assist in providing a more detailed outline of the anticipated costs and benefits.

I am happy to talk through the changes to the Impact Analysis framework once they are settled and am keen to ensure OIA supports you through this impact analysis process.

Kind regards,

[s. 47F\(1\)](#) (she/her) | Adviser
Office of Impact Analysis
Department of the Prime Minister and Cabinet
p. [s. 47F\(1\)](#)

From: [s. 22\(1\)\(a\)\(ii\)](#) <[s. 22\(1\)\(a\)\(ii\)](#) awe.gov.au>
Sent: Monday, 28 November 2022 6:52 PM
To: [s. 47F\(1\)](#) <[s. 47F\(1\)](#) pmc.gov.au>
Cc: [s. 47F\(1\)](#) <[s. 47F\(1\)](#) pmc.gov.au>; [s. 22\(1\)\(a\)\(ii\)](#) <[s. 22\(1\)\(a\)\(ii\)](#) agriculture.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

Hi [s. 47F\(1\)](#)

I'm just reaching out from our team with an update on the ESCAS Review and upcoming stakeholder consultation, to keep you in the loop.

We have released a revised summary and scoping document (attached), to reflect our updated approach to stakeholder engagement. We intend to include a wider group of stakeholders at stage 1 for challenge identification/proposal of solutions, then a more targeted group later on for the testing of recommendations.

We have completed the stage 1 desktop review, and are about to commence stage 1 consultation. As previously discussed, we have contracted a team for their technical expertise to assist with our review, and they have developed draft material for stakeholder consultation. We are reviewing this material internally, prior to publication on the department's engagement platform 'Have Your Say'.

Any feedback or comments on how our current approach may impact the RIS process would be greatly appreciated.

Kind regards,

[s. 22\(1\)\(a\)\(ii\)](#)
Senior Technical Officer | Regulatory Performance | [s. 22\(1\)\(a\)\(ii\)](#)
Live Animal Exports Branch | Plant & Live Animal Exports Division

Department of Agriculture, Fisheries and Forestry
GPO Box 858 Canberra ACT 2601
awe.gov.au

From: [s. 22\(1\)\(a\)\(ii\)](#) <[s. 22\(1\)\(a\)\(ii\)](#) agriculture.gov.au>
Sent: Monday, 14 November 2022 4:32 PM
To: [s. 47F\(1\)](#) <[s. 47F\(1\)](#) pmc.gov.au>
Cc: [s. 47F\(1\)](#) <[s. 47F\(1\)](#) pmc.gov.au>; [s. 22\(1\)\(a\)\(ii\)](#) <[s. 22\(1\)\(a\)\(ii\)](#) agriculture.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

Thanks very much for getting back to us, [s. 47F\(1\)](#)

I'll be in touch again leading up our second consultation stage, to seek your thoughts on our approach at the time.

Kind regards
[s. 22\(1\)\(a\)\(ii\)](#)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>
Sent: Monday, 14 November 2022 5:07 PM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

OFFICIAL

Good afternoon ^{s. 22(1)(a)(ii)}

Thanks very much for providing these documents for OBPR's review. ^{s. 47F(1)} and I have discussed the documents and in order to meet the requirements to be certified in lieu of a RIS, the following will need to be considered and included in the development of the review:

- When presenting recommendations to address identified problems in stages 2 and 3, there should be a range of options considered, including at least one non-regulatory option.
- In order to meet the requirements, the final document will need to analyse the costs and benefits of each option. We suggest consultation in stage 2 should include questions to draw out expected costs and benefits from stakeholders. Stakeholders should be encouraged to provide any evidence, data or statistics of the quantitative impact various options may have on themselves, the community or other groups. Where quantification is not possible, stakeholders should be encouraged to be specific in qualitative assessments of likely impacts.

We're happy to discuss these points further if you would like.

Kind regards,

s. 47F(1) | Adviser

Office of Best Practice Regulation

Economic Division | Department of the Prime Minister and Cabinet

p. s. 47F(1) | e. s. 47F(1) pmc.gov.au | w. www.pmc.gov.au

One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) awe.gov.au>
Sent: Friday, 4 November 2022 5:17 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

Good afternoon ^{s. 47F(1)}

I hope this finds you well.

You might recall that we spoke some weeks ago about the Exporter Supply Chain Assurance System (ESCAS) Review. As discussed, it would be good to get an indication from you about when we should engage with the OBPR as this project progresses.

On this note, please find attached:

- The ESCAS Review project plan, and
- The ESCAS Review scoping and summary document, which outlines focus areas and specific framework components we will be reviewing as part of this project.

We look forward to hearing back from you.

Thanks and have a great weekend!

Kind regards,

s. 22(1)(a)(ii)

Senior Veterinary Officer

Regulatory Performance | Live Animal Export Branch | Plant and Live Animal Exports Division

Phone: s. 22(1)(a)(ii)

Department of Agriculture, Fisheries and Forestry
 18 Marcus Clarke Street, Canberra ACT 2601 Australia
 GPO Box 858 Canberra ACT 2601 Australia

agriculture.gov.au

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s. 47F(1)

Advisor, Office of Impact Analysis

s. 47F(1) or s. 47F(1)

s. 47F(1) pmc.gov.au

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FOR DISCUSSION ONLY

Exporter Supply Chain Assurance System (ESCAS) Review – stage 2 Report: Recommendations

September 2023

FOR DISCUSSION ONLY

Commented [s. 22(1)]: Do we need to say something in this report that changes to ESCAS when they are made will not be limited just to changes for the recommendations but may be changes necessary that stem from changes made because of the recommendations?!

Commented [s. 22(1)]: To consider:
1) Are the proposed recommendations feasible from the department's perspective?
2) Is the level of detail sufficient for stakeholders (including the department) to make decisions regarding supporting (or otherwise) the recommendations in order to progress to development stage - even if only in principle support?
3) Are there any issues that this report does not address that the department needs to have addressed (within the scope of the review)?

Commented [s. 22(1)]: Also include considerations such as legislative/legal ability

FOR DISCUSSION ONLY

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1 DRAFT Recommendations

Focus area 1: Monitoring and verification activities

- 1.1 Requirements for audit company accreditation and auditor rotation
- 1.2 Specific standard/s for auditor competency to conduct ESCAS audits
- 1.3 Interpretation of requirements by auditors

Recommendation 1a:

Introduce mechanisms to verify and manage auditor quality and performance through the following:

- a) Require exporters to require audit companies to demonstrate accreditation to ISO/IEC 17065, *Conformity assessment – Requirements for bodies certifying products, processes and services* and that such accreditation must be bestowed by a member of the International Accreditation Forum (IAF).
- b) Establish competency requirements (skills and experience) for auditors, in formulating such requirements consideration should be given to based on those consistent with/similar to provided in the LGAP Certification Rules – Annex C, Table C10.3.36 – Auditor Knowledge (v3.5.2, dated 16/07/2021) (08/08/2023).
- c) Establish conflict of interest requirements for auditing companies and auditors based on those provided in the LGAP Certification Rules – Annex C, Section C.12 Conflict of interest requirements (v3.5, dated 08/08/2023) (v2.0, dated 16/07/2021).
- d) Develop clear requirements for audit companies and auditors in relation to the audit process, reporting, noncompliance management etc. Such requirements may be based on those in the LGAP Certification Rules (v2.0, dated 16/07/2021) (v3.5, dated 08/08/2023).
- e) Introduce the requirement for exporters to rotate auditors after every four audits of the same facility. The number of audits includes those undertaken for Initial Independent Audit Reports (IIAR) and those undertaken for Independent Performance Audit Reports (IPAR).
- f) Investigate the feasibility of implementing a system within the department to capture audit outcomes for specific facilities that can be used to manage auditor quality and performance. This would allow patterns of noncompliance assignment by auditors to be identified and analysed as well as noncompliance identified by other means. -This would require exporters to upload audit reports in electronic formats that can be imported into the department's such a system. Exporters using an ESCAO provider (i.e., third-party provider of assurance services (TPPAS) for ESCAS) would not be required to undertake this component as the ESCAO provider would be responsible for verifying, monitoring and managing auditor quality and performance.

Commented [s. 22(1)(c)] Consider comment around previous report had no mention of international trade obligations.

Commented [s. 22(1)(s), 47C(1), s. 47E(d)]

Commented [s. 22(1)(a)(i)] Meeting 7/8/23 - s. 47C(1), s. 47E(d)

Commented [s. 22(1)(a)(ii)] s. 47C(1), s. 47E(d)

Commented [s. 22(1)] Meeting 7/8/23 - Thoughts on language? Wanting to maintain distinction that are not adapting/taking LGAP material

Commented [s. 22(1)] Might be nitpicky but thinking to avoid any potential interpretation that these are the Rules

Commented [s. 22(1)(a)(ii)] These now reflect the Rules as approved by the Department.

Commented [s. 22(1)(a)] Just need to confirm that the version and date numbers are the most recent ones that are approved by the Department or if note, that we use what

Commented [s. 22(1)(a)(ii)] Yes - can confirm v2.0 of the Rules/Standards considered to be approved and current at time of submission

Commented [s. 22(1)(a)(ii)] Have now changed these to the versions approved by the Department in August.

Commented [s. 22(1)(a)] Just need to confirm that the version and date numbers are the most recent ones that are approved by the Department or if note, that we use what

Commented [s. 22(1)(a)(ii)] Yes - can confirm v2.0 of the Rules/Standards considered to be approved and current at time of submission

Commented [s. 22(1)(a)] To discuss with Department.

Commented [s. 22(1)(a)(ii)] Rotation out for 4 audits before they can come back in.

Commented [s. 22(1)(a)] Also termed "TPPAS" - third-party provider of assurance services, who then administers an

Commented [s. 22(1)(a)] Add legislative ability under: Export Control (Animals) Rules 2021 s6-35(5)

Commented [s. 22(1)(a)(ii)] Did the Department resolve this?

f)g) Enable the ability for the regulator to prohibit exporters accepting audit reports from certain audit companies.

Recommendation 1b:

To ensure consistent assessment of the ESCAS requirements, consideration should be given to:

- a) the on-going provision of calibration training for auditors;
- b) requiring exporters to require auditors to have attended such training; and
- c) the provision of such training being on a regular basis including when updates to ESCAS occurs or if auditor monitoring indicates such training is required.

It is advisable to consider providing such calibration training to auditors as part of the implementation process following the outcomes of this review.

1.4 Audit sharing and allocation of noncompliance responsibility

Recommendation 2:

Introduce the requirement that, where audits are shared between facilities by exporters, then those exporters take equal responsibility for any issues of noncompliance including sharing equally the allocation of the severity of the noncompliance, the corrective action and the regulatory action taken, with the following exceptions:

- a) Where any exporter that shares the facility can provide evidence to demonstrate, to the satisfaction of the regulator, that the issue clearly did not involve livestock from any of their consignments and this evidence is based on individual animal identification.
- b) Where the regulator is satisfied that there is evidence to demonstrate that the severity of noncompliance may be different for different exporters.

It is noted that this requirement would only apply to exporters not using an ESCAO provider because the ESCAO provider holds responsibility for facility audits and noncompliance management.

Commented [s. 22(1)(a)] Are there other exceptions?

1.5 Sample sizes for audits

Recommendation 3:

Introduce sample sizes for all forms of audit at key points of risk in the process, specifically:

- a) Animal handling when loading or unloading from land transport vehicles at any point in the supply chain.
- b) Animal handling when moving livestock from lairage into restraint in abattoirs.
- c) During the stunning process.
- d) Monitoring unconsciousness between stunning and death.

Sample sizes for the number of animals to be observed during audits should be established based on the following considerations:

~~consistent with those provided in LGAP 1001 Livestock assurance – Requirements for animal welfare and management (v2.0, dated 23 June 2021) noting the following:~~

- The sample size should be based on the average daily total number of animals received or processed at that facility.
- Consideration should be given to sample sizes that can be achieved within a specified timeframe (for example one hour out of a four-hour audit period).
- For facilities that load, unload or process less than 10 head on average per day the minimum number of animals to be observed should be three. An uneven number is recommended to enable repeatable compliance to be observed.
- IAR audits should allow non-Australian livestock to be included in sample sizes.
- Where IAR audits occur in facilities that do not have animals at the time of audit, an IPAR ~~will~~ should be required to occur when animals first enter the facility.

Commented [s. 22(1)(a)] There are no longer sample sizes in LGAP.

Commented [s. 22(1)(a)] Is this still the case?

Commented [s. 22(1)(a)(ii)] Yes - exporters must provide the audit reports within 30 days of the first consignment of animals supplied to the facility.

1.6 Inter-audit gap

1.7 Use of other surveillance (e.g. audit) methods

Recommendation 4:

Introduce the tools used referenced by industry in feedback provided during the review as requirements under ESCAS to manage the 'inter-audit gap' ~~as requirements under ESCAS~~, including:

- a) Maintaining records that demonstrate compliance with requirements.
- b) Undertaking internal audits on a frequency based on the facility's ESCAS risk rating and that the ESCAS risk rating include a frequency for internal and external audits for the different risk categories.
- c) Ensuring the facility can demonstrate that staff are trained and competent in implementing the ESCAS requirements.
- d) Monitoring to ensure that ESCAS requirements are being met on a day-to-day basis.

Recommendation 5:

Allow the use of other audit methods under ESCAS to increase flexibility in the verification of compliance, including:

- a) Audits that have a limited scope, for example auditing only the traceability requirements or the slaughter requirements rather than all requirements.
- b) Desktop audits that focus on aspects of the ESCAS requirements that do not rely on observation, for example record keeping.
- c) Targeted audits of specific facilities when there are indications of noncompliance.
- d) Audits of exporters arrangements through the supply chain, in particular control and traceability arrangements.
- e) ~~Unscheduled announced audits with an announcement period of not more than 24 hours.~~

Focus area 2: Control and traceability

- 2.1 Overall standard or detailed requirements
 - 2.2 Expectation of 100% compliance
 - 2.3 Use of indicator events
 - 2.4 Critical control points for traceability
 - 2.5 Timely provision of data
 - 2.6 Variability in approaches
 - 2.6.1 Varying systems and sophistication
 - 2.6.2 Varying oversight and verification
 - 2.6.3 Varying data custodianship
 - 2.7 Methods to verify traceability
 - 2.7.1 Use of imagery
 - 2.7.3 Transfer and storage of evidence
 - 2.7.4 Reliance on technology
 - 2.7.5 Availability of traceability data
 - 2.8 Accuracy of traceability data
 - 2.8.1 Accuracy of counting livestock
 - 2.8.2 Technology as the 'solution' to accurate sheep and goat counting
 - 2.9 Third-party traceability providers
-

Recommendation 6:

Introduce specific outcomes-based requirements for control and traceability (C&T) that consider the system itself and the use of the system. Such requirements should not specify technology nor discriminate against systems due to size, scale, sophistication or technology but rather include provisions for:

- a) The system to enable:
 - i. confirmation of an animal's or group of animals' presence at a particular facility;
 - ii. the accurate tracing of an animal or group of animals' movements from and to a facility within a specified timeframe;
 - iii. an exporter to be accurately connected to an animal or group of animals in a facility;
 - iv. accurate identification of facilities where animals will be held, the means of identifying an animal or group of animals used and the means of connecting this information to the exporter; and
 - v. confirmation of the location, movement and welfare outcome of all animals in the supply chain as well as the ability to reliably and accurately connect these factors to an individual exporter.
- b) Establishing processes for use of the system, including:

- i. identifying, installing, using and maintaining the type of infrastructure and equipment that is required by the traceability system;
 - ii. the use, removal, replacement, reuse, destruction and storage of identifiers as well as records to demonstrate these events;
 - iii. determining methods and formats for secure capture and transfer of traceability data;
 - iv. checking animals or groups of animals are identified and actions if they are not;
 - v. verifying the validity, reliability and accuracy of traceability data;
 - vi. maintaining evidence of processes being followed and compliance;
 - vii. use of visual imagery or video footage when relied upon as evidence of compliance including considerations for:
 - 1) minimum display resolutions that enable clear viewing of detail;
 - 2) framing, focusing and lighting such that animals can be clearly seen and identified;
 - 3) use of GPS or unique reference point location, date and time referencing;
 - 4) linkage between animal or groups of animals, the location and the exporter;
 - 5) review of such imagery or footage; and
 - 6) recognition of in-market legislation related to such imagery or footage; and
 - viii. reconciling traceability data including evidence of compliance;
- c) Minimum movement data required to be maintained as well as timeframes for when such data should be provided to the exporter;
- d) The monitoring of the occurrence of incidents such as:
- i. lost or replaced identifiers;
 - ii. livestock that move out of a supply chain as breeding stock;
 - iii. livestock losses or mortalities;
 - iv. loss of traceability;
 - v. incorrect assignment of location to animals;
 - vi. number of livestock sent to a facility exceeds that facility's capacity;
 - vii. reconciliation of traceability data that does not result in 100% of animals being accounted for; and

Commented [s. 22(1)(a)noncompliance?

Commented [s. 22(1)(a)(ii)] No they need to keep evidence they're complying (and thereby evidence they're not).

Commented [s. 22(1)(a)] Potential to include requirement for timely response to department?

Commented [s. 22(1)(a)(ii)] For this recommendation (and others), should we consider randomised document/data inspection?

Commented [s. 22(1)(a)(ii)] To clarify. If this is in relation to auditing we can add it to the auditing component rather than here. If it is in relation to them doing their own audits on themselves we can include here.

- viii. anomalies in traceability data or evidence of compliance that occur more than once in relation to the same animal or group of animals, the same facility or the same type of anomaly within a supply chain.
- e) Actions to be taken to review anomalies or incidents, identify the cause of such and remedy causes.
- f) Ensuring conflicts of interest are avoided by suppliers of traceability systems and auditors.
- g) Auditors to access all required traceability information at the time of audit.
- h) Competencies required for human resources responsible for traceability.
- i) A mechanism for recognition of any country-specific traceability system that would deliver the assurances being sought under ESCAS.

In formulating requirements in relation to these provisions, the following should be considered:

- a) Integrity Systems Company Ltd requirements for approval of devices used under the National Livestock Identification System (NLIS).
- b) AniMark Ltd requirements related to ~~livestock identification, movement recording and traceability systems~~ control and traceability and third-party traceability systems used by operators and facilities found in the LGAP Standards (v3.5, dated 08/08/2023) family:
 - i. ~~LGAP 1000 Livestock assurance – Fundamentals and vocabulary (v2.0, operative date 23 June 2021);~~
 - ii. ~~LGAP 1001 Livestock assurance – Requirements for animal welfare and management (v2.0, operative date 23 June 2021);~~
 - iii. ~~LGAP 1002 Livestock assurance – Requirements for the management system of Operators, Facilities and Traceability System Providers (v2.0, operative date 23 June 2021);~~
 - iv. ~~LGAP 1003 Livestock assurance – Requirements for Operator chain of custody (v2.0, operative date 23 June 2021); and~~
 - v. ~~LGAP 1004: Livestock assurance – Requirements for traceability systems used by Operators and Facilities (v2.0, operative date 1 November 2021).~~
- c) MLA/LiveCorp, W.LIV.3054 – *Determination of control and traceability arrangements that will support LGAP – Final report* provides insights into the types of controls utilised in-market which may be considered in formulating recommendations to address this challenge.

2.7.2 Use of visual recording and fixed radio frequency identification (RFID) scanning

Recommendation 7:

Introduce requirements that:

- a) Exporters may use compliance monitoring tools such as visual recording (e.g. CCTV technology); however, specific technologies should not be prescribed in general.

s.

b) The department may require:

- i. the use of compliance monitoring tools such as visual recording based on an assessment of risk and that use may be specific to a facility, a supply chain or a market; and
- ii. the submission of visual recordings at audit or to assist with investigations, to verify that exporter compliance monitoring methods are functional or where there is a systemic loss of control and traceability.

In making this recommendation it is noted that:

- a) ~~Exporters remain responsible for implementing animal welfare and control and traceability C&T procedures that are effective in demonstrating compliance. To achieve this, exporters may use compliance monitoring tools such as visual recording (e.g. CCTV technology); however, specific technologies should not be prescribed in general under ESCAS.~~
- b) The department’s role as the regulator should be focused on the verification rather than monitoring of compliance, therefore, visual recording is not suitable for the department to use as a regulatory tool independent from other mechanisms.

Recommendation 8:

~~That the use of individual electronic identification (e.g. RFID etc.) for sheep and goats should not be specified under ESCAS on the basis that it has been mandated in Australia and is expected to be implemented for all sheep and farmed goats born or after 1 January 2025.~~

In specifying this, the following should be considered:

- a) a phased approach may be required to address the time between when changes to ESCAS from this Review are implemented until 1 January 2025; and
- b) during such a phased approach, the use of individual electronic identification for sheep and goats may be required by the department where a systemic loss of control and traceability is identified.

~~until such time as the technology has been implemented in Australia except as an compliance measure where systemic loss of control and traceability is identified.~~

2.10 Attribution of noncompliance

Recommendation 9:

~~Where facilities are shared between supply chains, noncompliance should be attributed to all exporters that had livestock in that facility at the time of the noncompliance unless the noncompliance can be proven to be non-systemic and attributable to a specific supply chain or supply chains. Refer recommendation 2 noting that the specifications in this recommendation would apply to any noncompliance identified through any means not exclusively through an audit.~~

2.11 Proportionate noncompliance

Commented [s. 22(1)(a)(i)] Moved from Stage 2 Report to this as recommendation rather than commentary to match up with department comments in that document.

Commented [s. 22(1)(a)(ii) s. 47C(1),s. 47E(d)]

Commented [s. 22(1)(a)] Thoughts? It's appears to be 2025 which may mean we have sheep that have no eID that were born before 2025.

Commented [s. 22(1)(a)s. 42(1),s. 47C(1)]

Commented [s. 22(1)(a)(ii) s. 47C(1),s. 47E(d)]

Commented [s. 22(1)(a)(ii)] This requires discussion. Recommendation 2 actually addresses this but is in reference to NCs identified through audit, to round it out I would recommend that the specifications in that recommendation would be equally applicable to NCs identified through another way (eg investigation)

Refer Recommendation 10.

Additional challenges

Continuous expansion and approval of different supply chains compounds risk, limits on supply chains per market may resolve

It is not recommended that limits be placed on the number of available supply chains as proposed as an additional challenge through the consultation process as this may be considered trade restrictive. The recommended changes to the risk assessment of facilities is likely to alleviate the concerns that underpin this suggestion.

Focus area 3: Noncompliance management

- 3.1 Framework for noncompliance
- 3.1.1 Noncompliance categorisation
- 3.1.2 Consideration of noncompliance
- 3.1.3 Consideration of cumulative noncompliance
- 3.1.4 Escalation pathway for noncompliance
- 3.2 Corrective action and timeframes for correction
- 3.3 Process for managing allegations of noncompliances
- 3.4 Utilisation of auditors in noncompliance management
- 3.5 Effective framework for analysing noncompliances
- 3.7 Consideration of risk factors in risk rating
- 3.8 Timeframe for compliance information exchange

Recommendation 10:

The *Biosecurity guideline for the management of non-compliance* be replaced with an ESCAS noncompliance framework that considers the following:

- a) Categories of noncompliance should be defined as minor, major and critical and the distinction between them made clear. The formulation of these definitions should draw on may consider but not be limited to consideration of the definitions provided in the *LGAP Certification Rules – Annex D Nonconformities, D.1 Definitions of nonconformities* (v3.5, dated 16/07/202108/08/2023).
- b) A matrix for categorising noncompliance should be developed with the impact and occurrence being determining factors. The development of such a matrix should draw on may consider but not be limited to that developed for assigning nonconformities outlined in the *LGAP Certification Rules – Annex D Nonconformities, D.2 Assigning nonconformities* (v3.52, dated 16/07/202108/08/2023) which considers the impact on welfare, traceability and management systems/paperwork along with the occurrence of noncompliance (e.g. infrequent, numerous or systemic).
- c) Processes for assigning noncompliances by auditors and the department should be specified as well as:
 - i. timeframes for reporting and closing out noncompliances, including consideration of varying timeframes based on categorisation of noncompliance, how the noncompliance was identified and whether a corrective action plan may be utilised in cases where immediate corrective action may not be possible;
 - ii. what is expected of corrective action;
 - iii. examples of evidence required to demonstrate correction;
 - iv. in what situations corrective action would be assessed by auditors and the department; and
 - v. who would close out noncompliances.

Commented [s. 22(1)(a)] To discuss issues around reporting publicly raised in consultation - may be simply a recommendation to develop a reporting template and what info is reported? Indpt observer reports for ASEL was suggested as an example - perhaps include reference to this in the recommendation?

Commented [s. 22(1)(a)] To discuss issue raised in consultation around mutual recognition of standards in other countries as ESCAS = (can it be done like its done for ESCAOs?)

Commented [s. 22(1)(a)] Need to discuss submission of audit reports with noncompliances identified but with corrective action show vs no corrective action taken (possibly a plan submitted instead etc). What timeframe should a report be submitted within? This will impact timeframes for closing out noncompliances.

Commented [s. 22(1)(a)(ii)] Meeting 7/8/23 - To discuss - recommend using LGAP as guide

Commented [s. 22(1)(a)(ii)] Have added more under c i but requires discussion still.

Commented [s. 22(1)(a)] Assuming 3.3 goes here? Could also be relevant for Rec 15 c) v. 2)

Commented [s. 22(1)(a)] This is likely to be different for the different ways noncompliance will be identified (audit, self report, third party), also to discuss if it is acceptable for the department to receive a report of noncompliance (even by audit) and for it not to have been corrected yet therefore necessitating a follow up report that it's been closed out. For example, does the department want to know when a noncompliance occurs within, say, 7 days even if it hasn't been corrected or would they rather find out in 30 days when it has been corrected?

- d) The assigning of a category of noncompliance should be based on the principles of continual improvement and procedural fairness. In particular:
- i. Noncompliances should be assigned against specific requirements where it has been identified that a requirement has not been fulfilled, rather than assigned against a principle or where it has not yet been determined that the noncompliance occurred.
 - ii. Corrective action should eliminate the root-cause of the noncompliance in order to prevent reoccurrence. The reoccurrence of a noncompliance for which corrective action was undertaken indicates that such action was not sufficient and would trigger a higher level of noncompliance for repeat occurrence.
 - iii. Depending on the category of noncompliance, facilities should not necessarily be prohibited from operating while the noncompliance is being corrected.
 - iv. Corrective action ~~sh~~would be assessed and the noncompliance closed out if evidence indicated the corrective action was effective in addressing the root cause of the noncompliance so as to prevent reoccurrence.
- e) A means of escalating noncompliances that are not closed out in a specified timeframe, or reoccur after corrective action has been taken, should be established.
- f) The process for suspending facilities including the ability to suspend a line within a facility if the exporter is able to demonstrate separation of livestock based on arrangements related to time, space, personnel or infrastructure and that the root-cause of the noncompliance will not impact remaining lines.
- g) Risk ratings should be determined on an assessment of a broader range of risks and control measures that focuses on risks that may impact a facility's ability to remain in compliance with ESCAS on a day-to-day basis. In establishing this assessment, consideration should be given to the risk assessment framework developed under LGAP as identified in the MLA/LiveCorp reports: *W.LIV.3014 Final Report: ESCAS – Development of a risk management and quality assurance program*, *W.LIV.3027 Final report: Development of a global assurance program for the livestock export industry* and *W.LIV.3054 – Determination of control and traceability arrangements that will support LGAP*.
- i. This would require the identification of:
 - 1) the nature and types of risk events or cause of risk;
 - 2) the control measure/s required to minimise or eliminate the risk; and
 - 3) a score for each control measure and the range for each risk rating (e.g. high, medium, low).
 - ii. Based on published information considered in this review, risks and controls that ~~should~~ may be considered in the development of such a risk assessment include those that relate to:
 - 1) Traceability (movement) – Reporting and reconciliation, movement through the supply chain, accounting for animals on entry/exit.

Commented [s. 22(1)(a)] Just confirming that AniMark didn't provide their risk assessment framework in their submission? It doesn't appear in any documentation I had but I thought they made comment on it during our session.

- 2) Traceability (identification) – Appropriate identification methods used, appropriate use of identification.
 - 3) Traceability (technology) – Use of technology to support traceability (e.g. visual monitoring etc).
 - 4) Traceability (personnel) – Allocation of human resources responsible for traceability.
 - 5) Traceability (data and reporting) – Method of collecting captured animal movement data, method of storing traceability data, method of transmitting the data collected to the register and timeframe of data transmission.
 - 6) Monitoring of the facility – Measures in place (e.g. technology, people and procedures) to identify and address noncompliances on a day-to-day basis.
 - 7) Operations – Sharing of facilities between ESCAS supply chains and between ESCAS and non-ESCAS supply chains, supply chain structure, frequency of operation, site access and security [and market](#).
 - 8) Slaughter processes – Restraint method used, use of stunning, slaughter method used, use of slaughter teams.
 - 9) Past performance – Consideration of the facilities performance during past audits.
- h) The full range of powers available to the department under the Export Control Act [2020](#).
- i) Application of broader regulatory action, for example, requiring:
- i. greater oversight of a [noncompliant](#) facility [that has been allocated a noncompliance and where corrective action is required or currently being undertaken](#) while Australian animals are onsite;
 - ii. the use of visual recording and submission of recordings (refer Recommendation 7); and
 - iii. the use of individual electronic identification (e.g. RFID etc.) for sheep and goats (refer Recommendation 8); etc.
- j) A list of example noncompliances as well as instructions for determining and assigning noncompliance should be developed and maintained. The development of these items should be based on:
- i. ~~the ‘unacceptable practices’ identified under the WOA Code as well as any practices that may fit that description in the LGAP Standards listed in LGAP 1001 Livestock assurance – Requirements for animal welfare and management – Annex I Unacceptable practices and procedures (v23.5, operative date 23 June 2021/08/08/2023)~~ [as well as](#) an analysis of the department’s *Regulatory performance reports*; and

Commented [s. 22(1)(a)] To discuss.

Commented [s. 22(1)(a)(ii)] Legal advice may provide more information

Commented [s. 22(1)(a)(ii)] Was legal advice sought - in our meeting it was commented that may happen?

Commented [s. 22(1)(a)] Does this mean previously noncompliant facilities or those under corrective action, or is there a distinction?

- ii. similar information as outlined in the *LGAP Certification Rules – Annex D Nonconformities, D.3 Impacts and D.4 Number of instances* (i.e. occurrence) (v23.5, dated 16/07/202108/08/2023).
- k) To encourage self-monitoring, reporting, corrective action and continual improvement, minor and major noncompliances identified by an exporter or through an audit should be subject to a modified approach to noncompliance handling within the department compared with those that are identified as a result of third-party reporting. Such an approach would only apply when:
- i. reports of such noncompliances are made to the department within a specified timeframe of the exporter becoming aware of the noncompliance;
 - ii. the exporter can demonstrate that corrective action was undertaken when the noncompliance was identified by the facilities, or such action was underway at the time the exporter became aware of the noncompliance; and
 - iii. for noncompliances identified by an exporter, an IIAR or IPAR audit has not occurred at that facility within the three months prior to the noncompliance occurring.
 - iii-iv. the facility is not operating under an exporter using an ESCAO provider as approaches to noncompliance would be managed under that framework.
- l) The approach taken to investigate allegations of noncompliance as well as any regulatory action that may be applied to mitigate the risk of further noncompliance while an allegation is being investigated. The development of such an approach should draw on relevant processes outlined in the *LGAP Certification Rules – Section 149 Complaints* (v3.52, dated 16/07/202108/08/2023).
- l-m) Provisions for arrangements where an exporter uses an ESCAO provider.

Commented [s. 22(1)(a)] To discuss. This is for audit reports and self reports, do we want to remove self reports and have them in the same category as third-party reports?

Commented [s. 22(1)(a)] Thoughts?

Recommendation 11:

In order for the recommended approach to categorisation of noncompliance and compliance monitoring and verification to be effectively implemented:

- a) An exporter will be required to maintain a system that, for each facility in their supply chain:
 - i. records noncompliances identified through audits and self-reports;
 - ii. records corrective action undertaken and its effectiveness in closing out the noncompliance;
 - iii. monitors the occurrence of noncompliances for each facility in its supply chain against specific requirements;
 - iv. enables trends to be identified in compliance history across facilities, supply chains and markets;
 - iv-v. ensures auditors are aware of the history of noncompliance in the facilities they are auditing; and

~~vi.~~ can be used to upload audit reports in electronic formats into a system managed by the department (see below).

- b) Exporters using an ESCAO provider would not be required to undertake this component as the ESCAO provider would be responsible for recording and monitoring such information and reporting to the regulator on a quarterly basis.
- c) The department will require an internal system to record historical noncompliance data as well as outcomes of exporter reports and third-party reports. Such a system can then be used to:
- i. identify the occurrence of noncompliances;
 - ii. analyse the effectiveness of compliance measures and the regulatory framework and identify areas of improvement for exporters and ESCAS;
 - iii. as the basis for decisions relating to supply chain variation approvals and compliance measures; and
 - iv. verify auditor quality and performance (refer: Recommendation 1).

3.6 Incentives for performing higher than a minimum standard

Recommendation 12:

It is appropriate for ESCAS to be aligned to and therefore consistent with, the World Organisation for Animal Health's (WOAH) Terrestrial Animal Health Code (Code) which is considered by many to be a minimum standard. To encourage improvement ESCAS should remain a minimum standard; however, mechanisms such as the risk assessment (refer Recommendation 10 g)) provide an opportunity for exporters to be recognised for performing above ~~the such a~~ minimum standard.

To enable such recognition to occur under ESCAS ~~would require~~ the existing audit frequency ~~to~~ should be revised based on the recommended risk assessment (10 g)) and consider increasing compliance measures and monitoring requirements for medium and high-risk facilities.

Commented [s. 22(1)(a)] To discuss feasibility.

Commented [s. 22(1)(a)] What arrangements are there between the department and an ESCAO for reporting noncompliance?

Commented [s. 22(1)(a)(i)] Primary mechanism is through Quarterly Reports, i.e., under section 5-18 of Animals Rules, holder must provide quarterly reports to the dep (as soon as practicable after end of relevant reporting period) on ESCAO entity activities, which would include ESCAS noncompliances.

Otherwise:

- Section 5-17 of Animals Rules specifies that, upon written request by dep, info/documents must be given to the dep about entities under ESCAO - these requests must be complied with no later than 10 business days after receiving or shorter period if specified in the request (cannot be less than 1 business day)

- ESCAO provider needs to have system for dealing with non-conformities w/ assurance standards/rules, which is assessed as part of the AA application

Focus area 4: Administration

4.1 Facility risk ratings – approval date

Recommendation 13:

In developing a revised risk assessment methodology under Recommendation 10 g), consider the inclusion of a risk factor that accounts for the risk to compliance due to the consecutive length of time a facility has been in any one approved supply chain or combination of supply chains. Such an approach would be supported by ~~the an internal~~ compliance verification system outlined in Recommendation 1 f).

Commented [s. 22(1)(a)] Minor suggested tweak but happy to discuss. Should also be supported by a system that allows tracking of facilities approved across multiple supply chains

4.1.1 Naming conventions and premises identification

Recommendation 14:

~~In introducing an internal compliance verification system (refer Recommendation 11), the department should~~ Introduce a mechanism for individually identifying facilities such that:

- a) ~~each facility is allocated an individual identifier and a corresponding physical identifier is applied permanently onsite in the facility indicating that facility's individual identification; ensure and~~
- b) ~~each facility's is individually identified identification is recorded in the compliance verification system (Recommendation 10), system in a way that accounts for discrepancies in information provided for different supply chains.~~

~~In establishing a method of identifying each facility, the department should draw on the Naming Convention for ESCAS Facilities in Indonesia established by AniMark and give consideration to recognising naming conventions ~~consult~~ for facilities operating under exporters using an ESCAO provider, with AniMark on its use of its Facility ID Naming convention and draw on this method of identification.~~

Commented [s. 22(1)(a), 47C(1), s. 47E(d)]

4.2 Consolidation of ESCAS requirements

Recommendation 15:

In implementing changes recommended under this review, all information should be consolidated into a limited series of specific documents ~~and Export Advisory Notices (EANs) should be used for advisory purposes or short-term requirements rather than to contain ongoing regulatory requirements. The consolidated documents should ~~that~~~~ relate to:

- a) ESCAS requirements for animal welfare, control and traceability (the 'ESCAS Standard'), including:
 - i. outcomes-based requirements as well as targets and measures; and
 - ii. guidance on demonstrating compliance.

Commented [s. 22(1)(a)] Should we include a line here on the use of EANs? e.g., EANs to be used for advisory purposes rather than to contain ongoing regulatory requirements, such as interim/short-term requirements, to notify on amendments or upcoming changes to ESCAS core documents, etc.

- b) Materials for auditors, including:
- i. auditor guidance for auditing under ESCAS - this should consider the *American Meat Institute Foundation's Recommendation Animal Handling Guidelines and Audit Guide: A Systematic Approach to Animal Welfare*;
 - ii. audit checklist templates; and
 - iii. audit report templates.
- c) The operation, administration and expectations of ESCAS (~~the Rules~~), that specifies:
- i. roles, responsibilities and obligations of all parties under ESCAS;
 - ii. processes for applying for an ESCAS or varying an ESCAS;
 - iii. auditing under ESCAS (IAR, IIPAR, other forms of auditing utilised etc.);
 - iv. assessment of risk and assigning a risk rating;
 - v. noncompliance identification and management:
 - 1) identifying noncompliance (e.g. audits, self-reports, third-party reports);
 - 2) reporting allegations of noncompliance (drawing on processes outlined in the LGAP Certification Rules, section ~~11-9~~ – Complaints (v~~2-03.5~~, dated ~~16/07/2021~~08/08/2023), including how to report, processes and reporting templates;
 - 3) categories of noncompliance and how they are assigned; and
 - 4) process for managing, correcting and closing out noncompliance:
 - A. noncompliance identified during an audit;
 - B. self-reporting of noncompliances; and
 - ~~C.~~ third-party investigations leading to the assignment of a noncompliance.

Commented [s. 22(1)(a)] To discuss what these would be called, Rules are very conformity assessment program centric and not regulatory based. Is there a regulatory equivalent?

Commented [s. 22(1)(a)(ii)] Departmental Policy/Guideline?

Commented [s. 22(1)(a)(ii)] Suggest remove term for now.

Commented [s. 22(1)(a)] To discuss, may present a barrier that is ok in conformance programs but not ok in compliance frameworks.

4.3 Mechanism for continual improvement in ESCAS

Recommendation 16:

ESCAS should be subject to regular review. This should:

- a) Be based on a minimum review cycle of five years or whenever the WOA Code is updated, whichever is the earlier. A partial review of ESCAS may occur over two 2.5-year cycles such that the entire framework is updated within the five-year period. Such an approach would not preclude ESCAS being reviewed and updated more frequently as required.

- b) Include a process for seeking feedback from interested stakeholders in a structured manner. Such stakeholders should include regulated entities, animal welfare organisations, industry bodies and research and development bodies.
- c) Include consideration and communication to regulated entities of expectations for transitioning to any new requirements, including the time required to transition and processes to demonstrate compliance with new requirements etc.

Additional challenges

Arrangements for cultural events inefficient to administer

Recommendation 17:

Include requirements under ESCAS that address arrangements for cultural events such as Eid al-Adha and Korban that would:

- a) be considered auxiliary requirements mandatory to those exporters that intend to export in the lead up to or during a cultural event;
- b) come into effect and remain in effect within a timeframe specified in the requirements;
- c) necessitate at least one audit to occur during the event; and
- d) be based on conditions that have been applied under ESCAS to-date.

Inefficient format and operational procedure for IPARs

Recommendation 18:

In reviewing materials under ESCAS, consideration should be given to improving the format of IPARs and associated operational procedures noting that many of the changes proposed through these recommendations will inherently address this challenge also.

Timeliness for gaining approval for a new facility to be included in an ESCAS when it is already approved in another exporter's ESCAS.

This is a challenge where an ESCAO provider can improve efficiencies and timeliness.

Focus area 5: ESCAS Animal Welfare Standards

- 5.1 Consistency of ESCAS Animal Welfare Standards with WOAH recommendations
 - 5.1.1 Use of goads
 - 5.1.2 Facility design
 - 5.1.3 Tethering
 - 5.1.4 Protection
 - 5.1.5 Foetus management
 - 5.1.6 Back-up stunning device
 - 5.1.8 Specification of competencies
- 5.2 Differentiating between signs of unconsciousness and signs of death
- 5.3 Method for throat cut
- 5.4 Requirements for landing sites or physical transportation
- 5.5 Specificity in the Standards
- 5.6 Consistency of structure and nomenclature of requirements under ESCAS with best practice standards design
- 5.7 Interpretation of Standard 29
- 5.8 Requirement to keep records of outcomes of processes

Recommendation 18:

To ensure consistency with Australia's international trade obligations, ESCAS animal welfare requirements are based around internationally agreed standards (as opposed to Australian standards). It is appropriate for ESCAS to be aligned to and therefore consistent with, the World Organisation for Animal Health's (WOAH) Terrestrial Animal Health Code (Code).

To ensure consistency with the WOAH Code, the ESCAS Animal Welfare Standards should be updated to include:

- a) Clarity around the use of electric goads. ~~This should be drawn from similar requirements that are aligned to the WOAH Code from and relevant components of the LGAP Standards LGAP 1001 Livestock assurance – Requirements for animal welfare and management (v23.5, operative date 23 June 2021) 08/08/2023).~~
- b) Provisions for facility design including requirements for passageways, races and ventilation. ~~This should be drawn from similar requirements that are aligned to the WOAH Code and relevant components of the LGAP Standards (v3.5, operative date 08/08/2023), from LGAP 1001 Livestock assurance – Requirements for animal welfare and management (v2, operative date 23 June 2021).~~
- c) A provision that ensures alignment with WOAH Article 7.5.4 in relation to the use of bedding for animals in lairages.
- d) Provisions that address tethering in so far as ensuring an animal is able to stand-up, sit-down and lie down if restrained and that such restraint should only be applied for a minimal amount of time.

- e) Provisions for ensuring animals are protected from predation. ~~This should be drawn from the WOAH Code and relevant components of the LGAP Standards (v3.5, operative date 08/08/2023), similar requirements that are aligned to the WOAH Code from LGAP 1001 Livestock assurance – Requirements for animal welfare and management (v2, operative date 23 June 2021).~~
- f) ~~Requirements related to appropriate management of foetuses if they are identified during the slaughter process. This should be drawn from the WOAH Code and relevant components of the LGAP Standards (v3.5, operative date 08/08/2023), similar requirements that are aligned to the WOAH Code from LGAP 1001 Livestock assurance – Requirements for animal welfare and management (v2, operative date 23 June 2021).~~
- g) ~~Clarity around the type and use of a back-up stunning device. This should be drawn from the WOAH Code and relevant components of the LGAP Standards (v3.5, operative date 08/08/2023), similar requirements that are aligned to the WOAH Code from LGAP 1001 Livestock assurance – Requirements for animal welfare and management (v2, operative date 23 June 2021).~~
- h) ~~Provisions for competency requirements. This should be drawn from similar requirements that are aligned to the WOAH Code and from from the LGAP Standards LGAP 1001 Livestock assurance – Requirements for animal welfare and management, Annex A Personnel competencies (v2, operative date 23 June 2021) v3.5, operative date 08/08/2023).~~
- i) ~~Better definition of the signs of unconsciousness or insensibility and the signs of death. This should be drawn from similar requirements that are aligned to the WOAH Code and from relevant components of the LGAP Standards (v3.5, operative date 08/08/2023) as well as clarifying documentation provided by the department to exporters or industry bodies, from LGAP 1001 Livestock assurance – Requirements for animal welfare and management, Annex F Indicators of an effective stun, Annex G Indicators of unconsciousness in animals that are slaughtered without prior stunning and Annex H Indicators used to confirm death after slaughter (v2, operative date 23 June 2021).~~
- j) ~~Clarity around methods of throat cutting. This should be drawn from the WOAH Code and relevant components of the LGAP Standards (v3.5, operative date 08/08/2023), similar requirements that are aligned to the WOAH Code from LGAP 1001 Livestock assurance – Requirements for animal welfare and management, Section 9 Slaughter and processing (v2, operative date 23 June 2021).~~
- k) ~~Greater specificity in relation to the WOAH Code requirements in order to ensure personnel do not need to reference multiple documents to understand all ESCAS requirements.~~
- l) ~~Clear delineation between a requirement, evidence of compliance and auditor guidance and reduced ambiguity which can be achieved by following best practice for standards writing. This should include consideration of wording used in previous iterations of ESCAS requirements.~~
- m) ~~Clearer requirements in relation to facilities identifying and monitoring compliance at critical control points and verifying compliance is maintained on a day-to-day basis. These should be drawn from LGAP 1002 Livestock assurance – Requirements for the management systems of Operators, Facilities and Traceability System Providers (v2, operative date 23 June 2021).~~

Commented [s. 22(1)(a)] To discuss as LGAP goes further than ESCAS on this one in that it requires a back up device not a procedure. WOAH requires a device not a procedure.

Commented [s. 22(1)(a)] Some of this comes from the minutes between the MLA/Exporter group and the department but unsure if we should mention or how to reference.

When updating the ESCAS Animal Welfare Standards, consideration should be given to:

- a) The United Kingdom's (UK) AssureWel project.
- b) The *American Meat Institute Foundation's Recommendation Animal Handling Guidelines and Audit Guide: A Systematic Approach to Animal Welfare*.

5.1.7 Consolidation of list of unacceptable practices

Recommendation 19:

When updating the ESCAS Animal Welfare Standards, unacceptable practices should be consolidated into a single list and referenced at appropriate points in the revised standard. ~~In developing this list and referencing approach, consideration should be given to how this is managed under LGAP 1001 Livestock assurance – Requirements for animal welfare and management (v2, operative date 23 June 2021).~~

5.4 Requirements for landing sites or physical transportation

Recommendation 20:

When updating the ESCAS Animal Welfare Standards, the processes identified by industry as those currently in place to ensure ESCAS requirements are met should be formalised and recognised under the standard. Processes identified include the use of competent personnel overseeing this point of the supply chain (identified by industry comments as animal welfare officers and Australian Accredited Stockpersons). In formalising such processes, consideration should be given to ~~how this is managed under LGAP 1001 Livestock assurance – Requirements for animal welfare and management (v2, operative date 23 June 2021) as well as~~ how this will be audited and how responsibility for noncompliance is attributed to the appropriate party where such facilities are shared (refer Recommendations 2 and 9).

2 Appendix 1: summary and scoping document

2.1 Purpose

To review specific elements of the ESCAS framework, policies and processes to ensure ESCAS continues to be fit for purpose; to integrate improvements identified throughout its implementation; and to include, where appropriate, findings of reviews, including by the Inspector-General of Live Animal Exports (IGLAE). The review will also identify and address gaps and consolidate ESCAS policy. The outcome of the review will support consistent risk-based and proportionate regulation and provide a single documented source of truth for stakeholders and departmental staff.

2.2 Scope

The scope of the review includes specific elements of the framework, guidelines, policies, instructional material, independent auditing, and the department's assurance activities in relation to ESCAS. The *Biosecurity guideline for management of non-compliance* will also be reviewed. The key focus of the review is:

- Closing the inter-audit gap (ongoing monitoring and verification activities)
- Developing a control and traceability standard
- Updating of the *Biosecurity guideline for management of non-compliance* to incorporate a proportionate escalating non-compliance framework which considers aggravating and mitigating factors
- Streamlining and improving internal administrative processes
- Addressing the recommendations from the IGLAE review of ESCAS conducted in 2021.

2.3 Out of scope

The review will not consider expansion of ESCAS to breeders. The review will not consider the effectiveness or appropriateness of the legislative basis for ESCAS; however, opportunities for improvements to the Export Control (Animals) Rules 2021 may be identified for consideration following the review. The review will not develop a detailed quality assurance system. It will be up to exporters to ensure their ESCAS arrangements continue to meet the standards.

2.4 Related projects

Outcomes of the ESCAS review will feed into the performance and compliance project.

2.5 Process

Current state and challenge identification

The current state of ESCAS with areas for improvement and issues for resolution will be identified through a review of:

- 1) Data – including number of exporters with approved ESCAS supply chains, markets and volume of livestock that move through the system
- 2) Current legislation, policies and procedures in the framework, including Export Advisory Notices (EANS) relevant to ESCAS
- 3) Recommendations from the IGLAE report into ESCAS (which included views from stakeholders)
- 4) Outcomes of ESCAS investigations
- 5) Correspondence and media from exporters and animal welfare organisations in relation to ESCAS
- 6) Issues that have been identified and noted for consideration by the LAE ESCAS team
- 7) Comparison with WOAHS standards

Engagement at stage 1 will encompass a wide range of stakeholders. It will include exporters with an existing approved ESCAS supply chain, ALEC, MLA, LiveCorp, Cattle Council of Australia, Sheep Producers Australia, the Australian Buffalo Industry Council, the Goat Industry Council of Australia, Exporter Supply Chain Assurance Operations (ESCAO) providers with an approved arrangement, and animal welfare organisations. These stakeholders will be invited to provide feedback and comment on matters they would like considered as part of the review that fall within the determined scope. Feedback will be received through the department's 'Have Your Say' platform. A stage 1 engagement plan will define the scope of engagement and articulate how the broad group of stakeholders can provide relevant, specific and actionable feedback.

Develop recommendations

Following stage 1, recommendations will be developed to revise relevant parts of the ESCAS framework. A refreshed model will be proposed for approval.

The recommendations will clearly articulate options for addressing the issues identified in the review and justification for recommending options.

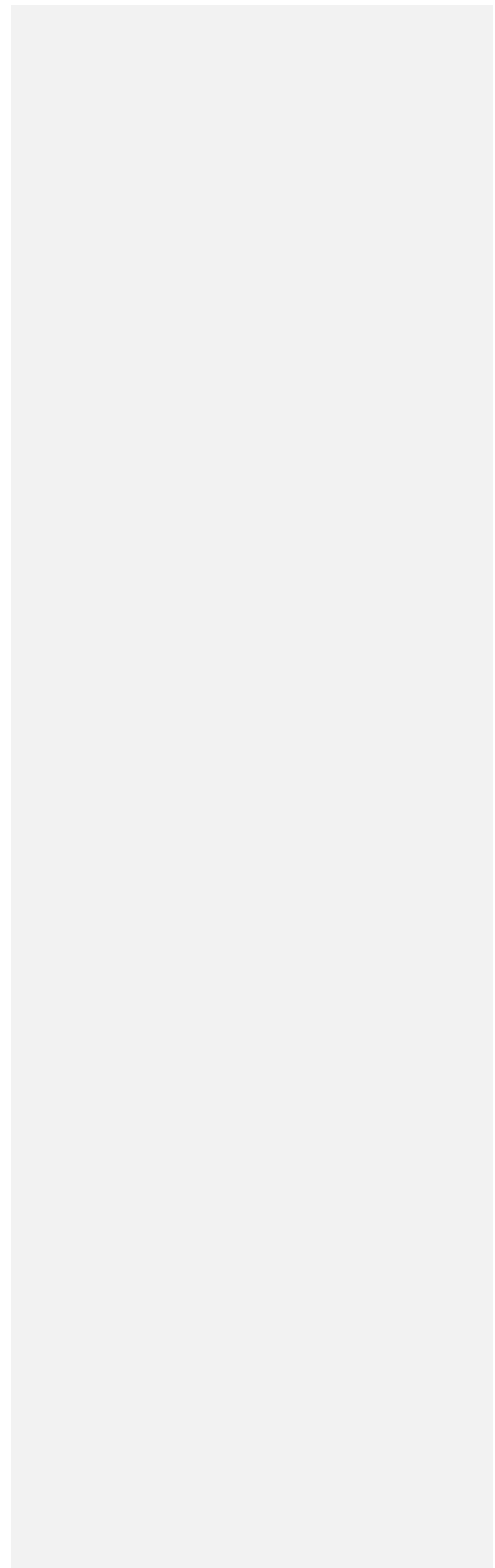
Engagement at stage 2 will test the recommendations on a targeted range of stakeholders and may include the use of workshops and interviews. Not all groups will be engaged in the same way on all issues. In this stage of engagement, comment and feedback on the technical components will be invited and considered in finalising the revised ESCAS framework.

Refresh and production of new materials

Following approval of any proposed revisions to the ESCAS framework, guidelines, policies, procedures and instructions will be refreshed to ensure that the documents clearly articulate the reviewed arrangements.

Engagement at stage 3 will include public consultation with relevant stakeholders and engagement with exporters and industry groups on the readability and design of materials for industry.

Any changes arising from the review will be rolled out in 2023 (date or tranche dates to be determined). We will focus on change management and provide industry and the department with a preparation period prior to implementation.



s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii)
Sent: Friday, 13 October 2023 4:58 PM
To: s. 47F(1)
Cc: s. 47F(1) s. 47F(1) s. 22(1)(a)(ii) Helpdesk-OIA
Subject: RE: Catch-up in the next week or so ESCAS Review OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

I hope the draft recommendations have been useful in providing context – I am just reaching out to see whether you and team have availability next week to meet and discuss?

We have time on Tuesday afternoon (between 2-3:30pm) and Wednesday (between 11-1pm or 2-3pm).

More than happy to send through further times during the week depending on your availability.

Have a great weekend and talk soon.

Kind regards,

s. 22(1)(a)(ii)

Senior Technical Officer | Regulatory Performance and Compliance | s. 22(1)(a)(ii)
Live Animal Export Branch
Plant and Live Animal Exports, Welfare and Regulation Division

Department of Agriculture, Fisheries and Forestry
GPO Box 858 Canberra ACT 2601
agriculture.gov.au

From: s. 47F(1) <s. 47F(1) @pmc.gov.au>
Sent: Thursday, September 21, 2023 8:10 AM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)aff.gov.au>
Subject: RE: Catch-up in the next week or so ESCAS Review OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

s. 22(1)(a)(ii)

Thanks for sending through latest draft of recommendation – Yes, will be beneficial to update on scope and detail, and for assessing Impact Analysis requirements.
Will aim to catch-up next week (not Monday).

Thanks again and regards,
s. 47F(1)

s. 47F(1) | Adviser, Office of Impact Analysis
Department of the Prime Minister and Cabinet
p. s. 47F(1)
Gunnawal Country, 1 National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600
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The Department acknowledges and pays respect to the past, present and emerging Elders and Traditional Custodians of Country, and the continuation of cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander peoples.

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Sent: Wednesday, 20 September 2023 6:31 PM
To: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) @pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Subject: RE: Catch-up in the next week or so ESCAS Review OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

Thank you for touching base a couple weeks ago, and apologies that this is coming through a bit later than expected.

I have attached the latest copy of our current draft recommendations, for your reference.

As you can see, this is still very much a working draft. We are intending to work through and finalise the detail of these recommendations over the coming weeks; however, I thought it beneficial to send through now as this should give you an indication on the scope of changes being considered, including the level of technical detail.

More than happy to discuss further once you/team have had a chance to take a look. My Director s. 22(1)(a)(ii) and I are reasonably flexible with availability, other than Mondays which are a bit busier.

Looking forward to meeting with you.

Kind regards,

s. 22(1)(a)(ii)

A/g Assistant Director | Regulatory Performance and Compliance | s. 22(1)(a)(ii)
 Live Animal Export Branch | Traceability, Plant and Live Animal Exports Division

Department of Agriculture, Fisheries and Forestry
 GPO Box 858 Canberra ACT 2601
agriculture.gov.au

From: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Sent: Wednesday, September 6, 2023 10:15 AM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) @pmc.gov.au>
Subject: Catch-up in the next week or so RE: ESCAS Review OBPR OBPR22-03259 [SEC=OFFICIAL]

s. 22(1)(a)(ii)

Thanks for your time on the phone this morning.

As discussed, EL2 s. 47F(1) and I are keen to meet in the next week or so when you have updated draft recommendations - noting that recommendations subject to change after going out to consultation (as you said) in late Sept early Oct.

Items for discussion can include:

- . timeliness for any impact analysis that may be required; and

. (as your raised) the possibility of an IA equivalent process.

Thanks again and regards,

s. 47F(1)

s. 47F(1) | Adviser, Office of Impact Analysis

Department of the Prime Minister and Cabinet

p. s. 47F(1)

Ngunawal Country, 1 National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600

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The Department acknowledges and pays respect to the past, present and emerging Elders and Traditional Custodians of Country, and the continuation of cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander peoples.

----- Original Message -----

From: s. 47F(1) <s. 47F(1) @pmc.gov.au>;

Received: Fri Jul 21 2023 15:27:03 GMT+1000 (Australian Eastern Standard Time)

To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>;

Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; OIA Help Desk helpdesk-oia <helpdesk-oia@pmc.gov.au>; OBPR Mailbox <helpdesk-oia@pmc.gov.au>;

s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>;

Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

s. 22(1)(a)(ii)

Hope you had a nice break. Thanks for your comprehensive update – very useful for getting me up to speed in my new role. We'll take you up on your offer of meeting in coming weeks - when you and your team are closer to finalising draft recommendations i.e. rather than taking up your valuable time now. Best wishes for your drafting.

Thanks again and regards

s. 47F(1)

s. 47F(1) | Adviser, Office of Impact Analysis

Department of the Prime Minister and Cabinet

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Ngunawal Country, 1 National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600

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From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Sent: Friday, 21 July 2023 11:13 AM

To: s. 47F(1) <s. 47F(1) @pmc.gov.au>

Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 47F(1)

<s. 47F(1) pmc.gov.au>

Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

Sorry to have missed your call – I've just returned from a couple weeks leave! Nice to e-meet you, and looking forward to working with you as we progress the Exporter Supply Chain Assurance System (ESCAS) review.

In terms of an update on the current progress, we are currently halfway through stage 2 and have recently published the Stage 2 Aggregated Report on our Have Your Say [consultation page](#) (please see attached). This report contains the department's high-level analysis of the submissions received at stage 1, and considerations for formulating recommendations to address challenges within the ESCAS framework.

As a general summary of the themes, the stage 1 submissions often reflected the opposed viewpoints held by our stakeholders.

- Primary areas of contention included the department's approach to noncompliance management under ESCAS, as well as control and traceability; submissions disagreed on whether the various challenges under these focus areas existed, as well as gave varying opinion as to how they should be addressed and managed, e.g., whether to focus on outcomes-based versus prescriptive requirements.
- There was also a significant amount of feedback (and discrepancy) on the ESCAS Animal Welfare Standards and their relation to international/domestic standards.

To give a recap of the stages:

- **Stage 1** included a desktop review to identify potential challenges in the ESCAS framework, which were documented in the Stage 1 Discussion Paper. Many challenges were previously identified in the Inspector-General of Live Animal Exports' review of ESCAS in 2021 (this report is one of the primary focuses for the review to address), and others originate from industry research papers, internal process documents, noncompliance reports, and ESCAS documentation/standards. We then conducted formal consultation on the discussion paper to gain stakeholder perspectives on whether they agreed or disagreed with the existence of the challenges, and where relevant, the proposal of solutions to address the challenges.
- **Stage 2** so far has included the review of stakeholder feedback from stage 1, contained in the Stage 2 Aggregated Report. We followed up this publication with a broadcast session on 7 July 2023, where we presented the content of the aggregated report, provided opportunity for questions and outlined the next steps.
 - We are now organising one-on-one sessions with stakeholders, for anything that may have been missed or misinterpreted from the stage 1 feedback. We are aiming to conduct these over the next 1.5 weeks. Any relevant feedback will be incorporated into the **draft recommendations for improvements to the framework**, which we are in the initial stages of drafting.
 - Once the draft recommendations are finalised, we will commence formal consultation on the recommendations via Have Your Say. We anticipate this will occur in September.
- **Stage 3** (refresh and production of materials) will include finalising the recommendations and conducting consultation on the implementation of the final recommendations.

In general, the difficulty up to this stage has been in determining when a decision can be made on whether an Impact Analysis will be required. Throughout stage 1 and part of stage 2, it seemed premature as we were still obtaining stakeholder views on the challenges and potential solutions – the degree and number of potential changes to the framework were not yet fully realised.

We are now drafting these recommendations and have an initial rough draft that is being reviewed by our team (we still need to determine feasibility, gaps, level of detail, etc.). Happy to meet with you in the coming weeks – in particular, let me know if it would be useful to share draft content at this stage, or wait until we are closer to finalising the draft recommendations.

Hope that makes sense and happy to discuss further.

Kind regards,

s. 22(1)(a)(ii)

Senior Technical Officer | Regulatory Performance and Compliance | **s. 22(1)(a)(ii)**
 Live Animal Export Branch | Traceability, Plant and Live Animal Exports Division

Department of Agriculture, Fisheries and Forestry
 GPO Box 858 Canberra ACT 2601
agriculture.gov.au

From: **s. 47F(1)** <**s. 47F(1)** @pmc.gov.au>

Sent: Tuesday, July 18, 2023 9:41 AM

To: **s. 22(1)(a)(ii)** <**s. 22(1)(a)(ii)** aff.gov.au>

Cc: **s. 47F(1)** <**s. 47F(1)** pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; **s. 47F(1)** <**s. 47F(1)** pmc.gov.au>

Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

s. 22(1)(a)(ii)

Following up my previous email – are you able to supply an update on state-of-play re. the Exporter Supply Chain Assurance System proposal.

Happy to discuss at a time that best suits you.

Regards,

s. 47F(1)

s. 47F(1) | Adviser, Office of Impact Analysis

Department of the Prime Minister and Cabinet

p. **s. 47F(1)**

Ngunawal Country, 1 National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600

e. **s. 47F(1)** @pmc.gov.au w. pmc.gov.au



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From: **s. 47F(1)**

Sent: Tuesday, 11 July 2023 10:43 AM

To: **s. 22(1)(a)(ii)** <**s. 22(1)(a)(ii)** aff.gov.au>

Cc: **s. 47F(1)** <**s. 47F(1)** pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; **s. 47F(1)** <**s. 47F(1)** pmc.gov.au>

Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

s. 22(1)(a)(ii)

Gave you a call to introduce myself as your new first point of contact in OIA.

Looking forward to working with you on the Exporter Supply Chain Assurance System issue (and other issues).

Regards,
s. 47F(1)

s. 47F(1) | Adviser, Office of Impact Analysis
Department of the Prime Minister and Cabinet
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The Department acknowledges and pays respect to the past, present and emerging Elders and Traditional Custodians of Country, and the continuation of cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander peoples.

From: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Sent: Monday, 10 July 2023 11:21 AM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Cc: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 47F(1) <s. 47F(1) @pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 22(1)(a)(ii)

I hope that you've been well.

I am just reaching out to inform you that s. 47F(1) will be taking over the relevant portfolio from today, and will therefore be dealing with any possible Impact Analysis requirements from here. I have cc'd them in this email, so that when you've completed the consolidation of the results from the consultation that you've recently undertaken, you can both organise a meeting.

Kind regards

s. 47F(1)

s. 47F(1) | Adviser
Office of Impact Analysis | Economic Division | Department of the Prime Minister and Cabinet
p. s. 47F(1) | e. s. 47F(1) pmc.gov.au | w. pmc.gov.au
Ngunawal Country, One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600

----- Original Message -----

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>;
Received: Fri Jun 02 2023 17:15:04 GMT+1000 (Australian Eastern Standard Time)
To: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>;
Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; OIA Help Desk helpdesk-oia@pmc.gov.au; OBPR Mailbox <helpdesk-oia@pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>;
Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

Apologies for the change – it would be great if we could actually postpone the update at this time, as it will take us a bit longer than expected to publish the draft report and we are finalising details for ongoing stakeholder engagement over the coming weeks.

I am anticipating it will be more productive to meet once we have the draft report finalised (sorry for reaching out prematurely!).

Will be in touch and apologies for any inconvenience.

Kind regards,

s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii)

Sent: Tuesday, May 30, 2023 5:58 PM

To: 's. 47F(1)' <s. 47F(1) pmc.gov.au>

Cc: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>

Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

Thanks for the quick response and that sounds good – afternoon works for us as well!

I'll send through a meeting invite shortly, and looking forward to speaking next week.

Kind regards,

s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>

Sent: Tuesday, May 30, 2023 3:15 PM

To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Cc: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>

Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Good afternoon s. 22(1)(a)(ii)

Thanks for reaching out, glad to hear from you. Would you also be able to include s. 47F(1) (cc'd) on a discussion invite? He's supporting me in s. 47F(1) absence.

Would next Wednesday work? We are free any time after 1pm. Otherwise, happy to provide some other times.

Kind regards

s. 47F(1)

s. 47F(1) | Adviser | Office of Impact Analysis

Economic Division | Department of the Prime Minister and Cabinet

p. s. 47F(1) | e. s. 47F(1) pmc.gov.au | w. pmc.gov.au

Ngunnawal Country, One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600





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From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Sent: Tuesday, 30 May 2023 1:22 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

I am just reaching out with an update on the ESCAS review since we spoke last – we have completed a first draft of the aggregated report, on the department's analysis of the feedback received during stage 1 consultation.

We are currently working to finalise this draft, before publishing on HYS for stakeholders to view prior to the facilitated session in June.

Did you have any availability next week for a meeting to discuss some of the emerging themes?

Kind regards,

s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii)
Sent: Monday, April 24, 2023 4:03 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

Sounds great, I'll send through a meeting invite now.

Looking forward to chatting on Thursday!

Cheers,

s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>
Sent: Monday, 24 April 2023 3:58 PM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Hi s. 22(1)(a)(ii) let's go for 2pm on Thursday. Half hour should be fine. It would be me and s. 47F(1) from our end.

Regards

s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Sent: Monday, 24 April 2023 2:02 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

Thanks for the response, more than happy to meet and discuss.

At this stage, I can provide detail on trends in feedback and some claims on regulatory burden *should* a change be implemented by the department, although there hasn't been commitment to implement specific changes as of yet (other than those described in the summary & scoping document/stage 1 discussion paper, for example the introduction of a control and traceability standard). We'll need more time for stage 2 to progress in terms of the development of the draft recommendations, which will constitute the specific proposed changes to the framework.

Happy to discuss further, my afternoons are generally pretty free. A few times this week are:

- Wednesday after 1pm (excluding 3-3:30pm)
- Thursday after 2pm
- Friday between 1-3:30pm

Kind regards,

s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>
Sent: Friday, 21 April 2023 8:32 AM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>
Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Hi s. 22(1)(a)(ii)

Thanks for your email and the progress update. I agree that it would be good to target some of your questions towards issues that might arise in an Impact Analysis. However, it may be opportune to have a discussion about impacts following the feedback from consultation including issues identified through the confidential submissions (to the extent that you can share this) so as to determine whether you're in IA territory. That is, are we in a position to assess whether the proposals arising from the ESCAS review are likely to result in more than a minor regulatory impact? Or do we need more time for Stage 2 to progress further? Perhaps a meeting to discuss would be worthwhile?

Regards

s. 47F(1) | Advisor

Office of Impact Analysis | Economic Division
 Department of the Prime Minister and Cabinet

p. s. 47F(1) s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Sent: Wednesday, 19 April 2023 11:12 AM
To: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

I work in s. 22(1)(a)(ii) team and am just reaching out on her behalf – she's acting in another role for 6 weeks, and I am the current point of contact for the ESCAS review.

I wanted to provide an update on our progress in stage 2, particularly as we have extended our timeframe (stage 2 anticipated to conclude in August) and refined various aspects of our approach, including:

- We have published all non-confidential submissions received during stage 1 on the departmental platform [Have Your Say](#)
- We will be drafting an aggregated report in response to the submissions, i.e., outlining feedback received and the department's response and consideration of this feedback (est. May)
- We will be engaging with stakeholders in a facilitated session mid-stage 2 (est. early June) to discuss overall themes in the aggregated report and the development of draft recommendations, and
- Once draft recommendations are released for review and consultation, offering informal 1-on-1 sessions with stakeholders (in combination with a formal submission process) to ensure all voices are heard independently prior to finalisation of recommendations.

Considering past feedback from the OIA, going forward would it be beneficial to integrate specific questions on stakeholder impacts into upcoming consultation? E.g., Being deliberate during the consultation on draft recommendations during stage 2 in asking questions of stakeholders, particularly industry, on impact, cost and benefit, etc.

Grateful if you had any comments or recommendations on this, as well as our general approach. I understand the difficulty in commenting, while the perceived impact is still in large part unknown; however, happy to send/discuss the aggregated report on stage 1 analysis of feedback once finalised, if this gives a better indication on the tone of feedback received thus far and general direction the department is considering in response.

Kind regards,

s. 22(1)(a)(ii)

A/g Assistant Director | Regulatory Performance and Compliance | s. 22(1)(a)(ii)
Live Animal Export Branch | Traceability, Plant and Live Animal Exports Division

Department of Agriculture, Fisheries and Forestry
GPO Box 858 Canberra ACT 2601
agriculture.gov.au

From: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Sent: Thursday, 2 March 2023 2:43 PM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>
Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 22(1)(a)(ii)

Thanks for the email on 27 February, the discussion paper and for the discussion on the phone today.

It is not clear at this stage whether the changes proposed are likely to result in 'more than a minor' regulatory impact. This is partly because the ESCAS framework is fundamentally remaining intact and many of the changes

proposed would appear incremental or of a programmatic nature. I note your advice that some industry participants are claiming that the changes might have a significant impact on their commercial viability.

I therefore agree with your proposal that we hold our assessment at this stage and assess the significance of the ESCAS reforms as Stage 2 progresses (about April/May 2023). This will give you an opportunity to assess the claims of those industry participants.

If we determine that the proposal is more than minor, an Impact Analysis will need to be required to be prepared for Stage 3 to inform the decision, consistent with Government requirements.

We look forward to further discussions at this time. In the interim, feel free to contact me (or [s. 47F^{s. 47F\(1\)}](#)) to discuss any other issues that might assist with your consultation and policy development process.

regards

[s. 47F\(1\)](#) | Advisor
Office of Impact Analysis | Economic Division
Department of the Prime Minister and Cabinet
p. [s. 47F\(1\)](#) [s. 47F\(1\)](#)

From: [s. 22\(1\)\(a\)\(ii\)](#) <[s. 22\(1\)\(a\)\(ii\)](#) aff.gov.au>
Sent: Monday, 27 February 2023 11:01 PM
To: [s. 47F\(1\)](#) <[s. 47F\(1\)](#) pmc.gov.au>
Cc: [s. 22\(1\)\(a\)\(ii\)](#) <[s. 22\(1\)\(a\)\(ii\)](#) aff.gov.au>
Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Dear [s. 47F\(1\)](#)

Thank you for taking the time to chat about the ESCAS Review this morning, and apologies for missing your call on Friday.

Allow me to introduce [s. 22\(1\)\(a\)\(ii\)](#) (copied) who is working with me on this project.

As discussed, here is some relevant background on:

The Exporter Supply Chain Assurance System (ESCAS)

- ESCAS is a regulatory framework that seeks to ensure animal welfare, control and traceability outcomes for feeder and slaughter livestock from the point of arrival in importing countries up until and including the point of slaughter.
- Livestock exporters are the regulated entities under ESCAS. They are responsible for establishing and managing arrangements with supply chain partners (i.e. importers, feedlots and abattoirs) in importing countries to ensure that ESCAS requirements are met.
- ESCAS was developed in 2011 in response to public outrage following the release of footage on *Four Corners* depicting poor animal handling and slaughter practices at Indonesian abattoirs, and progressively rolled out to all countries importing Australian feeder and slaughter livestock during 2012.
 -
 -
 - Currently there are around 90 approved ESCAS supply chains across 17 countries.
- ESCAS has since been largely effective in delivering against its intended outcomes.
- Alleged ESCAS non-compliances are investigated by the department and regulatory action taken as indicated and as soon as practically possible.
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 -
 - Since 2013, less than 0.20% of exported livestock covered by ESCAS have been involved with confirmed ESCAS non-compliances.
 - Reports of alleged ESCAS non-compliance are received from exporters (self-reports – 55%), third-parties (animal welfare organisations or private citizens in importing countries – 35%), industry groups, included in independent audit reports submitted by exporters or identified by the department.

The ESCAS Review

- The department is reviewing components of the ESCAS framework to ensure that it remains fit-for-purpose and supports consistent, risk-based regulation.
- The review is being conducted in 3 stages, with stakeholder engagement at the end of each stage. A **Summary and scoping document** setting out focus areas for the project, work at each stage, our stakeholder engagement approach and key review outcomes is attached for your reference.

- Key outcomes of this review include the production of a consolidated, single source reference of ESCAS for departmental staff and stakeholders, and to follow-through with the department's commitment to address recommendations in the [Inspector-General Review of ESCAS \(2021\)](#).
- We have just concluded stage 1 of the review, including associated stakeholder engagement. This stage was a gap analysis, with possible areas for improvement to the current ESCAS framework identified as 'challenges'.
 -
 -
 - Targeted stakeholder groups (i.e., livestock exporters and their peak industry bodies, industry groups and animal welfare organisations) were invited to provide constructive feedback on, and propose practical solutions to these specific technical challenges. There was also the opportunity to present challenges that they felt had not been identified.
 - This consultation stage was launched as a survey on the *Have Your Say* platform on 10 January and closed on 21 February 2023.
 - The attached *Discussion Paper* sets out identified challenges and is the exhaustive basis on which the *Have Your Say* survey was built.
- We are now in stage 2 of the ESCAS Review, and are reviewing and analysing submissions from our recent consultation stage.
 -
 -
 - The aim of this stage is to use feedback from the first consultation stage to inform recommendations for improvements to ESCAS.
 - These recommendations will be tested with livestock exporters at the stage 2 stakeholder consultation phase.
- Then, stage 3 of the project will follow, where recommendations are used to review and update ESCAS policies, with the final output being a consolidated document on all aspects of the framework.
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 -
 - The plan is to consult publicly at this stage of the review.

Interactions with OIA to date

- We met with the OIA (^{s. 47F(1)} and ^{s. 47F(1)}) and a industry peak body representative last year, following finalisation of the first version of our *Summary and scoping document* and prior to the commencement of the review, to discuss views on stakeholder engagement and whether the review can be conducted in a manner consistent with a RIS-like process, so that a full RIS might not be required at its conclusion and prior to implementation.
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 -
 - A focus of this meeting was to discuss strong exporter concerns about the department engaging with animal welfare organisations during the review process. Additionally, industry remains opined that animal welfare organisations, being opposed to the livestock export trade and not being directly affected by regulatory decisions, might distort/bias engagement results, and therefore should not be considered key stakeholders for the purpose of engagement.
 - We disagree and consider wide engagement necessary to capture the myriad and nuanced views on livestock exports – a highly scrutinised industry that continues to polarise. It is important that our process and decisions reflect regulatory best practice and considers contemporary social views on the subject. Animal welfare organisations are a key stakeholder, reflected in their interest in the trade and continued role in reporting alleged ESCAS breaches.
- To date, feedback has been positive and we committed to keep the OIA informed as we progress, to ensure our processes continued to be consistent with a RIS-like process (see email exchange with ^{s. 47F(1)} below).

To recap our conversation

- I understand that to you knowledge, no formal assessment of our project and approach has been conducted by the OIA and this will need to happen for any definitive advise on whether our approach constitutes a RIS-like process or equivalent.
- Pending your review and assessment, the *Inspector-General Review of ESCAS (2021)* might qualify as a RIS-like process equivalent. The basis for this is the extensive consultation that was undertaken as part of the review, and that a primary focus of the ESCAS Review is to address its recommendations. If this is a possibility, the decision needs to be endorsed at a Deputy Secretary level.
- Integral to an impact analysis is a determination of the magnitude of change and the affected stakeholders. This may be qualitative and subjective, but must be defensible.
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 -
 - ^{s. 47E(d)}
- Given that the magnitude of changes will depend on recommendations made as a result of feedback currently being analysed, it might be difficult to determine this until stage 3 of the review (when the outcome of the review is being drafted). However, any assessment on the impacts on industry would be useful.

As discussed, I'd be very grateful for your advice on:

- Anything we need to consider/reconsider about our approach so that our process is consistent with a RIS-like process.
- If you think we might be able to rely on the *Inspector-General Review of ESCAS (2021)* as a RIS-like equivalent.
- If we should be incorporating into our engagement strategy, a request for industry to quantify the impact of proposed changes to them/the trade, particularly where best practice regulation might be resisted on the basis of burden.

I realise this is a lot of information, but I hope it makes sense and trust that it informs you sufficiently to be able to offer the advice we are seeking.

Please let me know if I have missed or misinterpreted anything, and if you have any questions.

I look forward to further discussions.

Kind regards,

s. 22(1)(a)(ii)

Senior Veterinary Officer

Regulatory Performance | Live Animal Export Branch | Plant and Live Animal Exports Division

Phone: s. 22(1)(a)(ii)

Department of Agriculture, Fisheries and Forestry
GPO Box 858 Canberra ACT 2601 Australia

aff.gov.au

From: s. 47F(1) <s. 47F(1) pmc.gov.au>

Sent: Friday, 24 February 2023 4:02 PM

To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Hi s. 22(1)(a)(ii)

I left a message for you but I'm not sure if my landline is working so here is my mobile number below. If you could contact me, that would be great.
Regards

s. 47F(1) | Advisor

Office of Impact Analysis | Economic Division

Department of the Prime Minister and Cabinet

p. s. 47F(1) s. 47F(1)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>

Sent: Thursday, 23 February 2023 6:32 PM

To: s. 47F(1) <s. 47F(1) pmc.gov.au>

Subject: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Can you get in touch with s. 22(1)(a)(ii) and let her know you're the new lead on this pls?

We will need to give them some advice about how to meet the independent review requirements (noting this commenced under the former arrangements)

s. 47F(1)

s. 47F(1) Senior Adviser

Office of Impact Analysis

p. s. 47F(1) | m. s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Sent: Thursday, 23 February 2023 6:26 PM

To: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>

Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Good afternoon s. 47F(1)

I hope 2023 has started off well for you and your team.

I am reaching out with a status update on the ESCAS Review.

We recently concluded the first of 3 stakeholder consultation stages, which was launched as a survey on the *Have Your Say* platform from 10 January to 21 February 2023. Targeted stakeholders were invited to provide constructive feedback on specific technical challenges to the ESCAS framework. Survey questions are reflected in the Discussion paper, attached for your interest. We are now collating and analysing feedback received and will use it to inform recommendations for improvements to ESCAS in stage 2 of this project.

We would greatly appreciate your advice/confirmation that our processes remain aligned with a RIS-like process, and if there are any relevant considerations from your perspective, on how feedback is handled and analysed, noting that some submissions have been marked as confidential.

Happy to meet to discuss if easier.

Kind regards,
s. 22(1)(a)(ii)
Senior Veterinary Officer

Regulatory Performance | Live Animal Export Branch | Plant and Live Animal Exports Division
Phone: **s. 22(1)(a)(ii)**

Department of Agriculture, Fisheries and Forestry
GPO Box 858 Canberra ACT 2601 Australia

aff.gov.au

From: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Sent: Wednesday, 7 December 2022 12:30 PM
To: **s. 22(1)(a)(ii)** <**s. 22(1)(a)(ii)** aff.gov.au>
Cc: **s. 22(1)(a)(ii)** <**s. 22(1)(a)(ii)** aff.gov.au>; **s. 47F(1)** <**s. 47F(1)** pmc.gov.au>
Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Good afternoon **s. 22(1)(a)(ii)**

Thanks very much for sending this through, and apologies for the delay in my response. I've reviewed the summary and scoping document and have no major concerns. It's good to hear that consultation will be expanded. Seeking quantitative evidence of how proposed solutions will impact various stakeholder groups will assist in providing a more detailed outline of the anticipated costs and benefits.

I am happy to talk through the changes to the Impact Analysis framework once they are settled and am keen to ensure OIA supports you through this impact analysis process.

Kind regards,

s. 47F(1) (she/her) | Adviser
Office of Impact Analysis
Department of the Prime Minister and Cabinet
p. **s. 47F(1)**

From: **s. 22(1)(a)(ii)** <**s. 22(1)(a)(ii)** awe.gov.au>
Sent: Monday, 28 November 2022 6:52 PM
To: **s. 47F(1)** <**s. 47F(1)** pmc.gov.au>
Cc: **s. 47F(1)** <**s. 47F(1)** pmc.gov.au>; **s. 22(1)(a)(ii)** <**s. 22(1)(a)(ii)** agriculture.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

Hi **s. 47F(1)**

I'm just reaching out from our team with an update on the ESCAS Review and upcoming stakeholder consultation, to keep you in the loop.

We have released a revised summary and scoping document (attached), to reflect our updated approach to stakeholder engagement. We intend to include a wider group of stakeholders at stage 1 for challenge identification/proposal of solutions, then a more targeted group later on for the testing of recommendations.

We have completed the stage 1 desktop review, and are about to commence stage 1 consultation. As previously discussed, we have contracted a team for their technical expertise to assist with our review, and they have developed draft material for stakeholder consultation. We are reviewing this material internally, prior to publication on the department's engagement platform 'Have Your Say'.

Any feedback or comments on how our current approach may impact the RIS process would be greatly appreciated.

Kind regards,

s. 22(1)(a)(ii)
Senior Technical Officer | Regulatory Performance | **s. 22(1)(a)(ii)**
Live Animal Exports Branch | Plant & Live Animal Exports Division

Department of Agriculture, Fisheries and Forestry
GPO Box 858 Canberra ACT 2601
awe.gov.au

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Sent: Monday, 14 November 2022 4:32 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

Thanks very much for getting back to us, s. 47F(1)

I'll be in touch again leading up our second consultation stage, to seek your thoughts on our approach at the time.

Kind regards

s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>
Sent: Monday, 14 November 2022 5:07 PM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

OFFICIAL

Good afternoon s. 22(1)(a)(ii)

Thanks very much for providing these documents for OBPR's review. s. 47F(1) and I have discussed the documents and in order to meet the requirements to be certified in lieu of a RIS, the following will need to be considered and included in the development of the review:

- When presenting recommendations to address identified problems in stages 2 and 3, there should be a range of options considered, including at least one non-regulatory option.
- In order to meet the requirements, the final document will need to analyse the costs and benefits of each option. We suggest consultation in stage 2 should include questions to draw out expected costs and benefits from stakeholders. Stakeholders should be encouraged to provide any evidence, data or statistics of the quantitative impact various options may have on themselves, the community or other groups. Where quantification is not possible, stakeholders should be encouraged to be specific in qualitative assessments of likely impacts.

We're happy to discuss these points further if you would like.

Kind regards,

s. 47F(1) | Adviser
 Office of Best Practice Regulation
 Economic Division | Department of the Prime Minister and Cabinet
 p. s. 47F(1) | e. s. 47F(1) pmc.gov.au | w. www.pmc.gov.au
 One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) awe.gov.au>
Sent: Friday, 4 November 2022 5:17 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

Good afternoon s. 47F(1)

I hope this finds you well.

You might recall that we spoke some weeks ago about the Exporter Supply Chain Assurance System (ESCAS) Review. As discussed, it would be good to get an indication from you about when we should engage with the OBPR as this project progresses.

On this note, please find attached:

- The ESCAS Review project plan, and
- The ESCAS Review scoping and summary document, which outlines focus areas and specific framework components we will be reviewing as part of this project.

We look forward to hearing back from you.

Thanks and have a great weekend!

Kind regards,

s. 22(1)(a)(ii)

Senior Veterinary Officer

Regulatory Performance | Live Animal Export Branch | Plant and Live Animal Exports Division
 Phone: s. 22(1)(a)(ii)

Department of Agriculture, Fisheries and Forestry
18 Marcus Clarke Street, Canberra ACT 2601 Australia
GPO Box 858 Canberra ACT 2601 Australia

agriculture.gov.au

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s. 47F(1)

Advisor, Office of Impact Analysis

s. 47F(1) or s. 47F(1)

s. 47F(1) pmc.gov.au

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s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1) @pmc.gov.au>
Sent: Friday, 13 October 2023 5:15 PM
To: s. 22(1)(a)(ii)
Cc: s. 47F(1) s. 47F(1) s. 22(1)(a)(ii) Helpdesk-OIA
Subject: RE: Catch-up in the next week or so ESCAS Review OBPR OBPR22-03259 [SEC=OFFICIAL]

Follow Up Flag: Follow up
Flag Status: Completed

OFFICIAL

s. 22(1)(a)(ii)

Yes useful context, thanks

Unfortunately none of those times suit – s. 47F(1) on training all day + meetings already booked for those time on Wed.

How are you placed Thursday 19th other than 11-12 or 2-3; or Friday 20th before 3PM

Thanks again and regards,

s. 47F(1)

s. 47F(1) | Adviser, Office of Impact Analysis

Department of the Prime Minister and Cabinet

p. s. 47F(1)

Ngunnawal Country, 1 National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600

e. s. 47F(1) @pmc.gov.au w. pmc.gov.au



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From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Sent: Friday, 13 October 2023 4:58 PM
To: s. 47F(1) <s. 47F(1) @pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)aff.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Subject: RE: Catch-up in the next week or so ESCAS Review OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

I hope the draft recommendations have been useful in providing context – I am just reaching out to see whether you and team have availability next week to meet and discuss?

We have time on Tuesday afternoon (between 2-3:30pm) and Wednesday (between 11-1pm or 2-3pm).

More than happy to send through further times during the week depending on your availability.

Have a great weekend and talk soon.

Kind regards,

s. 22(1)(a)(ii)

Senior Technical Officer | Regulatory Performance and Compliance | **s. 22(1)(a)(ii)**

Live Animal Export Branch

Plant and Live Animal Exports, Welfare and Regulation Division

Department of Agriculture, Fisheries and Forestry

GPO Box 858 Canberra ACT 2601

agriculture.gov.au

From: **s. 47F(1)** <**s. 47F(1)** @pmc.gov.au>

Sent: Thursday, September 21, 2023 8:10 AM

To: **s. 22(1)(a)(ii)** <**s. 22(1)(a)(ii)** aff.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>

Cc: **s. 47F(1)** <**s. 47F(1)** pmc.gov.au>; **s. 47F(1)** <**s. 47F(1)** pmc.gov.au>; **s. 22(1)(a)(ii)** <**s. 22(1)(a)(ii)**aff.gov.au>

Subject: RE: Catch-up in the next week or so ESCAS Review OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

s. 22(1)(a)(ii)

Thanks for sending through latest draft of recommendation – Yes, will be beneficial to update on scope and detail, and for assessing Impact Analysis requirements.

Will aim to catch-up next week (not Monday).

Thanks again and regards,

s. 47F(1)

s. 47F(1) | Adviser, Office of Impact Analysis

Department of the Prime Minister and Cabinet

p. **s. 47F(1)**

Ngunnawal Country, 1 National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600

e. **s. 47F(1)** @pmc.gov.au w. pmc.gov.au



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From: **s. 22(1)(a)(ii)** <**s. 22(1)(a)(ii)** aff.gov.au>

Sent: Wednesday, 20 September 2023 6:31 PM

To: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>

Cc: **s. 47F(1)** <**s. 47F(1)** @pmc.gov.au>; **s. 47F(1)** <**s. 47F(1)** pmc.gov.au>; **s. 47F(1)** <**s. 47F(1)** pmc.gov.au>; **s. 22(1)(a)(ii)** <**s. 22(1)(a)(ii)**aff.gov.au>

Subject: RE: Catch-up in the next week or so ESCAS Review OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi **s. 47F(1)**

Thank you for touching base a couple weeks ago, and apologies that this is coming through a bit later than expected.

I have attached the latest copy of our current draft recommendations, for your reference.

As you can see, this is still very much a working draft. We are intending to work through and finalise the detail of these recommendations over the coming weeks; however, I thought it beneficial to send through now as this should give you an indication on the scope of changes being considered, including the level of technical detail.

More than happy to discuss further once you/team have had a chance to take a look. My Director ^{s. 22(1)(a)(ii)} and I are reasonably flexible with availability, other than Mondays which are a bit busier.

Looking forward to meeting with you.

Kind regards,

s. 22(1)(a)(ii)

A/g Assistant Director | Regulatory Performance and Compliance | **s. 22(1)(a)(ii)**
Live Animal Export Branch | Traceability, Plant and Live Animal Exports Division

Department of Agriculture, Fisheries and Forestry
GPO Box 858 Canberra ACT 2601
agriculture.gov.au

From: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>

Sent: Wednesday, September 6, 2023 10:15 AM

To: **s. 22(1)(a)(ii)** <**s. 22(1)(a)(ii)** aff.gov.au>

Cc: **s. 47F(1)** <**s. 47F(1)** pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; **s. 47F(1)** <**s. 47F(1)** pmc.gov.au>; **s. 47F(1)** <**s. 47F(1)** pmc.gov.au>; **s. 47F(1)** <**s. 47F(1)** pmc.gov.au>

Subject: Catch-up in the next week or so RE: ESCAS Review OBPR OBPR22-03259 [SEC=OFFICIAL]

^{s. 22(1)(a)(ii)}

Thanks for your time on the phone this morning.

As discussed, EL2 **s. 47F(1)** and I are keen to meet in the next week or so when you have updated draft recommendations - noting that recommendations subject to change after going out to consultation (as you said) in late Sept early Oct.

Items for discussion can include:

- . timeliness for any impact analysis that may be required; and
- . (as your raised) the possibility of an IA equivalent process.

Thanks again and regards,

^{s. 47F(1)}

s. 47F(1) | Adviser, Office of Impact Analysis

Department of the Prime Minister and Cabinet

p. **s. 47F(1)**

Ngunawal Country, 1 National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600

e. **s. 47F(1)** a@pmc.gov.au w. pmc.gov.au



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----- Original Message -----

From: **s. 47F(1)** <**s. 47F(1)** @pmc.gov.au>;

Received: Fri Jul 21 2023 15:27:03 GMT+1000 (Australian Eastern Standard Time)

To: **s. 22(1)(a)(ii)** <**s. 22(1)(a)(ii)** aff.gov.au>;

Cc: **s. 47F(1)** <**s. 47F(1)** pmc.gov.au>; **s. 47F(1)** <**s. 47F(1)** pmc.gov.au>; OIA Help Desk helpdesk-oia@pmc.gov.au; OBPR Mailbox <helpdesk-oia@pmc.gov.au>;

s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>;

Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

s. 22(1)(a)(ii)

Hope you had a nice break. Thanks for your comprehensive update – very useful for getting me up to speed in my new role. We'll take you up on your offer of meeting in coming weeks - when you and your team are closer to finalising draft recommendations i.e. rather than taking up your valuable time now. Best wishes for your drafting.

Thanks again and regards

s. 47F(1)

s. 47F(1) | Adviser, Office of Impact Analysis

Department of the Prime Minister and Cabinet

p. s. 47F(1)

Ngunawal Country, 1 National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600

e. s. 47F(1) [@pmc.gov.au](mailto:pmc.gov.au) w. pmc.gov.au



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From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Sent: Friday, 21 July 2023 11:13 AM

To: s. 47F(1) <s. 47F(1) [@pmc.gov.au](mailto:pmc.gov.au)>

Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 47F(1)

<s. 47F(1) pmc.gov.au>

Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

Sorry to have missed your call – I've just returned from a couple weeks leave! Nice to e-meet you, and looking forward to working with you as we progress the Exporter Supply Chain Assurance System (ESCAS) review.

In terms of an update on the current progress, we are currently halfway through stage 2 and have recently published the Stage 2 Aggregated Report on our Have Your Say [consultation page](#) (please see attached). This report contains the department's high-level analysis of the submissions received at stage 1, and considerations for formulating recommendations to address challenges within the ESCAS framework.

As a general summary of the themes, the stage 1 submissions often reflected the opposed viewpoints held by our stakeholders.

- Primary areas of contention included the department's approach to noncompliance management under ESCAS, as well as control and traceability; submissions disagreed on whether the various challenges under these focus areas existed, as well as gave varying opinion as to how they should be addressed and managed, e.g., whether to focus on outcomes-based versus prescriptive requirements.
- There was also a significant amount of feedback (and discrepancy) on the ESCAS Animal Welfare Standards and their relation to international/domestic standards.

To give a recap of the stages:

- **Stage 1** included a desktop review to identify potential challenges in the ESCAS framework, which were documented in the Stage 1 Discussion Paper. Many challenges were previously identified in the Inspector-General of Live Animal Exports' review of ESCAS in 2021 (this report is one of the primary focuses for the review to address), and others originate from industry research papers, internal process documents, noncompliance reports, and ESCAS documentation/standards. We then conducted formal consultation on the discussion paper to gain stakeholder perspectives on whether they agreed or disagreed with the existence of the challenges, and where relevant, the proposal of solutions to address the challenges.
- **Stage 2** so far has included the review of stakeholder feedback from stage 1, contained in the Stage 2 Aggregated Report. We followed up this publication with a broadcast session on 7 July 2023, where we presented the content of the aggregated report, provided opportunity for questions and outlined the next steps.
 - We are now organising one-on-one sessions with stakeholders, for anything that may have been missed or misinterpreted from the stage 1 feedback. We are aiming to conduct these over the next 1.5 weeks. Any relevant feedback will be incorporated into the **draft recommendations for improvements to the framework**, which we are in the initial stages of drafting.
 - Once the draft recommendations are finalised, we will commence formal consultation on the recommendations via Have Your Say. We anticipate this will occur in September.
- **Stage 3** (refresh and production of materials) will include finalising the recommendations and conducting consultation on the implementation of the final recommendations.

In general, the difficulty up to this stage has been in determining when a decision can be made on whether an Impact Analysis will be required. Throughout stage 1 and part of stage 2, it seemed premature as we were still obtaining stakeholder views on the challenges and potential solutions – the degree and number of potential changes to the framework were not yet fully realised.

We are now drafting these recommendations and have an initial rough draft that is being reviewed by our team (we still need to determine feasibility, gaps, level of detail, etc.). Happy to meet with you in the coming weeks – in particular, let me know if it would be useful to share draft content at this stage, or wait until we are closer to finalising the draft recommendations.

Hope that makes sense and happy to discuss further.

Kind regards,

s. 22(1)(a)(ii)

Senior Technical Officer | Regulatory Performance and Compliance | s. 22(1)(a)(ii)
Live Animal Export Branch | Traceability, Plant and Live Animal Exports Division

Department of Agriculture, Fisheries and Forestry
GPO Box 858 Canberra ACT 2601
agriculture.gov.au

From: s. 47F(1) <s. 47F(1) @pmc.gov.au>

Sent: Tuesday, July 18, 2023 9:41 AM

To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>

Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

s. 22(1)(a)(ii)

Following up my previous email – are you able to supply an update on state-of-play re. the Exporter Supply Chain Assurance System proposal.
Happy to discuss at a time that best suits you.

Regards,
s. 47F(1)

s. 47F(1) | Adviser, Office of Impact Analysis
Department of the Prime Minister and Cabinet
p. s. 47F(1)
Ngunawal Country, 1 National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600
e. s. 47F(1) @pmc.gov.au w. pmc.gov.au



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From: s. 47F(1)
Sent: Tuesday, 11 July 2023 10:43 AM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

s. 22(1)(a)(ii)

Gave you a call to introduce myself as your new first point of contact in OIA.

Looking forward to working with you on the Exporter Supply Chain Assurance System issue (and other issues).

Regards,
s. 47F(1)

s. 47F(1) | Adviser, Office of Impact Analysis
Department of the Prime Minister and Cabinet
p. s. 47F(1)
Ngunawal Country, 1 National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600
e. s. 47F(1) @pmc.gov.au w. pmc.gov.au



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From: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Sent: Monday, 10 July 2023 11:21 AM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Cc: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 47F(1)

<s. 47F(1) @pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>

Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi ^{s. 22(1)(a)(ii)}

I hope that you've been well.

I am just reaching out to inform you that s. 47F(1) will be taking over the relevant portfolio from today, and will therefore be dealing with any possible Impact Analysis requirements from here. I have cc'd them in this email, so that when you've completed the consolidation of the results from the consultation that you've recently undertaken, you can both organise a meeting.

Kind regards

s. 47F(1)

s. 47F(1) | Adviser

Office of Impact Analysis | Economic Division | Department of the Prime Minister and Cabinet

p. s. 47F(1) | e. s. 47F(1) pmc.gov.au | w. pmc.gov.au

Ngunnawal Country, One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600

----- Original Message -----

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>;

Received: Fri Jun 02 2023 17:15:04 GMT+1000 (Australian Eastern Standard Time)

To: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>;

Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1)

<s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; OIA Help Desk helpdesk-oia

<helpdesk-oia@pmc.gov.au>; OBPR Mailbox <helpdesk-oia@pmc.gov.au>; s. 47F(1)

<s. 47F(1) pmc.gov.au>;

Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

Apologies for the change – it would be great if we could actually postpone the update at this time, as it will take us a bit longer than expected to publish the draft report and we are finalising details for ongoing stakeholder engagement over the coming weeks.

I am anticipating it will be more productive to meet once we have the draft report finalised (sorry for reaching out prematurely!).

Will be in touch and apologies for any inconvenience.

Kind regards,

^{s. 22(1)(a)(ii)}

From: s. 22(1)(a)(ii)

Sent: Tuesday, May 30, 2023 5:58 PM

To: 's. 47F(1) <s. 47F(1) pmc.gov.au>

Cc: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii)

<s. 22(1)(a)(ii) aff.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>

Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

Thanks for the quick response and that sounds good – afternoon works for us as well!

I'll send through a meeting invite shortly, and looking forward to speaking next week.

Kind regards,
s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>
Sent: Tuesday, May 30, 2023 3:15 PM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Cc: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Good afternoon s. 22(1)(a)(ii)

Thanks for reaching out, glad to hear from you. Would you also be able to include s. 47F(1) (cc'd) on a discussion invite? He's supporting me in s. 47F(1) absence.

Would next Wednesday work? We are free any time after 1pm. Otherwise, happy to provide some other times.

Kind regards

s. 47F(1)

s. 47F(1) | Adviser | Office of Impact Analysis
 Economic Division | Department of the Prime Minister and Cabinet
 p. s. 47F(1) | e. s. 47F(1) pmc.gov.au | w. pmc.gov.au
 Ngunnawal Country, One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600



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From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Sent: Tuesday, 30 May 2023 1:22 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

I am just reaching out with an update on the ESCAS review since we spoke last – we have completed a first draft of the aggregated report, on the department's analysis of the feedback received during stage 1 consultation.

We are currently working to finalise this draft, before publishing on HYS for stakeholders to view prior to the facilitated session in June.

Did you have any availability next week for a meeting to discuss some of the emerging themes?

Kind regards,
s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii)

Sent: Monday, April 24, 2023 4:03 PM

To: s. 47F(1) <s. 47F(1) pmc.gov.au>

Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

Sounds great, I'll send through a meeting invite now.

Looking forward to chatting on Thursday!

Cheers,

s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>

Sent: Monday, 24 April 2023 3:58 PM

To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Hi s. 22(1)(a)(ii) let's go for 2pm on Thursday. Half hour should be fine. It would be me and s. 47F(1) from our end.

Regards

s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Sent: Monday, 24 April 2023 2:02 PM

To: s. 47F(1) <s. 47F(1) pmc.gov.au>

Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

Thanks for the response, more than happy to meet and discuss.

At this stage, I can provide detail on trends in feedback and some claims on regulatory burden *should* a change be implemented by the department, although there hasn't been commitment to implement specific changes as of yet (other than those described in the summary & scoping document/stage 1 discussion paper, for example the introduction of a control and traceability standard). We'll need more time for stage 2 to progress in terms of the development of the draft recommendations, which will constitute the specific proposed changes to the framework.

Happy to discuss further, my afternoons are generally pretty free. A few times this week are:

- Wednesday after 1pm (excluding 3-3:30pm)
- Thursday after 2pm
- Friday between 1-3:30pm

Kind regards,

s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>
Sent: Friday, 21 April 2023 8:32 AM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>
Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Hi s. 22(1)(a)(ii)

Thanks for your email and the progress update. I agree that it would be good to target some of your questions towards issues that might arise in an Impact Analysis. However, it may be opportune to have a discussion about impacts following the feedback from consultation including issues identified through the confidential submissions (to the extent that you can share this) so as to determine whether you're in IA territory. That is, are we in a position to assess whether the proposals arising from the ESCAS review are likely to result in more than a minor regulatory impact? Or do we need more time for Stage 2 to progress further? Perhaps a meeting to discuss would be worthwhile?

Regards

s. 47F(1) | Advisor
 Office of Impact Analysis | Economic Division
 Department of the Prime Minister and Cabinet
 p. s. 47F(1) s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Sent: Wednesday, 19 April 2023 11:12 AM
To: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

I work in s. 22(1)(a)(ii) team and am just reaching out on her behalf – she's acting in another role for 6 weeks, and I am the current point of contact for the ESCAS review.

I wanted to provide an update on our progress in stage 2, particularly as we have extended our timeframe (stage 2 anticipated to conclude in August) and refined various aspects of our approach, including:

- We have published all non-confidential submissions received during stage 1 on the departmental platform [Have Your Say](#)
- We will be drafting an aggregated report in response to the submissions, i.e., outlining feedback received and the department's response and consideration of this feedback (est. May)
- We will be engaging with stakeholders in a facilitated session mid-stage 2 (est. early June) to discuss overall themes in the aggregated report and the development of draft recommendations, and
- Once draft recommendations are released for review and consultation, offering informal 1-on-1 sessions with stakeholders (in combination with a formal submission process) to ensure all voices are heard independently prior to finalisation of recommendations.

Considering past feedback from the OIA, going forward would it be beneficial to integrate specific questions on stakeholder impacts into upcoming consultation? E.g., Being deliberate during the consultation on draft recommendations during stage 2 in asking questions of stakeholders, particularly industry, on impact, cost and benefit, etc.

Grateful if you had any comments or recommendations on this, as well as our general approach. I understand the difficulty in commenting, while the perceived impact is still in large part unknown; however, happy to send/discuss the aggregated report on stage 1 analysis of feedback once finalised, if this gives a better indication on the tone of feedback received thus far and general direction the department is considering in response.

Kind regards,

s. 22(1)(a)(ii)

A/g Assistant Director | Regulatory Performance and Compliance | **s. 22(1)(a)(ii)**
Live Animal Export Branch | Traceability, Plant and Live Animal Exports Division

Department of Agriculture, Fisheries and Forestry
GPO Box 858 Canberra ACT 2601
agriculture.gov.au

From: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>

Sent: Thursday, 2 March 2023 2:43 PM

To: **s. 22(1)(a)(ii)** <**s. 22(1)(a)(ii)** aff.gov.au>

Cc: **s. 22(1)(a)(ii)** <**s. 22(1)(a)(ii)** aff.gov.au>; **s. 47F(1)** <**s. 47F(1)** pmc.gov.au>; **s. 47F(1)** <**s. 47F(1)** pmc.gov.au>

Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi **s. 22(1)(a)(ii)**

Thanks for the email on 27 February, the discussion paper and for the discussion on the phone today.

It is not clear at this stage whether the changes proposed are likely to result in 'more than a minor' regulatory impact. This is partly because the ESCAS framework is fundamentally remaining intact and many of the changes proposed would appear incremental or of a programmatic nature. I note your advice that some industry participants are claiming that the changes might have a significant impact on their commercial viability.

I therefore agree with your proposal that we hold our assessment at this stage and assess the significance of the ESCAS reforms as Stage 2 progresses (about April/May 2023). This will give you an opportunity to assess the claims of those industry participants.

If we determine that the proposal is more than minor, an Impact Analysis will need to be required to be prepared for Stage 3 to inform the decision, consistent with Government requirements.

We look forward to further discussions at this time. In the interim, feel free to contact me (or **s. 47F^{s. 47F(1)}**) to discuss any other issues that might assist with your consultation and policy development process.

regards

s. 47F(1) | Advisor
Office of Impact Analysis | Economic Division
Department of the Prime Minister and Cabinet
p. **s. 47F(1)** **s. 47F(1)**

From: **s. 22(1)(a)(ii)** <**s. 22(1)(a)(ii)** aff.gov.au>

Sent: Monday, 27 February 2023 11:01 PM

To: **s. 47F(1)** <**s. 47F(1)** pmc.gov.au>

Cc: **s. 22(1)(a)(ii)** <**s. 22(1)(a)(ii)** aff.gov.au>

Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Dear **s. 47F(1)**

Thank you for taking the time to chat about the ESCAS Review this morning, and apologies for missing your call on Friday.

Allow me to introduce ^{s. 22(1)(a)(ii)} (copied) who is working with me on this project.

As discussed, here is some relevant background on:

The Exporter Supply Chain Assurance System (ESCAS)

- ESCAS is a regulatory framework that seeks to ensure animal welfare, control and traceability outcomes for feeder and slaughter livestock from the point of arrival in importing countries up until and including the point of slaughter.
- Livestock exporters are the regulated entities under ESCAS. They are responsible for establishing and managing arrangements with supply chain partners (i.e. importers, feedlots and abattoirs) in importing countries to ensure that ESCAS requirements are met.
- ESCAS was developed in 2011 in response to public outrage following the release of footage on *Four Corners* depicting poor animal handling and slaughter practices at Indonesian abattoirs, and progressively rolled out to all countries importing Australian feeder and slaughter livestock during 2012.
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 - Currently there are around 90 approved ESCAS supply chains across 17 countries.
- ESCAS has since been largely effective in delivering against its intended outcomes.
- Alleged ESCAS non-compliances are investigated by the department and regulatory action taken as indicated and as soon as practically possible.
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 - Since 2013, less than 0.20% of exported livestock covered by ESCAS have been involved with confirmed ESCAS non-compliances.
 - Reports of alleged ESCAS non-compliance are received from exporters (self-reports – 55%), third-parties (animal welfare organisations or private citizens in importing countries – 35%), industry groups, included in independent audit reports submitted by exporters or identified by the department.

The ESCAS Review

- The department is reviewing components of the ESCAS framework to ensure that it remains fit-for-purpose and supports consistent, risk-based regulation.
- The review is being conducted in 3 stages, with stakeholder engagement at the end of each stage. A **Summary and scoping document** setting out focus areas for the project, work at each stage, our stakeholder engagement approach and key review outcomes is attached for your reference.
- Key outcomes of this review include the production of a consolidated, single source reference of ESCAS for departmental staff and stakeholders, and to follow-through with the department's commitment to address recommendations in the [Inspector-General Review of ESCAS \(2021\)](#).
- We have just concluded stage 1 of the review, including associated stakeholder engagement. This stage was a gap analysis, with possible areas for improvement to the current ESCAS framework identified as 'challenges'.
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 -
 - Targeted stakeholder groups (i.e., livestock exporters and their peak industry bodies, industry groups and animal welfare organisations) were invited to provide constructive feedback on, and propose practical solutions to these specific technical challenges. There was also the opportunity to present challenges that they felt had not been identified.
 - This consultation stage was launched as a survey on the *Have Your Say* platform on 10 January and closed on 21 February 2023.
 - The attached **Discussion Paper** sets out identified challenges and is the exhaustive basis on which the *Have Your Say* survey was built.
- We are now in stage 2 of the ESCAS Review, and are reviewing and analysing submissions from our recent consultation stage.
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 - The aim of this stage is to use feedback from the first consultation stage to inform recommendations for improvements to ESCAS.
 - These recommendations will be tested with livestock exporters at the stage 2 stakeholder consultation phase.
- Then, stage 3 of the project will follow, where recommendations are used to review and update ESCAS policies, with the final output being a consolidated document on all aspects of the framework.
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 -
 - The plan is to consult publicly at this stage of the review.

Interactions with OIA to date

- We met with the OIA (^{s. 47F(1)} and ^{s. 47F(1)}) and a industry peak body representative last year, following finalisation of the first version of our **Summary and scoping document** and prior to the commencement of the review, to discuss views on stakeholder engagement and whether the review can be conducted in a manner consistent with a RIS-like process, so that a full RIS might not be required at its conclusion and prior to implementation.
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 - A focus of this meeting was to discuss strong exporter concerns about the department engaging with animal welfare organisations during the review process. Additionally, industry remains opined that animal welfare organisations, being opposed to the livestock export trade and not being directly affected by regulatory decisions, might distort/bias engagement results, and therefore should not be considered key stakeholders for the purpose of engagement.
 - We disagree and consider wide engagement necessary to capture the myriad and nuanced views on livestock exports – a highly scrutinised industry that continues to polarise. It is important that our process and decisions reflect regulatory best practice and

considers contemporary social views on the subject. Animal welfare organisations are a key stakeholder, reflected in their interest in the trade and continued role in reporting alleged ESCAS breaches.

- To date, feedback has been positive and we committed to keep the OIA informed as we progress, to ensure our processes continued to be consistent with a RIS-like process (see email exchange with [s. 47F\(1\)](#) below).

To recap our conversation

- I understand that to you knowledge, no formal assessment of our project and approach has been conducted by the OIA and this will need to happen for any definitive advise on whether our approach constitutes a RIS-like process or equivalent.
- Pending your review and assessment, the *Inspector-General Review of ESCAS (2021)* might qualify as a RIS-like process equivalent. The basis for this is the extensive consultation that was undertaken as part of the review, and that a primary focus of the ESCAS Review is to address its recommendations. If this is a possibility, the decision needs to be endorsed at a Deputy Secretary level.
- Integral to an impact analysis is a determination of the magnitude of change and the affected stakeholders. This may be qualitative and subjective, but must be defensible.

-
-
- [s. 47E\(d\)](#)

- Given that the magnitude of changes will depend on recommendations made as a result of feedback currently being analysed, it might be difficult to determine this until stage 3 of the review (when the outcome of the review is being drafted). However, any assessment on the impacts on industry would be useful.

As discussed, I'd be very grateful for your advice on:

- Anything we need to consider/reconsider about our approach so that our process is consistent with a RIS-like process.
- If you think we might be able to rely on the *Inspector-General Review of ESCAS (2021)* as a RIS-like equivalent.
- If we should be incorporating into our engagement strategy, a request for industry to quantify the impact of proposed changes to them/the trade, particularly where best practice regulation might be resisted on the basis of burden.

I realise this is a lot of information, but I hope it makes sense and trust that it informs you sufficiently to be able to offer the advice we are seeking.

Please let me know if I have missed or misinterpreted anything, and if you have any questions.

I look forward to further discussions.

Kind regards,

[s. 22\(1\)\(a\)\(ii\)](#)

Senior Veterinary Officer

Regulatory Performance | Live Animal Export Branch | Plant and Live Animal Exports Division

Phone: [s. 22\(1\)\(a\)\(ii\)](#)

Department of Agriculture, Fisheries and Forestry

GPO Box 858 Canberra ACT 2601 Australia

aff.gov.au

From: [s. 47F\(1\)](#) <[s. 47F\(1\)](#) pmc.gov.au>

Sent: Friday, 24 February 2023 4:02 PM

To: [s. 22\(1\)\(a\)\(ii\)](#) <[s. 22\(1\)\(a\)\(ii\)](#) aff.gov.au>

Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Hi [s. 22\(1\)\(a\)\(ii\)](#)

I left a message for you but I'm not sure if my landline is working so here is my mobile number below. If you could contact me, that would be great.

Regards

[s. 47F\(1\)](#) | Advisor

Office of Impact Analysis | Economic Division

Department of the Prime Minister and Cabinet

p. [s. 47F\(1\)](#) [s. 47F\(1\)](#)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>
Sent: Thursday, 23 February 2023 6:32 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Subject: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Can you get in touch with ^{s. 22(1)(a)(ii)} and let her know you're the new lead on this pls?
 We will need to give them some advice about how to meet the independent review requirements (noting this commenced under the former arrangements)

s. 47F(1)

s. 47F(1) Senior Adviser
 Office of Impact Analysis
 p. s. 47F(1) | m. s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Sent: Thursday, 23 February 2023 6:26 PM
To: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Good afternoon ^{s. 47F(1)}

I hope 2023 has started off well for you and your team.

I am reaching out with a status update on the ESCAS Review.

We recently concluded the first of 3 stakeholder consultation stages, which was launched as a survey on the *Have Your Say* platform from 10 January to 21 February 2023. Targeted stakeholders were invited to provide constructive feedback on specific technical challenges to the ESCAS framework. Survey questions are reflected in the Discussion paper, attached for your interest. We are now collating and analysing feedback received and will use it to inform recommendations for improvements to ESCAS in stage 2 of this project.

We would greatly appreciate your advice/confirmation that our processes remain aligned with a RIS-like process, and if there are any relevant considerations from your perspective, on how feedback is handled and analysed, noting that some submissions have been marked as confidential.

Happy to meet to discuss if easier.

Kind regards,
^{s. 22(1)(a)(ii)}
 Senior Veterinary Officer

Regulatory Performance | Live Animal Export Branch | Plant and Live Animal Exports Division
 Phone: ^{s. 22(1)(a)(ii)}

Department of Agriculture, Fisheries and Forestry
 GPO Box 858 Canberra ACT 2601 Australia

aff.gov.au

From: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Sent: Wednesday, 7 December 2022 12:30 PM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>
Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Good afternoon ^{s. 22(1)(a)(ii)}

Thanks very much for sending this through, and apologies for the delay in my response. I've reviewed the summary and scoping document and have no major concerns. It's good to hear that consultation will be expanded. Seeking quantitative evidence of how proposed solutions will impact various stakeholder groups will assist in providing a more detailed outline of the anticipated costs and benefits.

I am happy to talk through the changes to the Impact Analysis framework once they are settled and am keen to ensure OIA supports you through this impact analysis process.

Kind regards,

s. 47F(1) (she/her) | Adviser
 Office of Impact Analysis

Department of the Prime Minister and Cabinet
p. s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) awe.gov.au>
Sent: Monday, 28 November 2022 6:52 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

Hi; s. 47F(1)

I'm just reaching out from our team with an update on the ESCAS Review and upcoming stakeholder consultation, to keep you in the loop.

We have released a revised summary and scoping document (attached), to reflect our updated approach to stakeholder engagement. We intend to include a wider group of stakeholders at stage 1 for challenge identification/proposal of solutions, then a more targeted group later on for the testing of recommendations.

We have completed the stage 1 desktop review, and are about to commence stage 1 consultation. As previously discussed, we have contracted a team for their technical expertise to assist with our review, and they have developed draft material for stakeholder consultation. We are reviewing this material internally, prior to publication on the department's engagement platform 'Have Your Say'.

Any feedback or comments on how our current approach may impact the RIS process would be greatly appreciated.

Kind regards,

s. 22(1)(a)(ii)
Senior Technical Officer | Regulatory Performance | s. 22(1)(a)(ii)
Live Animal Exports Branch | Plant & Live Animal Exports Division

Department of Agriculture, Fisheries and Forestry
GPO Box 858 Canberra ACT 2601
awe.gov.au

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Sent: Monday, 14 November 2022 4:32 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

Thanks very much for getting back to us, s. 47F(1)

I'll be in touch again leading up our second consultation stage, to seek your thoughts on our approach at the time.

Kind regards
s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>
Sent: Monday, 14 November 2022 5:07 PM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

OFFICIAL

Good afternoon s. 22(1)(a)(ii)

Thanks very much for providing these documents for OBPR's review. s. 47F(1) and I have discussed the documents and in order to meet the requirements to be certified in lieu of a RIS, the following will need to be considered and included in the development of the review:

- When presenting recommendations to address identified problems in stages 2 and 3, there should be a range of options considered, including at least one non-regulatory option.
- In order to meet the requirements, the final document will need to analyse the costs and benefits of each option. We suggest consultation in stage 2 should include questions to draw out expected costs and benefits from stakeholders. Stakeholders should be encouraged to provide any evidence, data or statistics of the quantitative impact various options may have on themselves, the community or other groups. Where quantification is not possible, stakeholders should be encouraged to be specific in qualitative assessments of likely impacts.

We're happy to discuss these points further if you would like.

Kind regards,
s. 47F(1) | Adviser
Office of Best Practice Regulation
Economic Division | Department of the Prime Minister and Cabinet
p. s. 47F(1) | e. s. 47F(1) pmc.gov.au | w. www.pmc.gov.au

One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) awe.gov.au>
Sent: Friday, 4 November 2022 5:17 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

Good afternoon s. 47F(1)

I hope this finds you well.

You might recall that we spoke some weeks ago about the Exporter Supply Chain Assurance System (ESCAS) Review. As discussed, it would be good to get an indication from you about when we should engage with the OBPR as this project progresses.

On this note, please find attached:

- The ESCAS Review project plan, and
- The ESCAS Review scoping and summary document, which outlines focus areas and specific framework components we will be reviewing as part of this project.

We look forward to hearing back from you.

Thanks and have a great weekend!

Kind regards,
 s. 22(1)(a)(ii)
Senior Veterinary Officer

Regulatory Performance | Live Animal Export Branch | Plant and Live Animal Exports Division
 Phone: s. 22(1)(a)(ii)

Department of Agriculture, Fisheries and Forestry
 18 Marcus Clarke Street, Canberra ACT 2601 Australia
 GPO Box 858 Canberra ACT 2601 Australia

agriculture.gov.au

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s. 47F(1)

Advisor, Office of Impact Analysis

s. 47F(1) or s. 47F(1)

s. 47F(1) pmc.gov.au

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s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii)
Sent: Monday, 16 October 2023 2:14 PM
To: s. 47F(1)
Cc: s. 47F(1) s. 47F(1) s. 22(1)(a)(ii) Helpdesk-OIA
Subject: RE: Catch-up in the next week or so ESCAS Review OBPR OBPR22-03259 [SEC=OFFICIAL]

Thanks s. 47F(1) no worries at all.

Friday works well for us, we are available most of the day and it would be great to meet in the morning.

I am happy to send through an invite shortly for 11-11:30am – looking forward to meeting with you then.

Kind regards,

s. 22(1)(a)(ii)

Senior Technical Officer | Regulatory Performance and Compliance | s. 22(1)(a)(ii)
Live Animal Export Branch
Plant and Live Animal Exports, Welfare and Regulation Division

Department of Agriculture, Fisheries and Forestry
GPO Box 858 Canberra ACT 2601
agriculture.gov.au

From: s. 47F(1) <s. 47F(1) @pmc.gov.au>
Sent: Friday, October 13, 2023 4:15 PM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)aff.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Subject: RE: Catch-up in the next week or so ESCAS Review OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

s. 22(1)(a)(ii)

Yes useful context, thanks

Unfortunately none of those times suit – s. 47F(1) on training all day + meetings already booked for those time on Wed.

How are you placed Thursday 19th other than 11-12 or 2-3; or Friday 20th before 3PM

Thanks again and regards,

s. 47F(1)

s. 47F(1) | Adviser, Office of Impact Analysis
Department of the Prime Minister and Cabinet
p. s. 47F(1)
Ngunnawal Country, 1 National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600
e. s. 47F(1) @pmc.gov.au w. pmc.gov.au



The Department acknowledges and pays respect to the past, present and emerging Elders and Traditional Custodians of Country, and the continuation of cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander peoples.

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Sent: Friday, 13 October 2023 4:58 PM
To: s. 47F(1) <s. 47F(1) @pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)aff.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Subject: RE: Catch-up in the next week or so ESCAS Review OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

I hope the draft recommendations have been useful in providing context – I am just reaching out to see whether you and team have availability next week to meet and discuss?

We have time on Tuesday afternoon (between 2-3:30pm) and Wednesday (between 11-1pm or 2-3pm).

More than happy to send through further times during the week depending on your availability.

Have a great weekend and talk soon.

Kind regards,

s. 22(1)(a)(ii)

Senior Technical Officer | Regulatory Performance and Compliance | s. 22(1)(a)(ii)
Live Animal Export Branch
Plant and Live Animal Exports, Welfare and Regulation Division

Department of Agriculture, Fisheries and Forestry
GPO Box 858 Canberra ACT 2601
agriculture.gov.au

From: s. 47F(1) <s. 47F(1) @pmc.gov.au>
Sent: Thursday, September 21, 2023 8:10 AM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)aff.gov.au>
Subject: RE: Catch-up in the next week or so ESCAS Review OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

s. 22(1)(a)(ii)

Thanks for sending through latest draft of recommendation – Yes, will be beneficial to update on scope and detail, and for assessing Impact Analysis requirements.
Will aim to catch-up next week (not Monday).

Thanks again and regards,
s. 47F(1)

s. 47F(1) | Adviser, Office of Impact Analysis
Department of the Prime Minister and Cabinet
p. s. 47F(1)
Ngunnawal Country, 1 National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600
e. s. 47F(1) @pmc.gov.au w. pmc.gov.au



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From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Sent: Wednesday, 20 September 2023 6:31 PM
To: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) @pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Subject: RE: Catch-up in the next week or so ESCAS Review OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

Thank you for touching base a couple weeks ago, and apologies that this is coming through a bit later than expected.

I have attached the latest copy of our current draft recommendations, for your reference.

As you can see, this is still very much a working draft. We are intending to work through and finalise the detail of these recommendations over the coming weeks; however, I thought it beneficial to send through now as this should give you an indication on the scope of changes being considered, including the level of technical detail.

More than happy to discuss further once you/team have had a chance to take a look. My Director ^{s. 22(1)(a)(ii)} and I are reasonably flexible with availability, other than Mondays which are a bit busier.

Looking forward to meeting with you.

Kind regards,

s. 22(1)(a)(ii)

A/g Assistant Director | Regulatory Performance and Compliance | s. 22(1)(a)(ii)
 Live Animal Export Branch | Traceability, Plant and Live Animal Exports Division

Department of Agriculture, Fisheries and Forestry
 GPO Box 858 Canberra ACT 2601
agriculture.gov.au

From: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Sent: Wednesday, September 6, 2023 10:15 AM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) @pmc.gov.au>
Subject: Catch-up in the next week or so RE: ESCAS Review OBPR OBPR22-03259 [SEC=OFFICIAL]

s. 22(1)(a)(ii)

Thanks for your time on the phone this morning.

As discussed, EL2 s. 47F(1) and I are keen to meet in the next week or so when you have updated draft recommendations - noting that recommendations subject to change after going out to consultation (as you said) in late Sept early Oct.

Items for discussion can include:

- . timeliness for any impact analysis that may be required; and

. (as your raised) the possibility of an IA equivalent process.

Thanks again and regards,

s. 47F(1)

s. 47F(1) | Adviser, Office of Impact Analysis

Department of the Prime Minister and Cabinet

p. s. 47F(1)

Ngunawal Country, 1 National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600

e. s. 47F(1) @pmc.gov.au w. pmc.gov.au



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----- Original Message -----

From: s. 47F(1) <s. 47F(1) @pmc.gov.au>;

Received: Fri Jul 21 2023 15:27:03 GMT+1000 (Australian Eastern Standard Time)

To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>;

Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; OIA Help Desk helpdesk-oia <helpdesk-oia@pmc.gov.au>; OBPR Mailbox <helpdesk-oia@pmc.gov.au>;

s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>;

Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

s. 22(1)(a)(ii)

Hope you had a nice break. Thanks for your comprehensive update – very useful for getting me up to speed in my new role. We'll take you up on your offer of meeting in coming weeks - when you and your team are closer to finalising draft recommendations i.e. rather than taking up your valuable time now. Best wishes for your drafting.

Thanks again and regards

s. 47F(1)

s. 47F(1) | Adviser, Office of Impact Analysis

Department of the Prime Minister and Cabinet

p. s. 47F(1)

Ngunawal Country, 1 National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600

e. s. 47F(1) @pmc.gov.au w. pmc.gov.au



The Department acknowledges and pays respect to the past, present and emerging Elders and Traditional Custodians of Country, and the continuation of cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander peoples.

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Sent: Friday, 21 July 2023 11:13 AM

To: s. 47F(1) <s. 47F(1) @pmc.gov.au>

Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 47F(1)

<s. 47F(1) pmc.gov.au>

Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

Sorry to have missed your call – I've just returned from a couple weeks leave! Nice to e-meet you, and looking forward to working with you as we progress the Exporter Supply Chain Assurance System (ESCAS) review.

In terms of an update on the current progress, we are currently halfway through stage 2 and have recently published the Stage 2 Aggregated Report on our Have Your Say [consultation page](#) (please see attached). This report contains the department's high-level analysis of the submissions received at stage 1, and considerations for formulating recommendations to address challenges within the ESCAS framework.

As a general summary of the themes, the stage 1 submissions often reflected the opposed viewpoints held by our stakeholders.

- Primary areas of contention included the department's approach to noncompliance management under ESCAS, as well as control and traceability; submissions disagreed on whether the various challenges under these focus areas existed, as well as gave varying opinion as to how they should be addressed and managed, e.g., whether to focus on outcomes-based versus prescriptive requirements.
- There was also a significant amount of feedback (and discrepancy) on the ESCAS Animal Welfare Standards and their relation to international/domestic standards.

To give a recap of the stages:

- **Stage 1** included a desktop review to identify potential challenges in the ESCAS framework, which were documented in the Stage 1 Discussion Paper. Many challenges were previously identified in the Inspector-General of Live Animal Exports' review of ESCAS in 2021 (this report is one of the primary focuses for the review to address), and others originate from industry research papers, internal process documents, noncompliance reports, and ESCAS documentation/standards. We then conducted formal consultation on the discussion paper to gain stakeholder perspectives on whether they agreed or disagreed with the existence of the challenges, and where relevant, the proposal of solutions to address the challenges.
- **Stage 2** so far has included the review of stakeholder feedback from stage 1, contained in the Stage 2 Aggregated Report. We followed up this publication with a broadcast session on 7 July 2023, where we presented the content of the aggregated report, provided opportunity for questions and outlined the next steps.
 - We are now organising one-on-one sessions with stakeholders, for anything that may have been missed or misinterpreted from the stage 1 feedback. We are aiming to conduct these over the next 1.5 weeks. Any relevant feedback will be incorporated into the **draft recommendations for improvements to the framework**, which we are in the initial stages of drafting.
 - Once the draft recommendations are finalised, we will commence formal consultation on the recommendations via Have Your Say. We anticipate this will occur in September.
- **Stage 3** (refresh and production of materials) will include finalising the recommendations and conducting consultation on the implementation of the final recommendations.

In general, the difficulty up to this stage has been in determining when a decision can be made on whether an Impact Analysis will be required. Throughout stage 1 and part of stage 2, it seemed premature as we were still obtaining stakeholder views on the challenges and potential solutions – the degree and number of potential changes to the framework were not yet fully realised.

We are now drafting these recommendations and have an initial rough draft that is being reviewed by our team (we still need to determine feasibility, gaps, level of detail, etc.). Happy to meet with you in the coming weeks – in particular, let me know if it would be useful to share draft content at this stage, or wait until we are closer to finalising the draft recommendations.

Hope that makes sense and happy to discuss further.

Kind regards,

s. 22(1)(a)(ii)

Senior Technical Officer | Regulatory Performance and Compliance | **s. 22(1)(a)(ii)**
 Live Animal Export Branch | Traceability, Plant and Live Animal Exports Division

Department of Agriculture, Fisheries and Forestry
 GPO Box 858 Canberra ACT 2601
agriculture.gov.au

From: **s. 47F(1)** <**s. 47F(1)** @pmc.gov.au>
Sent: Tuesday, July 18, 2023 9:41 AM
To: **s. 22(1)(a)(ii)** <**s. 22(1)(a)(ii)** aff.gov.au>
Cc: **s. 47F(1)** <**s. 47F(1)** pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; **s. 47F(1)** <**s. 47F(1)** pmc.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

s. 22(1)(a)(ii)

Following up my previous email – are you able to supply an update on state-of-play re. the Exporter Supply Chain Assurance System proposal.

Happy to discuss at a time that best suits you.

Regards,
s. 47F(1)

s. 47F(1) | Adviser, Office of Impact Analysis
 Department of the Prime Minister and Cabinet
 p. **s. 47F(1)**
 Ngunawal Country, 1 National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600
 e. **s. 47F(1)** @pmc.gov.au w. pmc.gov.au



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From: **s. 47F(1)**
Sent: Tuesday, 11 July 2023 10:43 AM
To: **s. 22(1)(a)(ii)** <**s. 22(1)(a)(ii)** aff.gov.au>
Cc: **s. 47F(1)** <**s. 47F(1)** pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; **s. 47F(1)** <**s. 47F(1)** pmc.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

s. 22(1)(a)(ii)

Gave you a call to introduce myself as your new first point of contact in OIA.

Looking forward to working with you on the Exporter Supply Chain Assurance System issue (and other issues).

Regards,
s. 47F(1)

s. 47F(1) | Adviser, Office of Impact Analysis
Department of the Prime Minister and Cabinet
p. s. 47F(1)
Ngunawal Country, 1 National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600
e. s. 47F(1) @pmc.gov.au w. pmc.gov.au



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From: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Sent: Monday, 10 July 2023 11:21 AM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Cc: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 47F(1) <s. 47F(1) @pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 22(1)(a)(ii)

I hope that you've been well.

I am just reaching out to inform you that s. 47F(1) will be taking over the relevant portfolio from today, and will therefore be dealing with any possible Impact Analysis requirements from here. I have cc'd them in this email, so that when you've completed the consolidation of the results from the consultation that you've recently undertaken, you can both organise a meeting.

Kind regards

s. 47F(1)

s. 47F(1) | Adviser
Office of Impact Analysis | Economic Division | Department of the Prime Minister and Cabinet
p. s. 47F(1) | e. s. 47F(1) pmc.gov.au | w. pmc.gov.au
Ngunawal Country, One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600

----- Original Message -----

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>;
Received: Fri Jun 02 2023 17:15:04 GMT+1000 (Australian Eastern Standard Time)
To: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>;
Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; OIA Help Desk helpdesk-oia <helpdesk-oia@pmc.gov.au>; OBPR Mailbox <helpdesk-oia@pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>;
Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

Apologies for the change – it would be great if we could actually postpone the update at this time, as it will take us a bit longer than expected to publish the draft report and we are finalising details for ongoing stakeholder engagement over the coming weeks.

I am anticipating it will be more productive to meet once we have the draft report finalised (sorry for reaching out prematurely!).

Will be in touch and apologies for any inconvenience.

Kind regards,

s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii)

Sent: Tuesday, May 30, 2023 5:58 PM

To: 's. 47F(1)' <s. 47F(1) pmc.gov.au>

Cc: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>

Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

Thanks for the quick response and that sounds good – afternoon works for us as well!

I'll send through a meeting invite shortly, and looking forward to speaking next week.

Kind regards,

s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>

Sent: Tuesday, May 30, 2023 3:15 PM

To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Cc: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>

Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Good afternoon s. 22(1)(a)(ii)

Thanks for reaching out, glad to hear from you. Would you also be able to include s. 47F(1) (cc'd) on a discussion invite? He's supporting me in s. 47F(1) absence.

Would next Wednesday work? We are free any time after 1pm. Otherwise, happy to provide some other times.

Kind regards

s. 47F(1)

s. 47F(1) | Adviser | Office of Impact Analysis

Economic Division | Department of the Prime Minister and Cabinet

p. s. 47F(1) | e. s. 47F(1) pmc.gov.au | w. pmc.gov.au

Ngunnawal Country, One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600





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From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Sent: Tuesday, 30 May 2023 1:22 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

I am just reaching out with an update on the ESCAS review since we spoke last – we have completed a first draft of the aggregated report, on the department's analysis of the feedback received during stage 1 consultation.

We are currently working to finalise this draft, before publishing on HYS for stakeholders to view prior to the facilitated session in June.

Did you have any availability next week for a meeting to discuss some of the emerging themes?

Kind regards,

s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii)
Sent: Monday, April 24, 2023 4:03 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

Sounds great, I'll send through a meeting invite now.

Looking forward to chatting on Thursday!

Cheers,

s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>
Sent: Monday, 24 April 2023 3:58 PM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Hi s. 22(1)(a)(ii) let's go for 2pm on Thursday. Half hour should be fine. It would be me and s. 47F(1) from our end.

Regards

s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Sent: Monday, 24 April 2023 2:02 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

Thanks for the response, more than happy to meet and discuss.

At this stage, I can provide detail on trends in feedback and some claims on regulatory burden *should* a change be implemented by the department, although there hasn't been commitment to implement specific changes as of yet (other than those described in the summary & scoping document/stage 1 discussion paper, for example the introduction of a control and traceability standard). We'll need more time for stage 2 to progress in terms of the development of the draft recommendations, which will constitute the specific proposed changes to the framework.

Happy to discuss further, my afternoons are generally pretty free. A few times this week are:

- Wednesday after 1pm (excluding 3-3:30pm)
- Thursday after 2pm
- Friday between 1-3:30pm

Kind regards,

s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>
Sent: Friday, 21 April 2023 8:32 AM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>
Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Hi s. 22(1)(a)(ii)

Thanks for your email and the progress update. I agree that it would be good to target some of your questions towards issues that might arise in an Impact Analysis. However, it may be opportune to have a discussion about impacts following the feedback from consultation including issues identified through the confidential submissions (to the extent that you can share this) so as to determine whether you're in IA territory. That is, are we in a position to assess whether the proposals arising from the ESCAS review are likely to result in more than a minor regulatory impact? Or do we need more time for Stage 2 to progress further? Perhaps a meeting to discuss would be worthwhile?

Regards

s. 47F(1) | Advisor
 Office of Impact Analysis | Economic Division
 Department of the Prime Minister and Cabinet
 p. s. 47F(1) s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Sent: Wednesday, 19 April 2023 11:12 AM
To: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

I work in s. 22(1)(a)(ii) team and am just reaching out on her behalf – she's acting in another role for 6 weeks, and I am the current point of contact for the ESCAS review.

I wanted to provide an update on our progress in stage 2, particularly as we have extended our timeframe (stage 2 anticipated to conclude in August) and refined various aspects of our approach, including:

- We have published all non-confidential submissions received during stage 1 on the departmental platform [Have Your Say](#)
- We will be drafting an aggregated report in response to the submissions, i.e., outlining feedback received and the department's response and consideration of this feedback (est. May)
- We will be engaging with stakeholders in a facilitated session mid-stage 2 (est. early June) to discuss overall themes in the aggregated report and the development of draft recommendations, and
- Once draft recommendations are released for review and consultation, offering informal 1-on-1 sessions with stakeholders (in combination with a formal submission process) to ensure all voices are heard independently prior to finalisation of recommendations.

Considering past feedback from the OIA, going forward would it be beneficial to integrate specific questions on stakeholder impacts into upcoming consultation? E.g., Being deliberate during the consultation on draft recommendations during stage 2 in asking questions of stakeholders, particularly industry, on impact, cost and benefit, etc.

Grateful if you had any comments or recommendations on this, as well as our general approach. I understand the difficulty in commenting, while the perceived impact is still in large part unknown; however, happy to send/discuss the aggregated report on stage 1 analysis of feedback once finalised, if this gives a better indication on the tone of feedback received thus far and general direction the department is considering in response.

Kind regards,

s. 22(1)(a)(ii)

A/g Assistant Director | Regulatory Performance and Compliance | s. 22(1)(a)(ii)
Live Animal Export Branch | Traceability, Plant and Live Animal Exports Division

Department of Agriculture, Fisheries and Forestry
GPO Box 858 Canberra ACT 2601
agriculture.gov.au

From: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Sent: Thursday, 2 March 2023 2:43 PM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>
Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 22(1)(a)(ii)

Thanks for the email on 27 February, the discussion paper and for the discussion on the phone today.

It is not clear at this stage whether the changes proposed are likely to result in 'more than a minor' regulatory impact. This is partly because the ESCAS framework is fundamentally remaining intact and many of the changes

proposed would appear incremental or of a programmatic nature. I note your advice that some industry participants are claiming that the changes might have a significant impact on their commercial viability.

I therefore agree with your proposal that we hold our assessment at this stage and assess the significance of the ESCAS reforms as Stage 2 progresses (about April/May 2023). This will give you an opportunity to assess the claims of those industry participants.

If we determine that the proposal is more than minor, an Impact Analysis will need to be required to be prepared for Stage 3 to inform the decision, consistent with Government requirements.

We look forward to further discussions at this time. In the interim, feel free to contact me (or [s. 47F\(1\)](#)) to discuss any other issues that might assist with your consultation and policy development process.

regards

[s. 47F\(1\)](#) | Advisor
Office of Impact Analysis | Economic Division
Department of the Prime Minister and Cabinet
p. [s. 47F\(1\)](#) [s. 47F\(1\)](#)

From: [s. 22\(1\)\(a\)\(ii\)](#) <[s. 22\(1\)\(a\)\(ii\)](#) aff.gov.au>
Sent: Monday, 27 February 2023 11:01 PM
To: [s. 47F\(1\)](#) <[s. 47F\(1\)](#) pmc.gov.au>
Cc: [s. 22\(1\)\(a\)\(ii\)](#) <[s. 22\(1\)\(a\)\(ii\)](#) aff.gov.au>
Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Dear [s. 47F\(1\)](#)

Thank you for taking the time to chat about the ESCAS Review this morning, and apologies for missing your call on Friday.

Allow me to introduce [s. 22\(1\)\(a\)\(ii\)](#) (copied) who is working with me on this project.

As discussed, here is some relevant background on:

The Exporter Supply Chain Assurance System (ESCAS)

- ESCAS is a regulatory framework that seeks to ensure animal welfare, control and traceability outcomes for feeder and slaughter livestock from the point of arrival in importing countries up until and including the point of slaughter.
- Livestock exporters are the regulated entities under ESCAS. They are responsible for establishing and managing arrangements with supply chain partners (i.e. importers, feedlots and abattoirs) in importing countries to ensure that ESCAS requirements are met.
- ESCAS was developed in 2011 in response to public outrage following the release of footage on *Four Corners* depicting poor animal handling and slaughter practices at Indonesian abattoirs, and progressively rolled out to all countries importing Australian feeder and slaughter livestock during 2012.
 -
 -
 - Currently there are around 90 approved ESCAS supply chains across 17 countries.
- ESCAS has since been largely effective in delivering against its intended outcomes.
- Alleged ESCAS non-compliances are investigated by the department and regulatory action taken as indicated and as soon as practically possible.
 -
 -
 - Since 2013, less than 0.20% of exported livestock covered by ESCAS have been involved with confirmed ESCAS non-compliances.
 - Reports of alleged ESCAS non-compliance are received from exporters (self-reports – 55%), third-parties (animal welfare organisations or private citizens in importing countries – 35%), industry groups, included in independent audit reports submitted by exporters or identified by the department.

The ESCAS Review

- The department is reviewing components of the ESCAS framework to ensure that it remains fit-for-purpose and supports consistent, risk-based regulation.
- The review is being conducted in 3 stages, with stakeholder engagement at the end of each stage. A **Summary and scoping document** setting out focus areas for the project, work at each stage, our stakeholder engagement approach and key review outcomes is attached for your reference.

- Key outcomes of this review include the production of a consolidated, single source reference of ESCAS for departmental staff and stakeholders, and to follow-through with the department's commitment to address recommendations in the [Inspector-General Review of ESCAS \(2021\)](#).
- We have just concluded stage 1 of the review, including associated stakeholder engagement. This stage was a gap analysis, with possible areas for improvement to the current ESCAS framework identified as 'challenges'.
 -
 -
 - Targeted stakeholder groups (i.e., livestock exporters and their peak industry bodies, industry groups and animal welfare organisations) were invited to provide constructive feedback on, and propose practical solutions to these specific technical challenges. There was also the opportunity to present challenges that they felt had not been identified.
 - This consultation stage was launched as a survey on the *Have Your Say* platform on 10 January and closed on 21 February 2023.
 - The attached *Discussion Paper* sets out identified challenges and is the exhaustive basis on which the *Have Your Say* survey was built.
- We are now in stage 2 of the ESCAS Review, and are reviewing and analysing submissions from our recent consultation stage.
 -
 -
 - The aim of this stage is to use feedback from the first consultation stage to inform recommendations for improvements to ESCAS.
 - These recommendations will be tested with livestock exporters at the stage 2 stakeholder consultation phase.
- Then, stage 3 of the project will follow, where recommendations are used to review and update ESCAS policies, with the final output being a consolidated document on all aspects of the framework.
 -
 -
 - The plan is to consult publicly at this stage of the review.

Interactions with OIA to date

- We met with the OIA (^{s. 47F(1)} and ^{s. 47F(1)}) and a industry peak body representative last year, following finalisation of the first version of our *Summary and scoping document* and prior to the commencement of the review, to discuss views on stakeholder engagement and whether the review can be conducted in a manner consistent with a RIS-like process, so that a full RIS might not be required at its conclusion and prior to implementation.
 -
 -
 - A focus of this meeting was to discuss strong exporter concerns about the department engaging with animal welfare organisations during the review process. Additionally, industry remains opined that animal welfare organisations, being opposed to the livestock export trade and not being directly affected by regulatory decisions, might distort/bias engagement results, and therefore should not be considered key stakeholders for the purpose of engagement.
 - We disagree and consider wide engagement necessary to capture the myriad and nuanced views on livestock exports – a highly scrutinised industry that continues to polarise. It is important that our process and decisions reflect regulatory best practice and considers contemporary social views on the subject. Animal welfare organisations are a key stakeholder, reflected in their interest in the trade and continued role in reporting alleged ESCAS breaches.
- To date, feedback has been positive and we committed to keep the OIA informed as we progress, to ensure our processes continued to be consistent with a RIS-like process (see email exchange with ^{s. 47F(1)} below).

To recap our conversation

- I understand that to your knowledge, no formal assessment of our project and approach has been conducted by the OIA and this will need to happen for any definitive advice on whether our approach constitutes a RIS-like process or equivalent.
- Pending your review and assessment, the *Inspector-General Review of ESCAS (2021)* might qualify as a RIS-like process equivalent. The basis for this is the extensive consultation that was undertaken as part of the review, and that a primary focus of the ESCAS Review is to address its recommendations. If this is a possibility, the decision needs to be endorsed at a Deputy Secretary level.
- Integral to an impact analysis is a determination of the magnitude of change and the affected stakeholders. This may be qualitative and subjective, but must be defensible.
 -
 -
 - ^{s. 47E(d)}
- Given that the magnitude of changes will depend on recommendations made as a result of feedback currently being analysed, it might be difficult to determine this until stage 3 of the review (when the outcome of the review is being drafted). However, any assessment on the impacts on industry would be useful.

As discussed, I'd be very grateful for your advice on:

- Anything we need to consider/reconsider about our approach so that our process is consistent with a RIS-like process.
- If you think we might be able to rely on the *Inspector-General Review of ESCAS (2021)* as a RIS-like equivalent.
- If we should be incorporating into our engagement strategy, a request for industry to quantify the impact of proposed changes to them/the trade, particularly where best practice regulation might be resisted on the basis of burden.

I realise this is a lot of information, but I hope it makes sense and trust that it informs you sufficiently to be able to offer the advice we are seeking.

Please let me know if I have missed or misinterpreted anything, and if you have any questions.

I look forward to further discussions.

Kind regards,

s. 22(1)(a)(ii)

Senior Veterinary Officer

Regulatory Performance | Live Animal Export Branch | Plant and Live Animal Exports Division

Phone: s. 22(1)(a)(ii)

Department of Agriculture, Fisheries and Forestry

GPO Box 858 Canberra ACT 2601 Australia

aff.gov.au

From: s. 47F(1) <s. 47F(1) pmc.gov.au>

Sent: Friday, 24 February 2023 4:02 PM

To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Hi s. 22(1)(a)(ii)

I left a message for you but I'm not sure if my landline is working so here is my mobile number below. If you could contact me, that would be great.

Regards

s. 47F(1) | Advisor

Office of Impact Analysis | Economic Division

Department of the Prime Minister and Cabinet

p. s. 47F(1) s. 47F(1)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>

Sent: Thursday, 23 February 2023 6:32 PM

To: s. 47F(1) <s. 47F(1) pmc.gov.au>

Subject: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Can you get in touch with s. 22(1)(a)(ii) and let her know you're the new lead on this pls?

We will need to give them some advice about how to meet the independent review requirements (noting this commenced under the former arrangements)

s. 47F(1)

s. 47F(1) Senior Adviser

Office of Impact Analysis

p. s. 47F(1) | m. s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Sent: Thursday, 23 February 2023 6:26 PM

To: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>

Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Good afternoon s. 47F(1)

I hope 2023 has started off well for you and your team.

I am reaching out with a status update on the ESCAS Review.

We recently concluded the first of 3 stakeholder consultation stages, which was launched as a survey on the *Have Your Say* platform from 10 January to 21 February 2023. Targeted stakeholders were invited to provide constructive feedback on specific technical challenges to the ESCAS framework. Survey questions are reflected in the Discussion paper, attached for your interest. We are now collating and analysing feedback received and will use it to inform recommendations for improvements to ESCAS in stage 2 of this project.

We would greatly appreciate your advice/confirmation that our processes remain aligned with a RIS-like process, and if there are any relevant considerations from your perspective, on how feedback is handled and analysed, noting that some submissions have been marked as confidential.

Happy to meet to discuss if easier.

Kind regards,
s. 22(1)(a)(ii)
Senior Veterinary Officer

Regulatory Performance | Live Animal Export Branch | Plant and Live Animal Exports Division
Phone: s. 22(1)(a)(ii)

Department of Agriculture, Fisheries and Forestry
GPO Box 858 Canberra ACT 2601 Australia

aff.gov.au

From: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Sent: Wednesday, 7 December 2022 12:30 PM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>
Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Good afternoon s. 22(1)(a)(ii)

Thanks very much for sending this through, and apologies for the delay in my response. I've reviewed the summary and scoping document and have no major concerns. It's good to hear that consultation will be expanded. Seeking quantitative evidence of how proposed solutions will impact various stakeholder groups will assist in providing a more detailed outline of the anticipated costs and benefits.

I am happy to talk through the changes to the Impact Analysis framework once they are settled and am keen to ensure OIA supports you through this impact analysis process.

Kind regards,

s. 47F(1) (she/her) | Adviser
Office of Impact Analysis
Department of the Prime Minister and Cabinet
p. s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) awe.gov.au>
Sent: Monday, 28 November 2022 6:52 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

Hi s. 47F(1)

I'm just reaching out from our team with an update on the ESCAS Review and upcoming stakeholder consultation, to keep you in the loop.

We have released a revised summary and scoping document (attached), to reflect our updated approach to stakeholder engagement. We intend to include a wider group of stakeholders at stage 1 for challenge identification/proposal of solutions, then a more targeted group later on for the testing of recommendations.

We have completed the stage 1 desktop review, and are about to commence stage 1 consultation. As previously discussed, we have contracted a team for their technical expertise to assist with our review, and they have developed draft material for stakeholder consultation. We are reviewing this material internally, prior to publication on the department's engagement platform 'Have Your Say'.

Any feedback or comments on how our current approach may impact the RIS process would be greatly appreciated.

Kind regards,

s. 22(1)(a)(ii)
Senior Technical Officer | Regulatory Performance | s. 22(1)(a)(ii)
Live Animal Exports Branch | Plant & Live Animal Exports Division

Department of Agriculture, Fisheries and Forestry
GPO Box 858 Canberra ACT 2601
awe.gov.au

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Sent: Monday, 14 November 2022 4:32 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

Thanks very much for getting back to us, s. 47F(1)

I'll be in touch again leading up our second consultation stage, to seek your thoughts on our approach at the time.

Kind regards

s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>
Sent: Monday, 14 November 2022 5:07 PM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

OFFICIAL

Good afternoon s. 22(1)(a)(ii)

Thanks very much for providing these documents for OBPR's review. s. 47F(1) and I have discussed the documents and in order to meet the requirements to be certified in lieu of a RIS, the following will need to be considered and included in the development of the review:

- When presenting recommendations to address identified problems in stages 2 and 3, there should be a range of options considered, including at least one non-regulatory option.
- In order to meet the requirements, the final document will need to analyse the costs and benefits of each option. We suggest consultation in stage 2 should include questions to draw out expected costs and benefits from stakeholders. Stakeholders should be encouraged to provide any evidence, data or statistics of the quantitative impact various options may have on themselves, the community or other groups. Where quantification is not possible, stakeholders should be encouraged to be specific in qualitative assessments of likely impacts.

We're happy to discuss these points further if you would like.

Kind regards,

s. 47F(1) | Adviser
 Office of Best Practice Regulation
 Economic Division | Department of the Prime Minister and Cabinet
 p. s. 47F(1) | e. s. 47F(1) pmc.gov.au | w. www.pmc.gov.au
 One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) awe.gov.au>
Sent: Friday, 4 November 2022 5:17 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

Good afternoon s. 47F(1)

I hope this finds you well.

You might recall that we spoke some weeks ago about the Exporter Supply Chain Assurance System (ESCAS) Review. As discussed, it would be good to get an indication from you about when we should engage with the OBPR as this project progresses.

On this note, please find attached:

- The ESCAS Review project plan, and
- The ESCAS Review scoping and summary document, which outlines focus areas and specific framework components we will be reviewing as part of this project.

We look forward to hearing back from you.

Thanks and have a great weekend!

Kind regards,

s. 22(1)(a)(ii)
 Senior Veterinary Officer

Regulatory Performance | Live Animal Export Branch | Plant and Live Animal Exports Division
 Phone: s. 22(1)(a)(ii)

Department of Agriculture, Fisheries and Forestry
18 Marcus Clarke Street, Canberra ACT 2601 Australia
GPO Box 858 Canberra ACT 2601 Australia

agriculture.gov.au

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s. 47F(1)

Advisor, Office of Impact Analysis

s. 47F(1) or s. 47F(1)

s. 47F(1) pmc.gov.au

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s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii)
Sent: Monday, 13 November 2023 12:09 PM
To: s. 47F(1)
Cc: s. 47F(1) s. 47F(1) s. 22(1)(a)(ii) Helpdesk-OIA
Subject: RE: Ditto, Looking forward to catching-up Friday==> Catch-up in the next week or so ESCAS Review OBPR OBPR22-03259 [SEC=OFFICIAL]
Attachments: 20231110-ESCAS-Review-Stage-2-Recommendations-Final TC.docx; 20231113 ESCAS Review Recommendations - Impact Considerations.docx

Hi s. 47F(1)

Thanks for taking my call earlier – as discussed, please find the updated ESCAS review recommendations. These are close to final and just undergoing review by our Comms team before formal approval by our Assistant Secretary.

Since you last saw the draft, the main changes include the finalisation of the recommendations and additional sections covering the overview, approach to consultation and guiding principles.

s. 47E(d)

We are planning to go out for stage 2 consultation from 20 November to 18 December. We are thinking it might not be appropriate to include impact questions in the upcoming survey (also since the targeted stakeholders include both regulated and non-regulated entities). Rather, that stage 3 would be the best opportunity to gather comments on the impact, and that this could include various touchpoints throughout stage 3.

Grateful if you had any comments on the table or advice on our approach. More than happy to discuss further or set up a meeting this week.

Kind regards,

s. 22(1)(a)(ii)

Senior Technical Officer | Regulatory Performance and Compliance | s. 22(1)(a)(ii)

Live Animal Export Branch

Plant and Live Animal Exports, Welfare and Regulation Division

Department of Agriculture, Fisheries and Forestry

GPO Box 858 Canberra ACT 2601

agriculture.gov.au

From: s. 47F(1) <s. 47F(1) @pmc.gov.au>
Sent: Monday, October 16, 2023 2:27 PM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)aff.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Subject: RE: Ditto, Looking forward to catching-up Friday==> Catch-up in the next week or so ESCAS Review OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Sent: Monday, 16 October 2023 2:14 PM
To: s. 47F(1) <s. 47F(1) @pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)aff.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Subject: RE: Catch-up in the next week or so ESCAS Review OBPR OBPR22-03259 [SEC=OFFICIAL]

Thanks s. 47F(1) no worries at all.

Friday works well for us, we are available most of the day and it would be great to meet in the morning.

I am happy to send through an invite shortly for 11-11:30am – looking forward to meeting with you then.

Kind regards,

s. 22(1)(a)(ii)

Senior Technical Officer | Regulatory Performance and Compliance | s. 22(1)(a)(ii)

Live Animal Export Branch

Plant and Live Animal Exports, Welfare and Regulation Division

Department of Agriculture, Fisheries and Forestry

GPO Box 858 Canberra ACT 2601

agriculture.gov.au

From: s. 47F(1) <s. 47F(1) @pmc.gov.au>
Sent: Friday, October 13, 2023 4:15 PM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)aff.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Subject: RE: Catch-up in the next week or so ESCAS Review OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

s. 22(1)(a)(ii)

Yes useful context, thanks

Unfortunately none of those times suit – s. 47F(1) on training all day + meetings already booked for those time on Wed.

How are you placed Thursday 19th other than 11-12 or 2-3; or Friday 20th before 3PM

Thanks again and regards,

s. 47F(1)

s. 47F(1) | Adviser, Office of Impact Analysis

Department of the Prime Minister and Cabinet

p. s. 47F(1)

Ngunnawal Country, 1 National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600

e. s. 47F(1) [@pmc.gov.au](mailto:pmc.gov.au) w. pmc.gov.au



The Department acknowledges and pays respect to the past, present and emerging Elders and Traditional Custodians of Country, and the continuation of cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander peoples.

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Sent: Friday, 13 October 2023 4:58 PM
To: s. 47F(1) <s. 47F(1) @pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)aff.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Subject: RE: Catch-up in the next week or so ESCAS Review OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

I hope the draft recommendations have been useful in providing context – I am just reaching out to see whether you and team have availability next week to meet and discuss?

We have time on Tuesday afternoon (between 2-3:30pm) and Wednesday (between 11-1pm or 2-3pm).

More than happy to send through further times during the week depending on your availability.

Have a great weekend and talk soon.

Kind regards,

s. 22(1)(a)(ii)

Senior Technical Officer | Regulatory Performance and Compliance | s. 22(1)(a)(ii)
 Live Animal Export Branch
 Plant and Live Animal Exports, Welfare and Regulation Division

Department of Agriculture, Fisheries and Forestry
 GPO Box 858 Canberra ACT 2601
agriculture.gov.au

From: s. 47F(1) <s. 47F(1) @pmc.gov.au>
Sent: Thursday, September 21, 2023 8:10 AM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)aff.gov.au>
Subject: RE: Catch-up in the next week or so ESCAS Review OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

s. 22(1)(a)(ii)

Thanks for sending through latest draft of recommendation – Yes, will be beneficial to update on scope and detail, and for assessing Impact Analysis requirements.
 Will aim to catch-up next week (not Monday).

Thanks again and regards,
 s. 47F(1)

s. 47F(1) | Adviser, Office of Impact Analysis
 Department of the Prime Minister and Cabinet
 p. s. 47F(1)
 Ngunnawal Country, 1 National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600
 e. s. 47F(1) [@pmc.gov.au](mailto:pmc.gov.au) w. pmc.gov.au



The Department acknowledges and pays respect to the past, present and emerging Elders and Traditional Custodians of Country, and the continuation of cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander peoples.

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Sent: Wednesday, 20 September 2023 6:31 PM
To: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) @pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Subject: RE: Catch-up in the next week or so ESCAS Review OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

Thank you for touching base a couple weeks ago, and apologies that this is coming through a bit later than expected.

I have attached the latest copy of our current draft recommendations, for your reference.

As you can see, this is still very much a working draft. We are intending to work through and finalise the detail of these recommendations over the coming weeks; however, I thought it beneficial to send through now as this should give you an indication on the scope of changes being considered, including the level of technical detail.

More than happy to discuss further once you/team have had a chance to take a look. My Director s. 22(1)(a)(ii) and I are reasonably flexible with availability, other than Mondays which are a bit busier.

Looking forward to meeting with you.

Kind regards,

s. 22(1)(a)(ii)

A/g Assistant Director | Regulatory Performance and Compliance | s. 22(1)(a)(ii)
Live Animal Export Branch | Traceability, Plant and Live Animal Exports Division

Department of Agriculture, Fisheries and Forestry
GPO Box 858 Canberra ACT 2601
agriculture.gov.au

From: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Sent: Wednesday, September 6, 2023 10:15 AM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) @pmc.gov.au>
Subject: Catch-up in the next week or so RE: ESCAS Review OBPR OBPR22-03259 [SEC=OFFICIAL]

s. 22(1)(a)(ii)

Thanks for your time on the phone this morning.

As discussed, EL2 s. 47F(1) and I are keen to meet in the next week or so when you have updated draft recommendations - noting that recommendations subject to change after going out to consultation (as you said) in late Sept early Oct.

Items for discussion can include:

- . timeliness for any impact analysis that may be required; and
- . (as your raised) the possibility of an IA equivalent process.

Thanks again and regards,

s. 47F(1)

s. 47F(1) | Adviser, Office of Impact Analysis
Department of the Prime Minister and Cabinet

p. s. 47F(1)

Ngunawal Country, 1 National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600

e. s. 47F(1) @pmc.gov.au w. pmc.gov.au



The Department acknowledges and pays respect to the past, present and emerging Elders and Traditional Custodians of Country, and the continuation of cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander peoples.

----- Original Message -----

From: s. 47F(1) <s. 47F(1) @pmc.gov.au>;

Received: Fri Jul 21 2023 15:27:03 GMT+1000 (Australian Eastern Standard Time)

To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>;

Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; OIA Help Desk helpdesk-oia <helpdesk-oia@pmc.gov.au>; OBPR Mailbox <helpdesk-oia@pmc.gov.au>;

s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>;

Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

s. 22(1)(a)(iii)

Hope you had a nice break. Thanks for your comprehensive update – very useful for getting me up to speed in my new role. We'll take you up on your offer of meeting in coming weeks - when you and your team are closer to finalising draft recommendations i.e. rather than taking up your valuable time now. Best wishes for your drafting.

Thanks again and regards

s. 47F(1)

s. 47F(1) | Adviser, Office of Impact Analysis
Department of the Prime Minister and Cabinet

p. s. 47F(1)

Ngunawal Country, 1 National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600

e. s. 47F(1) @pmc.gov.au w. pmc.gov.au



The Department acknowledges and pays respect to the past, present and emerging Elders and Traditional Custodians of Country, and the continuation of cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander peoples.

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Sent: Friday, 21 July 2023 11:13 AM

To: s. 47F(1) <s. 47F(1) @pmc.gov.au>

Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>

Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

Sorry to have missed your call – I've just returned from a couple weeks leave! Nice to e-meet you, and looking forward to working with you as we progress the Exporter Supply Chain Assurance System (ESCAS) review.

In terms of an update on the current progress, we are currently halfway through stage 2 and have recently published the Stage 2 Aggregated Report on our Have Your Say [consultation page](#) (please see attached). This report contains the department's high-level analysis of the submissions received at stage 1, and considerations for formulating recommendations to address challenges within the ESCAS framework.

As a general summary of the themes, the stage 1 submissions often reflected the opposed viewpoints held by our stakeholders.

- Primary areas of contention included the department's approach to noncompliance management under ESCAS, as well as control and traceability; submissions disagreed on whether the various challenges under these focus areas existed, as well as gave varying opinion as to how they should be addressed and managed, e.g., whether to focus on outcomes-based versus prescriptive requirements.
- There was also a significant amount of feedback (and discrepancy) on the ESCAS Animal Welfare Standards and their relation to international/domestic standards.

To give a recap of the stages:

- **Stage 1** included a desktop review to identify potential challenges in the ESCAS framework, which were documented in the Stage 1 Discussion Paper. Many challenges were previously identified in the Inspector-General of Live Animal Exports' review of ESCAS in 2021 (this report is one of the primary focuses for the review to address), and others originate from industry research papers, internal process documents, noncompliance reports, and ESCAS documentation/standards. We then conducted formal consultation on the discussion paper to gain stakeholder perspectives on whether they agreed or disagreed with the existence of the challenges, and where relevant, the proposal of solutions to address the challenges.
- **Stage 2** so far has included the review of stakeholder feedback from stage 1, contained in the Stage 2 Aggregated Report. We followed up this publication with a broadcast session on 7 July 2023, where we presented the content of the aggregated report, provided opportunity for questions and outlined the next steps.
 - We are now organising one-on-one sessions with stakeholders, for anything that may have been missed or misinterpreted from the stage 1 feedback. We are aiming to conduct these over the next 1.5 weeks. Any relevant feedback will be incorporated into the **draft recommendations for improvements to the framework**, which we are in the initial stages of drafting.
 - Once the draft recommendations are finalised, we will commence formal consultation on the recommendations via Have Your Say. We anticipate this will occur in September.
- **Stage 3** (refresh and production of materials) will include finalising the recommendations and conducting consultation on the implementation of the final recommendations.

In general, the difficulty up to this stage has been in determining when a decision can be made on whether an Impact Analysis will be required. Throughout stage 1 and part of stage 2, it seemed premature as we were still obtaining stakeholder views on the challenges and potential solutions – the degree and number of potential changes to the framework were not yet fully realised.

We are now drafting these recommendations and have an initial rough draft that is being reviewed by our team (we still need to determine feasibility, gaps, level of detail, etc.). Happy to meet with you in the coming weeks – in particular, let me know if it would be useful to share draft content at this stage, or wait until we are closer to finalising the draft recommendations.

Hope that makes sense and happy to discuss further.

Kind regards,

s. 22(1)(a)(ii)

Senior Technical Officer | Regulatory Performance and Compliance | **s. 22(1)(a)(ii)**
Live Animal Export Branch | Traceability, Plant and Live Animal Exports Division

Department of Agriculture, Fisheries and Forestry
GPO Box 858 Canberra ACT 2601
agriculture.gov.au

From: s. 47F(1) <s. 47F(1)@pmc.gov.au>
Sent: Tuesday, July 18, 2023 9:41 AM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@aff.gov.au>
Cc: s. 47F(1) <s. 47F(1)@pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 47F(1) <s. 47F(1)@pmc.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

s. 22(1)(a)(ii)

Following up my previous email – are you able to supply an update on state-of-play re. the Exporter Supply Chain Assurance System proposal.
Happy to discuss at a time that best suits you.

Regards,
s. 47F(1)

s. 47F(1) | Adviser, Office of Impact Analysis
Department of the Prime Minister and Cabinet
p. s. 47F(1)
Ngunawal Country, 1 National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600
e. s. 47F(1)@pmc.gov.au w. pmc.gov.au



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From: s. 47F(1)
Sent: Tuesday, 11 July 2023 10:43 AM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@aff.gov.au>
Cc: s. 47F(1) <s. 47F(1)@pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 47F(1) <s. 47F(1)@pmc.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

s. 22(1)(a)(ii)

Gave you a call to introduce myself as your new first point of contact in OIA.

Looking forward to working with you on the Exporter Supply Chain Assurance System issue (and other issues).

Regards,
s. 47F(1)

s. 47F(1) | Adviser, Office of Impact Analysis
Department of the Prime Minister and Cabinet

p. s. 47F(1)

Ngunawal Country, 1 National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600

e. s. 47F(1) @pmc.gov.au w. pmc.gov.au

The Department acknowledges and pays respect to the past, present and emerging Elders and Traditional Custodians of Country, and the continuation of cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander peoples.

From: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>

Sent: Monday, 10 July 2023 11:21 AM

To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Cc: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 47F(1) <s. 47F(1) @pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>

Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 22(1)(a)(ii)

I hope that you've been well.

I am just reaching out to inform you that s. 47F(1) will be taking over the relevant portfolio from today, and will therefore be dealing with any possible Impact Analysis requirements from here. I have cc'd them in this email, so that when you've completed the consolidation of the results from the consultation that you've recently undertaken, you can both organise a meeting.

Kind regards

s. 47F(1)

s. 47F(1) | Adviser

Office of Impact Analysis | Economic Division | Department of the Prime Minister and Cabinet

p. s. 47F(1) | e. s. 47F(1) pmc.gov.au | w. pmc.gov.au

Ngunawal Country, One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600

----- Original Message -----

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>;

Received: Fri Jun 02 2023 17:15:04 GMT+1000 (Australian Eastern Standard Time)

To: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>;

Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; OIA Help Desk helpdesk-oia@pmc.gov.au; OBPR Mailbox <helpdesk-oia@pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>;

Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

Apologies for the change – it would be great if we could actually postpone the update at this time, as it will take us a bit longer than expected to publish the draft report and we are finalising details for ongoing stakeholder engagement over the coming weeks.

I am anticipating it will be more productive to meet once we have the draft report finalised (sorry for reaching out prematurely!).

Will be in touch and apologies for any inconvenience.

Kind regards,

s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii)

Sent: Tuesday, May 30, 2023 5:58 PM

To: 's. 47F(1) <s. 47F(1) pmc.gov.au>

Cc: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>

Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

Thanks for the quick response and that sounds good – afternoon works for us as well!

I'll send through a meeting invite shortly, and looking forward to speaking next week.

Kind regards,

s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>

Sent: Tuesday, May 30, 2023 3:15 PM

To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Cc: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>

Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Good afternoon s. 22(1)(a)(ii)

Thanks for reaching out, glad to hear from you. Would you also be able to include s. 47F(1) (cc'd) on a discussion invite? He's supporting me in s. 47F(1) absence.

Would next Wednesday work? We are free any time after 1pm. Otherwise, happy to provide some other times.

Kind regards

s. 47F(1)

s. 47F(1) | Adviser | Office of Impact Analysis

Economic Division | Department of the Prime Minister and Cabinet

p. s. 47F(1) | e. s. 47F(1) pmc.gov.au | w. pmc.gov.au

Gunnawal Country, One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600



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From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Sent: Tuesday, 30 May 2023 1:22 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

I am just reaching out with an update on the ESCAS review since we spoke last – we have completed a first draft of the aggregated report, on the department's analysis of the feedback received during stage 1 consultation.

We are currently working to finalise this draft, before publishing on HYS for stakeholders to view prior to the facilitated session in June.

Did you have any availability next week for a meeting to discuss some of the emerging themes?

Kind regards,

s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii)
Sent: Monday, April 24, 2023 4:03 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

Sounds great, I'll send through a meeting invite now.

Looking forward to chatting on Thursday!

Cheers,

s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>
Sent: Monday, 24 April 2023 3:58 PM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Hi s. 22(1)(a)(ii) let's go for 2pm on Thursday. Half hour should be fine. It would be me and s. 47F(1) from our end.

Regards

s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Sent: Monday, 24 April 2023 2:02 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

Thanks for the response, more than happy to meet and discuss.

At this stage, I can provide detail on trends in feedback and some claims on regulatory burden *should* a change be implemented by the department, although there hasn't been commitment to implement specific changes as of yet (other than those described in the summary & scoping document/stage 1 discussion paper, for example the introduction of a control and traceability standard). We'll need more time for stage 2 to progress in terms of the development of the draft recommendations, which will constitute the specific proposed changes to the framework.

Happy to discuss further, my afternoons are generally pretty free. A few times this week are:

- Wednesday after 1pm (excluding 3-3:30pm)
- Thursday after 2pm
- Friday between 1-3:30pm

Kind regards,

s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>

Sent: Friday, 21 April 2023 8:32 AM

To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>

Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>

Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Hi s. 22(1)(a)(ii)

Thanks for your email and the progress update. I agree that it would be good to target some of your questions towards issues that might arise in an Impact Analysis. However, it may be opportune to have a discussion about impacts following the feedback from consultation including issues identified through the confidential submissions (to the extent that you can share this) so as to determine whether you're in IA territory. That is, are we in a position to assess whether the proposals arising from the ESCAS review are likely to result in more than a minor regulatory impact? Or do we need more time for Stage 2 to progress further? Perhaps a meeting to discuss would be worthwhile?

Regards

s. 47F(1) | Advisor

Office of Impact Analysis | Economic Division
Department of the Prime Minister and Cabinet
p. s. 47F(1) s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Sent: Wednesday, 19 April 2023 11:12 AM

To: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>

Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

I work in [s. 22\(1\)\(a\)\(ii\)](#) team and am just reaching out on her behalf – she's acting in another role for 6 weeks, and I am the current point of contact for the ESCAS review.

I wanted to provide an update on our progress in stage 2, particularly as we have extended our timeframe (stage 2 anticipated to conclude in August) and refined various aspects of our approach, including:

- We have published all non-confidential submissions received during stage 1 on the departmental platform [Have Your Say](#)
- We will be drafting an aggregated report in response to the submissions, i.e., outlining feedback received and the department's response and consideration of this feedback (est. May)
- We will be engaging with stakeholders in a facilitated session mid-stage 2 (est. early June) to discuss overall themes in the aggregated report and the development of draft recommendations, and
- Once draft recommendations are released for review and consultation, offering informal 1-on-1 sessions with stakeholders (in combination with a formal submission process) to ensure all voices are heard independently prior to finalisation of recommendations.

Considering past feedback from the OIA, going forward would it be beneficial to integrate specific questions on stakeholder impacts into upcoming consultation? E.g., Being deliberate during the consultation on draft recommendations during stage 2 in asking questions of stakeholders, particularly industry, on impact, cost and benefit, etc.

Grateful if you had any comments or recommendations on this, as well as our general approach. I understand the difficulty in commenting, while the perceived impact is still in large part unknown; however, happy to send/discuss the aggregated report on stage 1 analysis of feedback once finalised, if this gives a better indication on the tone of feedback received thus far and general direction the department is considering in response.

Kind regards,

[s. 22\(1\)\(a\)\(ii\)](#)

A/g Assistant Director | Regulatory Performance and Compliance | [s. 22\(1\)\(a\)\(ii\)](#)
[Live Animal Export Branch](#) | [Traceability, Plant and Live Animal Exports Division](#)

Department of Agriculture, Fisheries and Forestry
GPO Box 858 Canberra ACT 2601
[agriculture.gov.au](#)

From: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>

Sent: Thursday, 2 March 2023 2:43 PM

To: [s. 22\(1\)\(a\)\(ii\)](#) <[s. 22\(1\)\(a\)\(ii\)](#) [aff.gov.au](#)>

Cc: [s. 22\(1\)\(a\)\(ii\)](#) <[s. 22\(1\)\(a\)\(ii\)](#) [aff.gov.au](#)>; [s. 47F\(1\)](#) <[s. 47F\(1\)](#) [pmc.gov.au](#)>; [s. 47F\(1\)](#) <[s. 47F\(1\)](#) [pmc.gov.au](#)>

Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi [s. 22\(1\)\(a\)\(ii\)](#)

Thanks for the email on 27 February, the discussion paper and for the discussion on the phone today.

It is not clear at this stage whether the changes proposed are likely to result in 'more than a minor' regulatory impact. This is partly because the ESCAS framework is fundamentally remaining intact and many of the changes proposed would appear incremental or of a programmatic nature. I note your advice that some industry participants are claiming that the changes might have a significant impact on their commercial viability.

I therefore agree with your proposal that we hold our assessment at this stage and assess the significance of the ESCAS reforms as Stage 2 progresses (about April/May 2023). This will give you an opportunity to assess the claims of those industry participants.

If we determine that the proposal is more than minor, an Impact Analysis will need to be required to be prepared for Stage 3 to inform the decision, consistent with Government requirements.

We look forward to further discussions at this time. In the interim, feel free to contact me (or [S. 47F](#)^{s. 47F(1)}) to discuss any other issues that might assist with your consultation and policy development process.

regards

[s. 47F\(1\)](#) | Advisor
Office of Impact Analysis | Economic Division
Department of the Prime Minister and Cabinet
p. [s. 47F\(1\)](#) [s. 47F\(1\)](#)

From: [s. 22\(1\)\(a\)\(ii\)](#) <[s. 22\(1\)\(a\)\(ii\)](#) [aff.gov.au](#)>
Sent: Monday, 27 February 2023 11:01 PM
To: [s. 47F\(1\)](#) <[s. 47F\(1\)](#) [pmc.gov.au](#)>
Cc: [s. 22\(1\)\(a\)\(ii\)](#) <[s. 22\(1\)\(a\)\(ii\)](#) [aff.gov.au](#)>
Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Dear [s. 47F\(1\)](#)

Thank you for taking the time to chat about the ESCAS Review this morning, and apologies for missing your call on Friday.

Allow me to introduce [s. 22\(1\)\(a\)\(ii\)](#) (copied) who is working with me on this project.

As discussed, here is some relevant background on:

The Exporter Supply Chain Assurance System (ESCAS)

- ESCAS is a regulatory framework that seeks to ensure animal welfare, control and traceability outcomes for feeder and slaughter livestock from the point of arrival in importing countries up until and including the point of slaughter.
- Livestock exporters are the regulated entities under ESCAS. They are responsible for establishing and managing arrangements with supply chain partners (i.e. importers, feedlots and abattoirs) in importing countries to ensure that ESCAS requirements are met.
- ESCAS was developed in 2011 in response to public outrage following the release of footage on *Four Corners* depicting poor animal handling and slaughter practices at Indonesian abattoirs, and progressively rolled out to all countries importing Australian feeder and slaughter livestock during 2012.
 -
 -
 - Currently there are around 90 approved ESCAS supply chains across 17 countries.
- ESCAS has since been largely effective in delivering against its intended outcomes.
- Alleged ESCAS non-compliances are investigated by the department and regulatory action taken as indicated and as soon as practically possible.
 -
 -
 - Since 2013, less than 0.20% of exported livestock covered by ESCAS have been involved with confirmed ESCAS non-compliances.
 - Reports of alleged ESCAS non-compliance are received from exporters (self-reports – 55%), third-parties (animal welfare organisations or private citizens in importing countries – 35%), industry groups, included in independent audit reports submitted by exporters or identified by the department.

The ESCAS Review

- The department is reviewing components of the ESCAS framework to ensure that it remains fit-for-purpose and supports consistent, risk-based regulation.
- The review is being conducted in 3 stages, with stakeholder engagement at the end of each stage. A **Summary and scoping document** setting out focus areas for the project, work at each stage, our stakeholder engagement approach and key review outcomes is attached for your reference.
- Key outcomes of this review include the production of a consolidated, single source reference of ESCAS for departmental staff and stakeholders, and to follow-through with the department's commitment to address recommendations in the [Inspector-General Review of ESCAS \(2021\)](#).
- We have just concluded stage 1 of the review, including associated stakeholder engagement. This stage was a gap analysis, with possible areas for improvement to the current ESCAS framework identified as 'challenges'.
 -
 -
 - Targeted stakeholder groups (i.e., livestock exporters and their peak industry bodies, industry groups and animal welfare organisations) were invited to provide constructive feedback on, and propose practical solutions to these specific technical challenges. There was also the opportunity to present challenges that they felt had not been identified.
 - This consultation stage was launched as a survey on the *Have Your Say* platform on 10 January and closed on 21 February 2023.
 - The attached **Discussion Paper** sets out identified challenges and is the exhaustive basis on which the *Have Your Say* survey was built.

- We are now in stage 2 of the ESCAS Review, and are reviewing and analysing submissions from our recent consultation stage.
 -
 -
 - The aim of this stage is to use feedback from the first consultation stage to inform recommendations for improvements to ESCAS.
 - These recommendations will be tested with livestock exporters at the stage 2 stakeholder consultation phase.
- Then, stage 3 of the project will follow, where recommendations are used to review and update ESCAS policies, with the final output being a consolidated document on all aspects of the framework.
 -
 -
 - The plan is to consult publicly at this stage of the review.

Interactions with OIA to date

- We met with the OIA (s. 47F(1) and s. 47F(1)) and a industry peak body representative last year, following finalisation of the first version of our *Summary and scoping document* and prior to the commencement of the review, to discuss views on stakeholder engagement and whether the review can be conducted in a manner consistent with a RIS-like process, so that a full RIS might not be required at its conclusion and prior to implementation.
 -
 -
 - A focus of this meeting was to discuss strong exporter concerns about the department engaging with animal welfare organisations during the review process. Additionally, industry remains opined that animal welfare organisations, being opposed to the livestock export trade and not being directly affected by regulatory decisions, might distort/bias engagement results, and therefore should not be considered key stakeholders for the purpose of engagement.
 - We disagree and consider wide engagement necessary to capture the myriad and nuanced views on livestock exports – a highly scrutinised industry that continues to polarise. It is important that our process and decisions reflect regulatory best practice and considers contemporary social views on the subject. Animal welfare organisations are a key stakeholder, reflected in their interest in the trade and continued role in reporting alleged ESCAS breaches.
- To date, feedback has been positive and we committed to keep the OIA informed as we progress, to ensure our processes continued to be consistent with a RIS-like process (see email exchange with s. 47F(1) below).

To recap our conversation

- I understand that to your knowledge, no formal assessment of our project and approach has been conducted by the OIA and this will need to happen for any definitive advice on whether our approach constitutes a RIS-like process or equivalent.
- Pending your review and assessment, the *Inspector-General Review of ESCAS (2021)* might qualify as a RIS-like process equivalent. The basis for this is the extensive consultation that was undertaken as part of the review, and that a primary focus of the ESCAS Review is to address its recommendations. If this is a possibility, the decision needs to be endorsed at a Deputy Secretary level.
- Integral to an impact analysis is a determination of the magnitude of change and the affected stakeholders. This may be qualitative and subjective, but must be defensible.

s. 47E(d)

- Given that the magnitude of changes will depend on recommendations made as a result of feedback currently being analysed, it might be difficult to determine this until stage 3 of the review (when the outcome of the review is being drafted). However, any assessment on the impacts on industry would be useful.

As discussed, I'd be very grateful for your advice on:

- Anything we need to consider/reconsider about our approach so that our process is consistent with a RIS-like process.
- If you think we might be able to rely on the *Inspector-General Review of ESCAS (2021)* as a RIS-like equivalent.
- If we should be incorporating into our engagement strategy, a request for industry to quantify the impact of proposed changes to them/the trade, particularly where best practice regulation might be resisted on the basis of burden.

I realise this is a lot of information, but I hope it makes sense and trust that it informs you sufficiently to be able to offer the advice we are seeking.

Please let me know if I have missed or misinterpreted anything, and if you have any questions.

I look forward to further discussions.

Kind regards,

s. 22(1)(a)(ii)

Senior Veterinary Officer

Regulatory Performance | Live Animal Export Branch | Plant and Live Animal Exports Division

Phone: s. 22(1)(a)(ii)

Department of Agriculture, Fisheries and Forestry
GPO Box 858 Canberra ACT 2601 Australia

aff.gov.au

From: s. 47F(1) <s. 47F(1) pmc.gov.au>
Sent: Friday, 24 February 2023 4:02 PM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Hi: s. 22(1)(a)(ii)

I left a message for you but I'm not sure if my landline is working so here is my mobile number below. If you could contact me, that would be great.
Regards

s. 47F(1) | Advisor
Office of Impact Analysis | Economic Division
Department of the Prime Minister and Cabinet
p. s. 47F(1) s. 47F(1)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>
Sent: Thursday, 23 February 2023 6:32 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Subject: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Can you get in touch with s. 22(1)(a)(ii) and let her know you're the new lead on this pls?
We will need to give them some advice about how to meet the independent review requirements (noting this commenced under the former arrangements)

s. 47F(1)

s. 47F(1) Senior Adviser
Office of Impact Analysis
p. s. 47F(1) | m. s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Sent: Thursday, 23 February 2023 6:26 PM
To: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Good afternoon s. 47F(1)

I hope 2023 has started off well for you and your team.

I am reaching out with a status update on the ESCAS Review.

We recently concluded the first of 3 stakeholder consultation stages, which was launched as a survey on the *Have Your Say* platform from 10 January to 21 February 2023. Targeted stakeholders were invited to provide constructive feedback on specific technical challenges to the ESCAS framework. Survey questions are reflected in the Discussion paper, attached for your interest. We are now collating and analysing feedback received and will use it to inform recommendations for improvements to ESCAS in stage 2 of this project.

We would greatly appreciate your advice/confirmation that our processes remain aligned with a RIS-like process, and if there are any relevant considerations from your perspective, on how feedback is handled and analysed, noting that some submissions have been marked as confidential.

Happy to meet to discuss if easier.

Kind regards,
s. 22(1)(a)(ii)
Senior Veterinary Officer

Regulatory Performance | Live Animal Export Branch | Plant and Live Animal Exports Division
Phone: s. 22(1)(a)(ii)

Department of Agriculture, Fisheries and Forestry
GPO Box 858 Canberra ACT 2601 Australia

aff.gov.au

From: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Sent: Wednesday, 7 December 2022 12:30 PM
To: [s. 22\(1\)\(a\)\(ii\)](#) <[s. 22\(1\)\(a\)\(ii\)](#) aff.gov.au>
Cc: [s. 22\(1\)\(a\)\(ii\)](#) <[s. 22\(1\)\(a\)\(ii\)](#) aff.gov.au>; [s. 47F\(1\)](#) <[s. 47F\(1\)](#) pmc.gov.au>
Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Good afternoon [s. 22\(1\)\(a\)\(ii\)](#)

Thanks very much for sending this through, and apologies for the delay in my response. I've reviewed the summary and scoping document and have no major concerns. It's good to hear that consultation will be expanded. Seeking quantitative evidence of how proposed solutions will impact various stakeholder groups will assist in providing a more detailed outline of the anticipated costs and benefits.

I am happy to talk through the changes to the Impact Analysis framework once they are settled and am keen to ensure OIA supports you through this impact analysis process.

Kind regards,

[s. 47F\(1\)](#) (she/her) | Adviser
Office of Impact Analysis
Department of the Prime Minister and Cabinet
p. [s. 47F\(1\)](#)

From: [s. 22\(1\)\(a\)\(ii\)](#) <[s. 22\(1\)\(a\)\(ii\)](#) awe.gov.au>
Sent: Monday, 28 November 2022 6:52 PM
To: [s. 47F\(1\)](#) <[s. 47F\(1\)](#) pmc.gov.au>
Cc: [s. 47F\(1\)](#) <[s. 47F\(1\)](#) pmc.gov.au>; [s. 22\(1\)\(a\)\(ii\)](#) <[s. 22\(1\)\(a\)\(ii\)](#) agriculture.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

Hi [s. 47F\(1\)](#)

I'm just reaching out from our team with an update on the ESCAS Review and upcoming stakeholder consultation, to keep you in the loop.

We have released a revised summary and scoping document (attached), to reflect our updated approach to stakeholder engagement. We intend to include a wider group of stakeholders at stage 1 for challenge identification/proposal of solutions, then a more targeted group later on for the testing of recommendations.

We have completed the stage 1 desktop review, and are about to commence stage 1 consultation. As previously discussed, we have contracted a team for their technical expertise to assist with our review, and they have developed draft material for stakeholder consultation. We are reviewing this material internally, prior to publication on the department's engagement platform 'Have Your Say'.

Any feedback or comments on how our current approach may impact the RIS process would be greatly appreciated.

Kind regards,

[s. 22\(1\)\(a\)\(ii\)](#)
Senior Technical Officer | Regulatory Performance | [s. 22\(1\)\(a\)\(ii\)](#)
Live Animal Exports Branch | Plant & Live Animal Exports Division

Department of Agriculture, Fisheries and Forestry
GPO Box 858 Canberra ACT 2601
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From: [s. 22\(1\)\(a\)\(ii\)](#) <[s. 22\(1\)\(a\)\(ii\)](#) agriculture.gov.au>
Sent: Monday, 14 November 2022 4:32 PM
To: [s. 47F\(1\)](#) <[s. 47F\(1\)](#) pmc.gov.au>
Cc: [s. 47F\(1\)](#) <[s. 47F\(1\)](#) pmc.gov.au>; [s. 22\(1\)\(a\)\(ii\)](#) <[s. 22\(1\)\(a\)\(ii\)](#) agriculture.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

Thanks very much for getting back to us, [s. 47F\(1\)](#)

I'll be in touch again leading up our second consultation stage, to seek your thoughts on our approach at the time.

Kind regards
[s. 22\(1\)\(a\)\(ii\)](#)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>
Sent: Monday, 14 November 2022 5:07 PM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

OFFICIAL

Good afternoon s. 22(1)(a)(ii)

Thanks very much for providing these documents for OBPR's review. s. 47F(1) and I have discussed the documents and in order to meet the requirements to be certified in lieu of a RIS, the following will need to be considered and included in the development of the review:

- When presenting recommendations to address identified problems in stages 2 and 3, there should be a range of options considered, including at least one non-regulatory option.
- In order to meet the requirements, the final document will need to analyse the costs and benefits of each option. We suggest consultation in stage 2 should include questions to draw out expected costs and benefits from stakeholders. Stakeholders should be encouraged to provide any evidence, data or statistics of the quantitative impact various options may have on themselves, the community or other groups. Where quantification is not possible, stakeholders should be encouraged to be specific in qualitative assessments of likely impacts.

We're happy to discuss these points further if you would like.

Kind regards,
s. 47F(1) | Adviser
Office of Best Practice Regulation
Economic Division | Department of the Prime Minister and Cabinet
p. s. 47F(1) | e. s. 47F(1) pmc.gov.au | w. www.pmc.gov.au
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From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) awe.gov.au>
Sent: Friday, 4 November 2022 5:17 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

Good afternoon s. 47F(1)

I hope this finds you well.

You might recall that we spoke some weeks ago about the Exporter Supply Chain Assurance System (ESCAS) Review. As discussed, it would be good to get an indication from you about when we should engage with the OBPR as this project progresses.

On this note, please find attached:

- The ESCAS Review project plan, and
- The ESCAS Review scoping and summary document, which outlines focus areas and specific framework components we will be reviewing as part of this project.

We look forward to hearing back from you.

Thanks and have a great weekend!

Kind regards,
s. 22(1)(a)(ii)
Senior Veterinary Officer

Regulatory Performance | Live Animal Export Branch | Plant and Live Animal Exports Division
Phone: s. 22(1)(a)(ii)

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s. 47F(1)

Advisor, Office of Impact Analysis

s. 47F(1) or s. 47F(1)

s. 47F(1) pmc.gov.au

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Australian Government
Department of Agriculture,
Fisheries and Forestry

Exporter Supply Chain Assurance System (ESCAS) Review – stage 2

Report: Recommendations

November 2023



Exporter Supply Chain Assurance System (ESCAS) Review: Stage 2 Recommendations

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Acknowledgements

Thank you to Schuster Consulting Group and Angela Schuster, Managing Director and Peter Schuster, Senior Consultant, at Schuster Consulting Group, for assistance in preparing this report.

Acknowledgement of Country

We acknowledge the Traditional Custodians of Australia and their continuing connection to land and sea, waters, environment and community. We pay our respects to the Traditional Custodians of the lands we live and work on, their culture, and their Elders past and present.

Exporter Supply Chain Assurance System (ESCAS) Review: Stage 2 Recommendations

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Exporter Supply Chain Assurance System (ESCAS) Review: Stage 2 Recommendations

Overview

The Exporter Supply Chain Assurance System (ESCAS) was introduced in 2011, following the suspension of export of feeder and slaughter cattle to Indonesia due to mistreatment of Australian cattle in some Indonesian abattoirs. ESCAS is a set of regulatory conditions placed on exporters. It requires them to have arrangements in the importing country to ensure humane treatment and handling of livestock from the time the animals arrive up to and including the point of slaughter. Australia is the only country in the world, out of over 100 livestock exporting nations, with such a regulatory system in operation.

The Department of Agriculture, Fisheries and Forestry (department) is progressing a targeted review of ESCAS. This is the first review by the department of ESCAS since the framework was first implemented in 2011. The review will ensure the existing ESCAS framework remains robust, functional and effective in ensuring that animal welfare, control and traceability outcomes continue to be met.

The ESCAS Review considers recommendations from the Inspector-General of Live Animal Exports' (IGLAE) [review of ESCAS](#) conducted in 2021 (IGLAE Report). The IGLAE Report recognised that ESCAS has largely achieved its broad objectives and has lifted the standards and practices that Australian livestock are subjected to in importing countries; however, a range of issues were identified. Addressing these issues will ensure Australian livestock are treated in accordance with ESCAS requirements and that ESCAS is operating as effectively and efficiently as possible.

The review is being conducted in a staged manner according to a specific scope (Appendix 1: summary and scoping document) that identifies 5 focus areas for improvement based on outcomes from the IGLAE review that can be summarised as:

- 1) Monitoring and verification activities – for example, closing the inter-audit gap and ongoing monitoring and verification activities.
- 2) Control and traceability – for example, developing a control and traceability standard.
- 3) Noncompliance management – for example, updating the Biosecurity guideline for management of non-compliance to incorporate a proportionate escalating noncompliance framework which considers aggravating and mitigating factors.
- 4) Administration – for example, streamlining and improving internal administrative processes.
- 5) The ESCAS Animal Welfare Standards – for example, comparison with the World Organisation for Animal Health (WOAH) Terrestrial Animal Health Code (2022); and updating the Standards where relevant.

Given the targeted nature of this review, the following areas are beyond scope:

- The effectiveness or appropriateness of the legislative basis for ESCAS
- The expansion of ESCAS to breeders
- The development of a detailed quality assurance system

Exporter Supply Chain Assurance System (ESCAS) Review: Stage 2 Recommendations

- Cost recovery arrangements.

Exporter Supply Chain Assurance System (ESCAS) Review: Stage 2 Recommendations

Approach

The review is being conducted in 3 stages, where each stage includes a component of stakeholder consultation.

These stages are:

- Stage 1: Identify current state challenges
- Stage 2: Develop and test recommendations
- Stage 3: Refresh and produce materials

The review is currently in the second part of stage 2.

Stage 1

Stage 1 involved a critical analysis of documentation to identify challenges with the current state of ESCAS based on the focus areas.

Publicly available information, reports and presentations related to ESCAS were reviewed. This included:

- [The IGLAE Report](#)
- World Organisation for Animal Health, [Terrestrial Animal Health Code, 2022](#) (WOAH Code)
- Current ESCAS legislation, policies and procedures including [Export Advisory Notices \(EANs\)](#)
- ESCAS guidance documentation including audit report templates and auditor guidelines
- The ESCAS Animal Welfare Standards
- The [Biosecurity guideline for management of non-compliance](#)
- Correspondence and media from exporters and animal welfare organisations
- Issues that have been identified by the LAE ESCAS team (ESCAS Issues Register)
- [ESCAS Compliance Reports](#)
- Research and development project reports relevant to the scope.

These items were reviewed and analysed utilising a root-cause and cross-analysis approach. Where issues were identified through these sources of information, they were further assessed to determine any underlying causes or any connection to other issues, as well as the risk they pose to the ESCAS framework in fulfilling its mandate. For example, the IGLAE Report provided high-level recommendations to issues; however, further analysis of the detail and comparison with other information was conducted. Thus, the root cause (or causes) could be more specifically identified as a challenge and the risk determined.

Challenges identified through this process were documented in a [Stage 1 discussion paper report \(Exporter Supply Chain Assurance System \(ESCAS\) Review stage 1 discussion paper: current state challenge identification\)](#). The challenges identified components of ESCAS that required further

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consideration through the review process. These challenges were not failings, nor did their identification confirm conclusively that the issue is occurring. Rather, they presented either a possible risk to the regulatory framework or a risk to the effectiveness of compliance measures.

Further, the analysis considered documented information on face value and deliberately did not consider whether industry had implemented initiatives (either individually or collectively) to address challenges within ESCAS.

The analysis did not consider historical norms and approaches that had been established over time. Rather, but rather issues were considered from the perspective of someone unfamiliar with ESCAS and how they would interpret the framework based on available documentation.

The Stage 1 report did not propose solutions in identifying these challenges but was released to invite constructive feedback from stakeholders. This was in pursuit of an understanding of the quantum of the challenges and potential solutions. The opportunity for stakeholders to qualify, contest or add to the identified challenges was also provided through the Stage 1 consultation process.

The consultation process involved releasing the Stage 1 report to stakeholders and utilising the survey option on the department's ['Have Your Say' platform](#).

Stage 2

The first part of Stage 2 involved a detailed analysis of stakeholder feedback provided in response to the Stage 1 report. This was presented in ~~the a Stage 2 aggregated report (Exporter Supply Chain Assurance System (ESCAS) Review stage 2 aggregated report: Challenges and feedback)~~. The report presented the analysis on a challenge-by-challenge basis and outlined considerations made in formulating recommendations to address the challenges. The report also provided a full list of information analysed in forming the challenges.

The second part of Stage 2 involved sharing the analysis of feedback with stakeholders and seeking any additional feedback before preparing recommendations. Feedback was provided through one-on-one online meetings with stakeholders who elected to take part.

Current report and consultation

This report provides the draft recommendations to address challenges, ~~within~~ consideration ~~to of~~ material analysed and stakeholder feedback. It also outlines the guiding principles that underpin the ESCAS regulatory framework (refer ~~section 3 to~~ [Guiding principles](#)).

Stakeholders have an opportunity to provide constructive feedback on these recommendations.

For each recommendation, stakeholders are encouraged to indicate whether they agree that the recommendation will address the challenge, disagree if they believe it does not, or provide further solutions in relation to the challenge. Stakeholders may also provide additional considerations for implementing recommendations.

Where relevant, stakeholders are also encouraged to indicate the potential impact of the recommendation, if implemented.

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The timeframe for submission of feedback is from 20 November to 18 December 2023. Information provided within this timeframe will be considered in finalising the recommendations.

Stage 3

Stage 3 will commence once feedback on the draft recommendations has been received and considered.

It should be noted that, in implementing the recommendations from this review, there may be further changes required to ESCAS that are not explicitly referenced in the recommendations. This is to ensure consistency and that the framework components function together as a whole.

Any such changes will be defined at stage 3 or during implementation following the review. The department will work with industry and stakeholders to ensure understanding and smooth transition.

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Guiding principles

The guiding principles outline the purpose of ESCAS, the roles and responsibilities of parties to ESCAS and the expectations for interaction between parties. These principles were used as the basis for detailed analysis of stakeholder feedback and to formulate the recommendations in this report.

Minor amendments were made to these principles following discussions with stakeholders during consultation.

The purpose of ESCAS

ESCAS is the regulatory framework, underpinned by legislation, administered by the department to ensure feeder and slaughter livestock exported from Australia are handled in accordance with international animal welfare standards from the time of arrival in the importing country up to and including slaughter. In doing so, this gives the community confidence that enables the sustainability of the trade.

To achieve this purpose, the regulatory framework has 4 key components – [control, traceability/accountability, animal welfare and independent auditing](#).

Control

The exporter must have arrangements in place to ensure control of its supply chain from the point of unloading of the vessel up until and including the point of slaughter.

The control process must ensure that all livestock exported by the exporter into the supply chain can be accounted for at all stages and that handling and slaughter practices meet the ESCAS Animal Welfare Standards at all times.

The control process, including movement recording, reconciliation and verification processes, must be transparent and verifiable by the exporter.

Traceability/accountability

The exporter must be able to trace the location of all livestock at all points of the supply chain.

For cattle and buffalo, the exporter must be able to provide reports on the movements along the supply chain of individual animals.

For sheep and goats, in the absence of an Australian domestic requirement for individual animal identification, the exporter must be able to account for all sheep and goats that enter the supply chain.

Effective traceability is dependent on effective control measures through the supply chain.

Animal welfare

The exporter must ensure all handling and slaughter of livestock in the importing country is in accordance with the ESCAS Animal Welfare Standards.

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The ESCAS Animal Welfare Standards are based on recommendations provided by the World Organisation for Animal Health (WOAH) in its Terrestrial Animal Health Code (WOAH Code).

Assurance of animal welfare outcomes is dependent on effective control measures through the supply chain.

Utilising the WOAH Code as the basis for ESCAS ensures consistency with Australia's international trade obligations. Therefore, there is minimal risk of Australia breaching the World Trade Organisation's (WTO) Agreement on Technical Barriers to Trade (TBT).

Independent auditing

The exporter must ensure the supply chain is audited by an auditor who is independent, has no conflicts of interest and possesses an appropriate level of competence and expertise (through qualifications, training and experience).

The exporter must be able to demonstrate current accreditation of auditing companies by an appropriate authority such as a member of the international body for accreditation of conformity assessment bodies – the International Accreditation Forum (IAF), with the scope of accreditation being against relevant standards provided by the International Organisation for Standardization (ISO), e.g. be related to compliance auditing and quality management systems such as that provided in ISO/IEC 17021, Conformity assessment — Requirements for bodies providing audit and certification of management systems (ISO 17021).

The role of the department

The role of the department is to regulate the exporter in accordance with Australian legislation.

The department is the independent and impartial regulator of live animal exports. This means that the department develops and reviews regulatory frameworks, consulting widely and duly considering stakeholder views on proposed changes and the impact those changes may have. The department, having taken into account all relevant considerations, has the ultimate decision-making authority and bears responsibility for setting requirements and standards in relation to livestock exports. The department's decisions must be consistent with, and defensible under, relevant legislation.

The department supports trade continuity through ensuring compliance with Australian legislation by regulated entities.

The responsibilities of the department and exporters

Under ESCAS, exporters are responsible for ensuring ongoing, day-to-day compliance with control, traceability and animal welfare requirements within their supply chains. This is achieved by implementing and maintaining systems throughout the supply chain to ensure that animals are accounted for, and that handling and slaughter practices are in accordance with the ESCAS Animal Welfare Standards. These systems should be supported by effective processes for verification and reporting along the supply chain.

The department's responsibility is to set the regulatory requirements and to regulate the exporter in accordance with the regulatory requirements.

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The expectations of relationships

The approach to and conduct within interactions is respectful, with the department recognised as the regulator of livestock exports with the roles, responsibilities and authority described above.

The department responds to all reasonable requests from industry regarding decisions made and approaches taken and industry accepts these decisions so long as they are lawful, defensible, transparent and equitable. Concerns may be escalated up the hierarchy, by both departmental staff and industry, as and when necessary.

Exporter Supply Chain Assurance System (ESCAS) Review: Stage 2 Recommendations

Recommendations

The draft recommendations have been developed ~~with~~ consideration ~~to~~of material analysed during the desktop review at stage 1 and feedback received during consultation. They relate to specific elements of the ESCAS framework and the associated policies and processes.

These recommendations aim to provide a basis for the materials and framework elements that will be further detailed in stage 3.

To note, many recommendations propose the introduction or amendment of requirements. For livestock exporters using a provider of exporter supply chain assurance operations (ESCAO), some of the recommendations would not directly apply to exporters, as the components would be addressed through the ESCAO provider's approved arrangement. Where relevant, this is indicated under the specific recommendation.

Recommendations have been developed to address a challenge or a group of challenges. For some groups, there are two recommendations. Generally, these grouped challenges fall under the same focus area (~~Table 1~~~~Table 4~~). ~~All the challenges are further detailed in the stage 1 discussion paper and summarised in the stage 2 aggregated report.~~

Table 1 List of challenges and related recommendations

Focus Area	Challenge	Recommendation
1: Monitoring and verification activities	1.1 Requirements for audit company accreditation and auditor rotation	Recommendation 1
	1.2 Specific standard/s for auditor competency to conduct ESCAS audits	Recommendation 2
	1.3 Interpretation of requirements by auditors	
	1.4 Audit sharing and allocation of noncompliance responsibility	Recommendation 3
	2.10 Attribution of noncompliance s	
	1.5 Sample sizes for audits	Recommendation 4
	1.6 Inter-audit gap	Recommendation 5
	1.7 Use of other surveillance (e.g. audit) methods	Recommendation 6
2: Control and traceability	2.1 Overall standard or detailed requirements	Recommendation 7
	2.2 Expectation of 100% compliance	
	2.3 Use of indicator events	
	2.4 Critical control points for traceability	
	2.5 Timely provision of data	
	2.6 Variability in approaches	
	2.6.1 Varying systems and sophistication	
	2.6.2 Varying oversight and verification	
	2.6.3 Varying data custodianship	
	2.7 Methods to verify traceability	
	2.7.1 Use of imagery	
2.7.3 Transfer and storage of evidence		
2.7.4 Reliance on technology		
2.7.5 Availability of traceability data		
2.8 Accuracy of traceability data		
2.8.1 Accuracy of counting livestock		

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Focus Area	Challenge	Recommendation
	2.8.2 Technology as the 'solution' to accurate sheep and goat counting	
	2.9 Third-party traceability providers	
	2.7.2 Use of visual recording and fixed radio frequency identification (RFID) scanning	Recommendation 8 Recommendation 9
3: Noncompliance management	2.11 Proportionate noncompliance ²⁴	Recommendation 10
	3.1 Framework for noncompliance	Recommendation 11
	3.1.1 Noncompliance categorisation	
	3.1.2 Consideration of noncompliance	
	3.1.3 Consideration of cumulative noncompliance	
	3.1.4 Escalation pathway for noncompliance	
	3.2 Corrective action and timeframes for correction	
	3.3 Process for managing allegations of noncompliances	
	3.4 Utilisation of auditors in noncompliance management	
	3.5 Effective framework for analysing noncompliances	
	3.7 Consideration of risk factors in risk rating	
	3.8 Timeframe for compliance information exchange	
	3.6 Incentives for performing higher than a minimum standard	Recommendation 12
4 Administration	4.1 Facility risk ratings – approval date	Recommendation 13
	4.1.1 Naming conventions and premises identification	Recommendation 14
	4.2 Consolidation of ESCAS requirements	Recommendation 15
	4.3 Mechanism for continual improvement in ESCAS	Recommendation 16
	Additional challenge – Arrangements for cultural events inefficient to administer	Recommendation 17
	Additional challenge – Inefficient format and operational procedure for IPARs	Recommendation 18
5: The ESCAS Animal Welfare Standards	5.1 Consistency of ESCAS Animal Welfare Standards with WOAHS recommendations	Recommendation 19
	5.1.1 Use of goods	
	5.1.2 Facility design	
	5.1.3 Tethering	
	5.1.4 Protection	
	5.1.5 Foetus management	
	5.1.6 Back-up stunning device	
	5.1.8 Specification of competencies	
	5.2 Differentiating between signs of unconsciousness and signs of death	
	5.3 Method for throat cut	
	5.4 Requirements for landing sites or physical transportation	
	5.5 Specificity in the Standards	
	5.6 Consistency of structure and nomenclature of requirements under ESCAS with best practice standards design	
	5.7 Interpretation of Standard 29	
	5.8 Requirement to keep records of outcomes of processes	
	5.1.7 Consolidation of list of unacceptable practices	Recommendation 20
	5.4 Requirements for landing sites or physical transportation	Recommendation 21
	Additional challenge – Recognition of in-market animal welfare standards	Recommendation 22

Exporter Supply Chain Assurance System (ESCAS) Review: Stage 2 Recommendations

Focus area 1: Monitoring and verification activities

Six draft recommendations are proposed to address the challenges relating to monitoring and verification activities, as well as 1 challenge relating to attribution of noncompliance. [These challenges are detailed in the stage 1 discussion paper.](#)

Recommendation 1

Introduce mechanisms to verify and manage auditor quality and performance through the following:

- 1) Require exporters to demonstrate audit companies hold accreditation to, or equivalency with, [ISO/IEC 17065:2012 \(Conformity assessment — Requirements for bodies certifying products, processes and services\)](#) and meet other requirements as set out in this recommendation and [Recommendation 2](#). Accreditation must be bestowed by a member of the International Accreditation Forum (IAF) or equivalent.
- 2) Establish competency requirements (skills and experience) for auditors.
- 3) Establish conflict of interest requirements for auditing companies and auditors.
- 4) Develop clear requirements for audit companies and auditors in relation to the audit process, reporting and noncompliance management.
- 5) Introduce the requirement for exporters to ensure audit companies rotate auditors after every ~~four~~ audits of the same facility. The number of audits includes those undertaken for Initial Independent Audit Reports (IIARs) and those undertaken for Independent Performance Audit Reports (IPARs).
- 6) Investigate the feasibility of implementing a system within the department to capture audit outcomes for specific facilities that can be used to manage auditor quality and performance. This would allow patterns of noncompliance assignment by auditors to be identified and analysed as well as noncompliance identified by other means. This would require exporters to upload audit reports in electronic formats that can be imported into such a system.
- 7) Enable the ability for the department to prohibit exporters accepting audit reports from certain audit companies.

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In formulating auditor requirements, consideration should be given to the Livestock Global Assurance Program (LGAP) [Certification Rules](#) administered by the provider AniMark [\(2023\) Limited \(AniMark\)](#). Specifically, the LGAP Certification Rules contain requirements for auditor competency, reporting and noncompliance management that may be used to inform development of similar requirements.

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Exporters using an ESCAO provider (i.e. third-party provider of assurance services or TPPAS) under section 6-35(5) of the Export Control (Animals) Rules 2021 would not be required to undertake this component, as the ESCAO provider would be responsible for verifying, monitoring and managing auditor quality and performance.

Challenges

- 1.1 Requirements for audit company accreditation and auditor rotation
- 1.2 Specific standard/s for auditor competency to conduct ESCAS audits

Exporter Supply Chain Assurance System (ESCAS) Review: Stage 2 Recommendations

1.3 Interpretation of requirements by auditors

Recommendation 2

To ensure consistent assessment of the ESCAS requirements, additional requirements should be introduced in relation to exporters ensuring that:

- 1) Auditors undertake on-going calibration training
- 2) such training occurs on a regular basis including
 - a) when updates to ESCAS occur
 - b) when clarification regarding requirements ~~is~~ communicated by the department to exporters
 - c) if auditor monitoring indicates such training is required
- 3) documented information to demonstrate auditors have undertaken such training can be provided upon request of the department.

Exporters using an ESCAO provider would not be required to undertake this component, as the ESCAO provider would be responsible for managing auditor training.

Challenges

- 1.1 Requirements for audit company accreditation and auditor rotation
- 1.2 Specific standard/s for auditor competency to conduct ESCAS audits
- 1.3 Interpretation of requirements by auditors

Recommendation 3

Introduce the requirement that, where audits are shared between facilities by exporters, those exporters take equal responsibility for any issues of noncompliance identified through any means. This would include sharing equally the allocation of the severity of the noncompliance, the corrective action and the regulatory action taken, with the following exceptions:

- 1) Where an exporter can provide evidence to demonstrate, to the satisfaction of the department, that the issue clearly did not involve livestock from any of their consignments and this evidence is based on:
 - a) The use of individual animal identification or
 - b) the exporter has not consigned livestock to that facility within a relevant ~~time~~-period based on facility operations and audit schedule.

2) Where the department is satisfied that there is evidence to demonstrate that the severity of noncompliance may be different for different exporters.

This requirement may not apply to exporters using an ESCAO provider, where the ESCAO provider holds responsibility for facility audits and subsequent noncompliance management.

Challenges

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Exporter Supply Chain Assurance System (ESCAS) Review: Stage 2 Recommendations

1.4 Audit sharing and allocation of noncompliance responsibility

2.10 Attribution of noncompliance

Recommendation 4

Introduce sample sizes for all forms of audit at key points of risk **in the process**, specifically:

- 1) animal handling when loading or unloading from land transport vehicles at any point in the supply chain
- 2) animal handling when moving livestock from lairage into restraint in abattoirs
- 3) during the stunning process
- 4) monitoring unconsciousness between stunning and death.

Sample sizes for the number of animals to be observed during audits should be established based on the following considerations:

- The sample size should be based on the average daily total number of animals received or processed at that facility.
- Consideration should be given to sample sizes that can be achieved within a specified timeframe (for example **1one** hour out of a **4four**-hour audit period).
- For facilities that load, unload or process less than 10 head on average per day, the minimum number of animals to be observed should be **3three**. An uneven number is recommended to enable repeatable compliance to be observed.
- IIAR audits should allow non-Australian livestock to be included in sample sizes, provided they are of a similar size and class to that expected to be received from Australia.

Challenge

1.5 Sample sizes for audits

Recommendation 5

Introduce the tools referenced by industry in feedback provided during the review as requirements under ESCAS to manage the 'inter-audit gap', including:

- 1) Maintaining records that demonstrate compliance with requirements.
- 2) Undertaking internal audits on a frequency based on the facility's ESCAS risk rating and that the ESCAS risk rating include a frequency for internal and external audits for the different risk categories.
- 3) Ensuring the facility can demonstrate that staff are trained and competent in implementing the ESCAS requirements.
- 4) Monitoring to ensure that ESCAS requirements are being met on a day-to-day basis.

Challenges

1.6 Inter-audit gap

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1.7 Use of other surveillance (e.g. audit) methods

Recommendation 6

Allow the use of other audit methods under ESCAS to increase flexibility in the verification of compliance. Such methods may be applied for IIAR, IPAR, department-initiated audits etc. and include:

- 1) Audits that have a limited scope, for example, auditing only the traceability requirements or the slaughter requirements rather than all requirements.
- 2) Desktop audits that focus on aspects of the ESCAS requirements that do not rely on on-site observation, for example, record keeping.
- 3) Targeted audits of specific facilities or supply chains when there are indications of noncompliance.
- 4) Audits of exporter arrangements through the supply chain, in particular control and traceability arrangements, for example, random data inspections.
- 5) Unscheduled announced audits with an announcement period of not more than 24 hours for facilities.
- 6) Random, unannounced audits of an exporter's ESCAS arrangements, including arrangements within a facility or across a supply chain. These may be on-site at the exporter's premises in Australia or undertaken as a desktop audit.

Challenges

1.6 Inter-audit gap

1.7 Use of other surveillance (e.g. audit) methods

Focus area 2: Control and traceability

Three draft recommendations are proposed to address the challenges relating to control and traceability (C&T). This involves the introduction of specific outcomes-based requirements that would form a new C&T Standard for ESCAS. [The challenges are detailed in the stage 1 discussion paper.](#)

Recommendation 7

Introduce specific outcomes-based requirements for C&T that consider the system itself and the use of the system. Such requirements should not specify technology nor discriminate against systems due to size, scale, sophistication or technology but rather include provisions for:

- 1) The system to enable:
 - a) confirmation of an animal's or group of animals' presence at a particular facility
 - b) the accurate tracing of an animal's or group of animals' movements from and to a facility within a specified timeframe
 - c) an exporter to be accurately connected to an animal or group of animals in a facility

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- d) accurate identification of facilities where animals will be held, the means of identifying an animal or group of animals used and the means of connecting this information to the exporter
 - e) confirmation of the location, movement and welfare outcome of all animals in the supply chain as well as the ability to reliably and accurately connect these factors to an individual exporter.
- 2) Establishing processes for use of the system, including:
- a) identifying, installing, using and maintaining the type of infrastructure and equipment that is required by the traceability system
 - b) the use, removal, replacement, reuse, destruction and storage of identifiers as well as records to demonstrate these events
 - c) determining methods and formats for secure capture and transfer of traceability data
 - d) checking animals or groups of animals are identified and actions to be taken if they are not
 - e) verifying the validity, reliability and accuracy of traceability data
 - f) maintaining evidence of processes being followed and compliance
 - g) use of visual imagery or video footage when relied upon as evidence of compliance including considerations for:
 - i) minimum display resolutions that enable clear viewing of detail
 - ii) framing, focusing and lighting such that animals can be clearly seen and identified
 - iii) use of GPS or unique reference point location, date and time referencing
 - iv) linkage between animal or groups of animals, the location and the exporter
 - v) review of such imagery or footage
 - vi) recognition of in-market legislation related to such imagery or footage.
 - h) reconciling traceability data including evidence of compliance.
- 3) Minimum movement data required to be maintained as well as timeframes for when such data should be provided to the exporter. Specifications for timeframes may consider those utilised under the National Traceability Performance Standards ([AHA 2012 NLTPS](#)) and the LGAP Standards ([v3.5, dated 8/08/2023 AniMark 2023](#)).
- 4) The monitoring of the occurrence of incidents such as:
- a) lost or replaced identifiers
 - b) livestock that move out of a supply chain as breeding stock
 - c) livestock losses or mortalities
 - d) loss of traceability
 - e) incorrect assignment of location to animals
 - f) number of livestock sent to a facility exceeds that facility's capacity
 - g) reconciliation of traceability data that does not result in 100% of animals being accounted for

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- h) anomalies in traceability data or evidence of compliance that occur more than once in relation to the same animal or group of animals, the same facility or the same type of anomaly within a supply chain.
- 5) Actions to be taken to review anomalies or incidents, identify the cause of such and remedy causes.
 - 6) Competencies required for human resources responsible for traceability.
 - 7) Ensuring conflicts of interest are avoided by suppliers of traceability systems and auditors.
 - 8) Auditing arrangements for ensuring internal (facility) traceability is compliant and external (across the supply chain) traceability is compliant. This may include:
 - a) requirements at a facility level for traceability, including auditor guidance for auditing traceability when on-site at a facility and having access to all required traceability related information at the time of audit
 - b) requirements across a supply chain for traceability, including auditor guidance for auditing traceability across the supply chain, originating at the exporter and having access to all required traceability information at the time of audit
 - c) auditing schedule for traceability audits, including a frequency for both facility and supply chain audits based on risk.
 - 9) A mechanism for recognition of any country-specific traceability system that would deliver the assurances being sought under ESCAS.

In formulating requirements in relation to these provisions, consideration should be given to:

- ~~Integrity Systems Company Ltd~~ requirements for approval of devices used under the National Livestock Identification System ~~or~~ (NLIS (ISC 2023))
- AniMark requirements related to control and traceability and third-party traceability systems used by operators and facilities found in the LGAP Standards (~~v3.5, dated 08/08/2023~~ AniMark 2023)
- Meat & Livestock Australia (MLA) and LiveCorp publication ~~on~~ W.LIV.3054 — Determination of control and traceability arrangements ~~that will~~ support LGAP (AniMark 2021), — Final report which provides insights into the types of controls utilised in-market.

Challenges

- 2.1 Overall standard or detailed requirements
- 2.2 Expectation of 100% compliance
- 2.3 Use of indicator events
- 2.4 Critical control points for traceability
- 2.5 Timely provision of data
- 2.6 Variability in approaches
 - 2.6.1 Varying systems and sophistication
 - 2.6.2 Varying oversight and verification

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2.6.3 Varying data custodianship

2.7 Methods to verify traceability

2.7.1 Use of imagery

2.7.3 Transfer and storage of evidence

2.7.4 Reliance on technology

2.7.5 Availability of traceability data

2.8 Accuracy of traceability data

2.8.1 Accuracy of counting livestock

2.8.2 Technology as the 'solution' to accurate sheep and goat counting

2.9 Third-party traceability providers

Recommendation 8

Introduce requirements that:

- 1) Exporters may use compliance monitoring tools such as visual recording (e.g. CCTV technology); however, specific technologies should not be generally prescribed.
- 2) The department may require:
 - a) the use of compliance monitoring tools, such as visual recording based on an assessment of risk, and that use may be specific to a facility, a supply chain or a market
 - b) the submission of visual recordings at audit or to assist with investigations to verify that exporter compliance monitoring methods are functional or where there is a systemic loss of control and traceability.

In making this recommendation it is noted that:

- Exporters remain responsible for implementing animal welfare and control and traceability procedures that are effective in demonstrating compliance.
- The department's role as the regulator should be focused on the verification rather than monitoring of compliance, therefore visual recording is not suitable for the department to use as a regulatory tool, independent from other mechanisms.

Challenge

2.7.2 Use of visual recording and fixed radio frequency identification (RFID) scanning

Recommendation 9

Introduce the requirement for the use of individual electronic identification (e.g. RFID) for sheep and goats. This is recommended on the basis that it has been mandated in Australia and is expected to be implemented for all farmed sheep and goats born after 1 January 2025 and all farmed sheep and goats that leave the property by 2027.

In specifying this, the following should be considered:

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- A phased approach may be required to address the time between when changes to ESCAS from this review are implemented until 1 January 2027.
- During such a phased approach, the use of individual electronic identification for sheep and goats may be required by the department, for example, where a systemic loss of control and traceability is identified.

Challenge

2.7.2 Use of visual recording and fixed radio frequency identification (RFID) scanning

Additional considerations

It is not recommended that limits be placed on the number of available supply chains, as proposed in an additional challenge identified through the consultation process. Such a limit may be considered trade restrictive. The recommended changes to the risk assessment of facilities are likely to alleviate the concerns that underpin this suggestion.

Additional challenge

Continuous expansion and approval of different supply chains compounds risk, limits on supply chains per market may resolve

Focus area 3: Noncompliance management

Three draft recommendations are proposed to address the challenges relating to noncompliance management, as well as 1 challenge relating to proportionate noncompliance. [These challenges are detailed in the stage 1 discussion paper.](#)

Recommendation 10

The Biosecurity guideline for the management of non-compliance be replaced with an ESCAS noncompliance framework that considers the following:

- 1) Categories of noncompliance should be defined as minor, major and critical and the distinction between them made clear.
- 2) A matrix for categorising noncompliance should be developed, with determining factors being impact and occurrence. In addition, mitigating or aggravating factors should be considered in the categorisation of noncompliance.
- 3) Processes for assigning noncompliances by auditors and the department should be specified, as well as:
 - a) timeframes for reporting and closing out noncompliances, including consideration of varying timeframes based on categorisation of noncompliance, how the noncompliance was identified and whether a corrective action plan may be utilised (in cases where immediate corrective action may not be possible)
 - b) what is expected of corrective action
 - c) examples of evidence required to demonstrate correction
 - d) in what situations corrective action would be assessed by auditors and the department

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- e) who would close out noncompliances.
- 4) The assigning of a category of noncompliance should be based on the principles of continual improvement and procedural fairness. In particular:
- a) Noncompliances should be assigned against specific requirements where it has been identified that a requirement has not been fulfilled, rather than assigned against a principle or where it has not yet been determined that the noncompliance occurred.
 - b) Corrective action should eliminate the root-cause of the noncompliance in order to prevent reoccurrence. The reoccurrence of a noncompliance (for which corrective action was undertaken) indicates that such action was not sufficient, ~~and would~~ triggering a higher level of noncompliance for repeat occurrence.
 - c) Depending on the category of noncompliance, facilities should not necessarily be prohibited from operating while the noncompliance is being corrected.
 - d) Corrective action should be assessed and the noncompliance closed out if evidence indicates ~~ed~~ the corrective action was effective in addressing the root cause of the noncompliance so as to prevent reoccurrence.
- 5) A list of example noncompliances, as well as instructions for determining and assigning noncompliance, should be developed and maintained. The development of these items should be based on:
- a) unacceptable practices identified under the WOAHA Code (2023) and analysis of the department's ESCAS regulatory performance reports
 - b) similar information as outlined in Annex D of the LGAP Certification Rules on nonconformities, impacts and number of instances (AniMark 2023—Annex D Nonconformities, D.3 Impacts and D.4 Number of instances (i.e. occurrence) (v3.5, dated 08/08/2023).
- 6) A means of escalating noncompliances that are not closed out in a specified timeframe, or reoccur after corrective action has been taken, should be established.
- 7) The process for suspending facilities should be specified, including the ability to suspend a line within a facility if the exporter is able to demonstrate:
- a) separation of livestock based on arrangements related to time, space, personnel or infrastructure
 - ~~7)b) and that~~ the root-cause of the noncompliance will not impact remaining lines.
- 8) The manner in which a noncompliance may be identified is clearly defined (e.g. self-reporting, third-party reporting, ~~and~~ audit). There should be varied approaches to the management and public reporting of the noncompliance based on how it is identified and the severity of the noncompliance. It is noted ~~that~~ this will require consideration of public interest in the reporting of noncompliances. For noncompliances identified by an exporter (i.e. self-reporting) or through an audit, ~~then~~ a varied approach would only apply when:
- a) reports of such noncompliances are made to the department within a specified timeframe of the exporter becoming aware of the noncompliance

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- b) the exporter can demonstrate that corrective action was undertaken when the noncompliance was identified by the facilities, or such action was underway at the time the exporter became aware of the noncompliance
 - c) for noncompliances identified by an exporter, an IIAR or IPAR audit has not occurred at that facility within the three months prior to the noncompliance occurring
 - d) the facility is not operating under an exporter using an ESCAO provider, as approaches to noncompliance would be managed under that framework.
- 9) Risk ratings should be determined on an assessment of a broader range of risks and control measures that focuses on risks that may impact the ability to remain in compliance with ESCAS on a day-to-day basis, both within a facility and across a supply chain. In establishing this assessment, consideration should be given to the risk assessment framework developed under LGAP as identified in the MLA/LiveCorp reports: W.LIV.3014 ([Schuster 2014](#)) [Final Report: ESCAS – Development of a risk management and quality assurance program, and](#) W.LIV.3027 ([Schuster 2016](#)) [Final report: Development of a global assurance program for the livestock export industry and](#) W.LIV.3054 [– Determination of control and traceability arrangements that will support LGAP](#) as well as analysis of the ESCAS regulatory performance reports. In particular:
- a) This would require the identification of:
 - i) the nature and types of risk events or cause of risk
 - ii) the control measure(s) required to minimise or eliminate the risk
 - iii) a score for each control measure and the range for each risk rating (e.g. high, medium, low).
 - b) Based on published information considered in this review, risks and controls that may be considered in the development of such a risk assessment include those that relate ~~to:~~ [\(but are not limited to\):](#)
 - i) ~~t~~Traceability (movement), ~~i.e. r~~–Reporting and reconciliation, movement through the supply chain, accounting for animals on entry/exit-
 - ii) ~~t~~Traceability (identification), ~~i.e. a~~–Appropriate identification methods used, appropriate use of identification.
 - iii) ~~t~~Traceability (technology), ~~i.e. –u~~Use of technology to support traceability (e.g. visual monitoring)-
 - iv) ~~t~~Traceability (personnel), ~~i.e. all~~–Allocation of human resources responsible for traceability-
 - v) ~~t~~Traceability (data and reporting), ~~i.e. m~~–Method of collecting captured animal movement data, method of storing traceability data, method of transmitting the data collected to the register and timeframe of data transmission-
 - vi) ~~m~~Monitoring of the facility, ~~i.e. m~~–Measures in place (e.g. technology, people and procedures) to identify and address noncompliances on a day-to-day basis-
 - vii) ~~o~~Operations, ~~i.e. s~~–Sharing of facilities between ESCAS supply chains and between ESCAS and non-ESCAS supply chains, supply chain structure, frequency of operation, site access, security, capacity and market-

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- viii) ~~S~~slaughter processes, ~~i.e.~~ ~~—~~ ~~R~~estraint method used, use of stunning, slaughter method used, use of slaughter teams-
- ix) ~~P~~past performance, ~~i.e. c~~ ~~—~~ Consideration of the facilities performance during past audits.
- 10) The full range of powers available to the department under the Export Control Act 2020, which may include:
- variation of approved ESCAS
 - show cause notices
 - infringement notices
 - application of conditions to a licence
 - enforceable undertakings
 - injunctions
 - revocation of an approved ESCAS
 - suspension of licences
 - cancellation of a licence.
- 11) Application of broader regulatory action, for example requiring:
- greater oversight of a facility that has been allocated a noncompliance and where corrective action is required or currently being undertaken while Australian animals are onsite
 - the use of visual recording and submission of recordings (refer [Recommendation 8](#) ~~Recommendation 8~~)
 - the use of individual electronic identification (e.g. RFID) for sheep and goats (refer [Recommendation 9](#) ~~Recommendation 9~~).
- ~~12)~~ The approach taken to investigate allegations of noncompliance, including:
- ~~a)~~ timeframes in which responses to allegations are to be provided to the department by exporters
 - ~~b)~~ ~~—~~ and any regulatory action that may be applied to mitigate the risk of further noncompliance while an allegation is being investigated.
- 13) Provisions for noncompliance management arrangements where an exporter uses an ESCAO provider.

In developing categories of noncompliance, a categorisation matrix and an approach to investigating allegations, consideration may be given to the LGAP Certification Rules (~~v3.5, dated 08/08/2023~~ [AniMark 2023](#)). LGAP includes a noncompliance matrix which considers the impact on welfare, traceability and management systems along with the occurrence of noncompliance (e.g. infrequent, numerous or systemic). It also includes a complaints management process for allegations of noncompliance.

Exporters using an ESCAO provider would be subject to alternative arrangements than that in the ESCAS noncompliance framework. The ESCAO provider would administer a system for dealing with

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non-conformities to its program and would oversee corrective actions. The department would not apply compliance measures under the ESCAS noncompliance framework where corrective action is applied and the noncompliance successfully closed out under the ESCAO assurance rules.

Challenges

- 3.1 Framework for noncompliance
 - 3.1.1 Noncompliance categorisation
 - 3.1.2 Consideration of noncompliance
 - 3.1.3 Consideration of cumulative noncompliance
 - 3.1.4 Escalation pathway for noncompliance
- 3.2 Corrective action and timeframes for correction
- 3.3 Process for managing allegations of noncompliances
- 3.4 Utilisation of auditors in noncompliance management
- 3.5 Effective framework for analysing noncompliances
- 3.7 Consideration of risk factors in risk rating
- 3.8 Timeframe for compliance information exchange

Recommendation 11

In order for the recommended approach to categorisation of noncompliance and compliance monitoring and verification to be effectively implemented:

- 1) An exporter will be required to maintain a system that, for each facility in their supply chain:
 - a) records noncompliances identified through audits and self-reports
 - b) records corrective action undertaken and its effectiveness in closing out the noncompliance
 - c) monitors the occurrence of noncompliances for each facility in its supply chain against specific requirements
 - d) enables trends to be identified in compliance history across facilities, supply chains and markets
 - e) ensures auditors are aware of the history of noncompliance in the facilities they are auditing.
- 2) The department will require an internal system to record historical noncompliance data as well as outcomes of exporter reports and third-party reports. Such a system can then be used to:
 - a) identify the occurrence of noncompliances
 - b) analyse the effectiveness of compliance measures and the regulatory framework and identify areas of improvement for exporters and ESCAS
 - c) ~~provide~~as the basis for decisions relating to supply chain variation approvals and compliance measures
 - d) verify auditor quality and performance (refer: [Recommendation 1](#)~~Recommendation 1~~).

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Depending on the department's internal system, exporters may need to ensure their system can be used to provide audit reports in an electronic format so that it can be imported into the department's system.

Exporters using an ESCAO provider would not be required to undertake this component as the ESCAO provider would be responsible for recording and monitoring such information and reporting to the department on a quarterly basis or upon request by the department.

Challenges

- 3.1 Framework for noncompliance
 - 3.1.1 Noncompliance categorisation
 - 3.1.2 Consideration of noncompliance
 - 3.1.3 Consideration of cumulative noncompliance
 - 3.1.4 Escalation pathway for noncompliance
- 3.2 Corrective action and timeframes for correction
- 3.3 Process for managing allegations of noncompliances
- 3.4 Utilisation of auditors in noncompliance management
- 3.5 Effective framework for analysing noncompliances
- 3.7 Consideration of risk factors in risk rating
- 3.8 Timeframe for compliance information exchange

Recommendation 12

It is appropriate for ESCAS to continue be aligned to and therefore consistent with the WOA Code. It is, however, recognised that the WOA Code is considered by many to be a minimum standard.

To encourage improvement above the WOA Code, mechanisms such as the risk assessment (refer [Recommendation 10](#) ~~Recommendation 10~~) would provide an opportunity for exporters to be recognised for performing above such a standard.

To enable such recognition to occur under ESCAS, the existing audit frequency may be revised based on the recommended risk assessment and [consideration given to](#) increasing compliance measures and monitoring requirements for medium and high-risk facilities

Challenge

- 3.6 Incentives for performing higher than a minimum standard

Focus area 4: Administration

Four draft recommendations are proposed to address the challenges relating to administration.

[These challenges are detailed in the stage 1 discussion paper.](#)

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Recommendation 13:

In developing a revised risk assessment methodology under [Recommendation 10](#)~~Recommendation 10~~, consider the inclusion of a risk factor that accounts for the risk to compliance due to the consecutive length of time a facility has been in any one approved supply chain or combination of supply chains. Such an approach would be supported by the compliance verification system outlined in [Recommendation 1](#)~~Recommendation 1~~.

Challenge

4.1 Facility risk ratings – approval date

Recommendation 14

Introduce a mechanism for individually identifying facilities such that:

- 1) Each facility is allocated an individual identifier.
- 2) Each facility's individual identification is recorded in the compliance verification system ([refer Recommendation 10](#)~~Recommendation 10~~) in a way that accounts for discrepancies in information provided for different supply chains.

In establishing a method of identifying each facility, the department should draw on the 'Naming Convention for ESCAS Facilities in Indonesia' ~~established~~ ~~submitted~~ by AniMark and give consideration to recognising naming conventions for facilities operating under exporters using an ESCAO provider.

Challenge

4.1.1 Naming conventions and premises identification

Recommendation 15

In implementing changes recommended under this review, all information should be consolidated into a limited series of specific documents. ~~Export Advisory Notices (EANs)~~ should be used for advisory purposes or short-term requirements rather than ~~to~~ contain ongoing regulatory requirements. The consolidated documents should relate to ~~but not be limited to~~:

- 1) ESCAS requirements for animal welfare, control and traceability (the 'ESCAS Standard'), including:
 - a) outcomes-based requirements as well as targets and measures
 - b) guidance on demonstrating compliance.
- 2) Materials for auditors, including:
 - a) auditor guidance for auditing under ESCAS; ~~–~~ this should consider the [American Meat Institute \(AMI\) Foundation's animal handling guidelines and audit guide \(Grandin 2017\)](#)~~Recommendation Animal Handling Guidelines and Audit Guide: A Systematic Approach to Animal Welfare~~
 - b) audit checklist templates
 - c) audit report templates.

Exporter Supply Chain Assurance System (ESCAS) Review: Stage 2 Recommendations

- 3) The operation, administration and expectations of ESCAS, that specifies:
- a) roles, responsibilities and obligations of all parties under ESCAS
 - b) processes for applying for an ESCAS or varying an ESCAS
 - c) auditing under ESCAS (IIAR, IPAR and other)
 - d) assessment of risk and assigning a risk rating
 - e) noncompliance identification and management, including:
 - i) identifying noncompliance (e.g. audits, self-reports, third-party reports)
 - ii) reporting allegations of noncompliance, including guidance on how to report and what needs to be reported for the allegation to be investigated
 - iii) categories of noncompliance and how they are assigned
 - iv) managing, correcting and closing out noncompliance for noncompliance identified during an audit, self-reporting of noncompliances and third-party investigations leading to the assignment of a noncompliance.
 - f) public reporting of noncompliance in a manner that is objective, factual, consistent and considers public interest and ESCAO arrangements.

Challenge

4.2 Consolidation of ESCAS requirements

Recommendation 16

ESCAS should be subject to regular review. This should:

- 1) Be based on a minimum review cycle of five years or whenever the WOH Code is updated, whichever is earlier. A partial review of ESCAS may occur over two 2.5-year cycles such that the entire framework is updated within the five-year period. Such an approach would not preclude ESCAS being reviewed and updated more frequently as required.
- 2) Include a process for seeking feedback from interested stakeholders in a structured manner. Such stakeholders should include regulated entities, animal welfare organisations, industry bodies and research and development bodies.
- 3) Include consideration and communication to regulated entities of expectations for transitioning to any new requirements, including the time required to transition and processes to demonstrate compliance with new requirements.

Challenge

4.3 Mechanism for continual improvement in ESCAS

Recommendation 17

Include requirements under ESCAS that address arrangements for cultural events such as Eid al-Adha (also known as Korban) that would:

Exporter Supply Chain Assurance System (ESCAS) Review: Stage 2 Recommendations

- 1) ~~be~~ mandatory to those exporters that intend to export in the lead up to or during a cultural event.
- 2) ~~come~~ into effect and remain in effect within a timeframe specified in the requirements.
- 3) ~~necessitate~~ at least ~~one~~ audit to occur during the event.
- 4) ~~be~~ based on conditions that have been applied under ESCAS to ~~date~~.

Additional challenge

Arrangements for cultural events inefficient to administer

Recommendation 18

In reviewing materials under ESCAS, consideration should be given to improving the format of IPARs and associated operational procedures, noting that many of the changes proposed through these recommendations should address this challenge.

Additional challenge

Inefficient format and operational procedure for IPARs

Additional considerations

In considering ESCAS approval processes, facility approvals must continue to be managed on a supply chain basis. An ESCAS is granted for an individual exporter; however, exporters may coordinate physical facility audits for the purposes of applications to the department.

Exporters using an ESCAO provider may experience greater efficiencies and improved timeliness for new facility approvals.

Additional challenge

Timeliness for gaining approval for a new facility to be included in an ESCAS when it is already approved in another exporter's ESCAS

Focus area 5: ESCAS Animals Welfare Standards

Four draft recommendations are proposed to address the challenges relating to the ESCAS Animal Welfare Standards. [These challenges are detailed in the stage 1 discussion paper.](#)

Recommendation 19:

To ensure consistency with Australia's international trade obligations, ESCAS animal welfare requirements are based around internationally agreed standards (as opposed to Australian standards). It is appropriate for ESCAS to continue to be aligned to and therefore consistent with the WOH Code.

To ensure such consistency, the ESCAS Animal Welfare Standards should be updated to include:

- 1) ~~clarity~~ around the use of electric goads.
- 2) ~~provisions~~ for facility design including requirements for passageways, races and ventilation.

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- 3) ~~a~~ provision in relation to the use of bedding for animals in lairages.
- 4) ~~p~~Provisions that address tethering in so far as ensuring an animal is able to stand-up, sit-down and lie down if restrained and that such restraint should only be applied for a minimal amount of time.
- 5) ~~p~~Provisions for ensuring animals are protected from predation.
- 6) ~~r~~Requirements related to appropriate management of foetuses if they are identified during the slaughter process.
- 7) ~~r~~Requirements for the type and use of a back-up stunning device; ~~t~~ This should include the requirement for a back-up stunning procedure in the event both the primary and back-up devices fail.
- 8) ~~p~~Provisions for competency requirements.
- 9) ~~b~~Better definition of the signs of unconsciousness or insensibility and the signs of death.
- 10) ~~c~~Clarity around methods of throat cutting.
- 11) ~~g~~Greater specificity in relation to the WOA Code requirements to ensure personnel do not need to reference multiple documents to understand all ESCAS requirements.
- 12) ~~c~~Clear delineation between a requirement, evidence of compliance and auditor guidance and reduced ambiguity; ~~t~~ This can be achieved by following best practice for standards writing and should include consideration of wording used in previous iterations of ESCAS requirements.
- 13) ~~c~~Clearer requirements in relation to facilities identifying and monitoring compliance at critical control points and verifying compliance is maintained on a day-to-day basis.

When updating the ESCAS Animal Welfare Standards and guidelines for auditing, the primary reference should be the WOA Code. In addition, consideration should be given to:

- ~~t~~he United Kingdom's (UK) AssureWel project ([SA, RSPCA & UB 2023](#))
- ~~t~~he 'American Meat Institute Foundation's Recommendation Animal Handling Guidelines and Audit Guide: A Systematic Approach to Animal Welfare' AMI Foundation's animal handling guidelines and audit guide ([Grandin 2017](#))
- Clarifying documentation provided by the department to exporters or industry bodies (e.g. on the signs of unconsciousness or insensibility).

Challenges

- 5.1 Consistency of ESCAS Animal Welfare Standards with WOA recommendations
 - 5.1.1 Use of goads
 - 5.1.2 Facility design
 - 5.1.3 Tethering
 - 5.1.4 Protection
 - 5.1.5 Foetus management
 - 5.1.6 Back-up stunning device

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- 5.1.8 Specification of competencies
- 5.2 Differentiating between signs of unconsciousness and signs of death
- 5.3 Method for throat cut
- 5.4 Requirements for landing sites or physical transportation
- 5.5 Specificity in the Standards
- 5.6 Consistency of structure and nomenclature of requirements under ESCAS with best practice standards design
- 5.7 Interpretation of Standard 29
- 5.8 Requirement to keep records of outcomes of processes

Recommendation 20

When updating the ESCAS Animal Welfare Standards, unacceptable practices should be consolidated into a single list and referenced at appropriate points in the revised standard.

Challenge:

- 5.1.7 Consolidation of list of unacceptable practices

Recommendation 21

When updating the ESCAS Animal Welfare Standards, the processes identified by industry (as those currently in place to ensure ESCAS requirements are met) should be formalised and recognised under the standard. Processes identified include the use of competent personnel overseeing this point of the supply chain (identified by industry comments as animal welfare officers and Australian Accredited Stockpersons). In formalising such processes, consideration should be given to how this will be audited and how responsibility for noncompliance is attributed to the appropriate party where such facilities are shared (refer [Recommendation 3](#), [Recommendations 3](#) and [Recommendation 10+0](#)).

Challenge

- 5.4 Requirements for landing sites or physical transportation

Recommendation 22

It is currently possible under ESCAS for importing country animal welfare standards to be assessed for equivalency against ESCAS. Where such an assessment demonstrates that the market would be considered low risk, alternative audit schedules may be applied on a case-by-case basis.

This arrangement was previously articulated in EANs 2013-05 and 2013-06, noting ~~that~~ these have been withdrawn from publication, although the policy remains.

The arrangements to enable recognition of in-market animal welfare standards as equivalent to ESCAS should be clearly articulated, to allow for that market's risk level to be assessed. This should include consideration of:

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- 1) the assessment methodology, criteria for levels of risk (e.g. low, medium and high) and evidence required to demonstrate equivalency and risk level
- 2) exporters being the party responsible for undertaking the assessment
- 3) processes for exporters to apply for alternative audit schedules based on the outcome of the assessment
- 4) alternative audit schedules and requirements for ongoing monitoring and verification by exporters to ensure ongoing compliance with ESCAS and eliminate any changes to risk or equivalency standing
- 5) the ability for the department to rescind the equivalency standing or vary the audit schedule where necessary.

Additional challenge

Recognition of in-market animal welfare standards

Appendix 1: summary and scoping document

1.1 Purpose

To review specific elements of the ESCAS framework, policies and processes to ensure ESCAS continues to be fit for purpose; to integrate improvements identified throughout its implementation; and to include, where appropriate, findings of reviews, including by the Inspector-General of Live Animal Exports (IGLAE). The review will also identify and address gaps and consolidate ESCAS policy. The outcome of the review will support consistent risk-based and proportionate regulation and provide a single documented source of truth for stakeholders and departmental staff.

1.2 Scope

The scope of the review includes specific elements of the framework, guidelines, policies, instructional material, independent auditing, and the department's assurance activities in relation to ESCAS. The Biosecurity guideline for management of non-compliance will also be reviewed. The key focus of the review is:

- Closing the inter-audit gap (ongoing monitoring and verification activities)
- Developing a control and traceability standard
- Updating of the Biosecurity guideline for management of non-compliance to incorporate a proportionate escalating non-compliance framework which considers aggravating and mitigating factors
- Streamlining and improving internal administrative processes
- Addressing the recommendations from the IGLAE review of ESCAS conducted in 2021.

1.3 Out of scope

The review will not consider expansion of ESCAS to breeders. The review will not consider the effectiveness or appropriateness of the legislative basis for ESCAS; however, opportunities for improvements to the Export Control (Animals) Rules 2021 may be identified for consideration following the review. The review will not develop a detailed quality assurance system. It will be up to exporters to ensure their ESCAS arrangements continue to meet the standards.

1.4 Related projects

Outcomes of the ESCAS review will feed into the performance and compliance project.

1.5 Process

Current state and challenge identification

The current state of ESCAS with areas for improvement and issues for resolution will be identified through a review of:

Exporter Supply Chain Assurance System (ESCAS) Review: Stage 2 Recommendations

- 1) Data – including number of exporters with approved ESCAS supply chains, markets and volume of livestock that move through the system
- 2) Current legislation, policies and procedures in the framework, including Export Advisory Notices (EANs) relevant to ESCAS
- 3) Recommendations from the IGLAE report into ESCAS (which included views from stakeholders)
- 4) Outcomes of ESCAS investigations
- 5) Correspondence and media from exporters and animal welfare organisations in relation to ESCAS
- 6) Issues that have been identified and noted for consideration by the LAE ESCAS team
- 7) Comparison with WOH standards

Engagement at stage 1 will encompass a wide range of stakeholders. It will include exporters with an existing approved ESCAS supply chain, ALEC, MLA, LiveCorp, Cattle Council of Australia, Sheep Producers Australia, the Australian Buffalo Industry Council, the Goat Industry Council of Australia, Exporter Supply Chain Assurance Operations (ESCAO) providers with an approved arrangement, and animal welfare organisations. These stakeholders will be invited to provide feedback and comment on matters they would like considered as part of the review that fall within the determined scope. Feedback will be received through the department's 'Have Your Say' platform. A stage 1 engagement plan will define the scope of engagement and articulate how the broad group of stakeholders can provide relevant, specific and actionable feedback.

Develop recommendations

Following stage 1, recommendations will be developed to revise relevant parts of the ESCAS framework. A refreshed model will be proposed for approval.

The recommendations will clearly articulate options for addressing the issues identified in the review and justification for recommending options.

Engagement at stage 2 will test the recommendations on a targeted range of stakeholders and may include the use of workshops and interviews. Not all groups will be engaged in the same way on all issues. In this stage of engagement, comment and feedback on the technical components will be invited and considered in finalising the revised ESCAS framework.

Refresh and production of new materials

Following approval of any proposed revisions to the ESCAS framework, guidelines, policies, procedures and instructions will be refreshed to ensure that the documents clearly articulate the reviewed arrangements.

Engagement at stage 3 will include public consultation with relevant stakeholders and engagement with exporters and industry groups on the readability and design of materials for industry.

Any changes arising from the review will be rolled out in 2023 (date or tranche dates to be determined). We will focus on change management and provide industry and the department with a preparation period prior to implementation.

Exporter Supply Chain Assurance System (ESCAS) Review: Stage 2 Recommendations

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Commented [s. 22(1)] Amended to Harvard Style and updated corresponding references in text

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~~World Trade Organisation (WTO 2023), Agreement on Technical Barriers to Trade (TBT), World Trade Organisation~~

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Recommendation	Summary
1 – Introduce mechanisms to verify and manage auditor quality and performance	Require audit company accreditation to ISO/IEC 17065 or equivalent Requirements for auditor competency and conflict of interest Requirements for audit process, reporting, NC management Auditor rotation Department system to capture audit outcomes for specific facilities
2 – Introduce requirements relating to auditor training	Auditor calibration training Monitoring and documentation of training completion
3 – Introduce shared responsibility for NC issues where audits are shared between facilities	Equal responsibility for issues of NC, including allocation of severity, corrective action and regulatory action Exception where exporter can demonstrate their livestock were not involved
4 – Introduce sample sizes for all forms of audit at key points of risk	Sample sizes for loading/unloading, movement from lairage into abattoir restraint, during stunning, when monitoring unconsciousness between stunning and death
5 – Introduce requirements to manage the 'inter-audit gap'	Maintenance of records to demonstrate compliance Internal audits based on ESCAS risk rating Facilities to demonstrate staff are trained Monitoring to ensure ESCAS requirements met on daily basis
6 – Allow the use of other audit methods	Limited scope audits Desktop audits Targeted audits for facilities/supply chains Audits of exporter arrangements, e.g. random data inspections Unscheduled announced audits Random unannounced audits
7 – Introduce outcomes-based requirements to form a new C&T standard	System capability (e.g. accurate tracing of movements within specific timeframes, confirmation of location and outcomes) Processes for use of the system (e.g. installation and maintenance of infrastructure/equipment, use of identifiers, methods and formats for secure capture and transfer of data) Occurrence monitoring, personnel competencies, auditing arrangements, etc.

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8 – Introduce the use of visual recording and RFID scanning for particular circumstances	May be required based on assessment of risk specific to facility, supply chain or market Use to verify compliance monitoring methods are functional or where systemic loss of control/traceability
9 – Introduce the requirement for RFID for sheep and goats	Phased approach RFID may be required during the phased approach where a systemic loss of C&T is identified
10 – Replace the current guideline for NC with an ESCAS noncompliance framework	Define categories of NC Develop a NC matrix Processes for assigning NC by auditors (e.g. timeframes for reporting/closing out, corrective action, evidence requirement, etc) Define list of examples of NC Processes for escalation
11 – Introduce requirement for exporter to maintain a NC system	Records NCs, corrective action taken and effectiveness, occurrences, trends Department to require internal system to record historical NC data and records outcomes
12 – Consider mechanisms to recognise performance above the minimum standard	Consider revising existing audit frequency based on risk assessment and consider increasing compliance measures and monitoring requirements for medium and high risk facilities
13 – Consider inclusion of a risk factor due to length of approval time	Consider when developing revised risk assessment methodology under Recommendation 10
14 – Introduce individual identifier for facilities	Individual identifier for facilities Record in compliance verification system under Recommendation 10
15 – Consolidate all material into limited series of specific documents	ESCAS requirements Materials for auditors Operation, administration and expectations of ESCAS
16 – Introduce regular review of ESCAS	Based on 5-year minimum cycle (or partial review over 2 years) Include process for seeking stakeholder feedback Include consideration and communication to regulated entities
17 – Introduce requirements to address cultural event arrangements	Mandatory requirements to exporters intending to export in lead up to or during cultural event Specified timeframes At minimum 1 audit to occur during Basis on conditions applied under ESCAS to date
18 – Consider improving format of IPARs	Format of IPARs and additional operational procedures Other recommendations likely to impact
19 – Update ESCAS AW Standards to align with WOAHA	Clarify use of electric goats, insensibility, throat-cutting method Introduce provisions for facility design, bedding in lairages, tethering, protection from predation, foetus management Requirement for back-up stunning device

20 – Consolidate list of unacceptable practices	Consolidate into single list and reference at appropriate points in the revised standard
21 – Introduce processes to ensure use of competent personnel overseeing landing sites or physical transportation	Formalise and recognise processes currently in place by industry Include use of competent personnel
22 – Clarify mutual recognition of standards	Arrangements to enable recognition of in-market animal welfare standards to allow for market-level assessment of risk Include ability to impose varied audit schedule

S. 47E(d)

s. 22(1)(a)(ii)

From: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Sent: Tuesday, 14 November 2023 3:14 PM
To: s. 22(1)(a)(ii)
Cc: s. 47F(1) s. 47F(1) s. 22(1)(a)(ii) Helpdesk-OIA; Helpdesk-OIA
Subject: ESCAS Review - Impact information stage 2 consultation OBPR22-03259 [SEC=OFFICIAL]

Follow Up Flag: Follow up
Flag Status: Flagged

s. 22(1)(a)(ii)

Called and left a voice message - thinking I'd like to take up your offer of further discussion. My initial thought is the sooner quantified impact information begins to be assembled the better / easier in terms of satisfying possible impact analysis requirements down the track. For example, if you aimed to glean some high level, indicative (order of magnitude) quantified impact information during stage 2 consultation, this could assist in collecting more detailed information (as may be required) in stage 3.

That said, I am also thinking the impact on Australian exporters from many of the recommendations may be "no more than minor" compared to the status quo / no policy change.

Thanks and regards,
 s. 47F(1)

s. 47F(1) | Adviser, Office of Impact Analysis
 Department of the Prime Minister and Cabinet
 p. s. 47F(1)
 Nggunawal Country, 1 National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600
 e. s. 47F(1) @pmc.gov.au w. pmc.gov.au



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----- Original Message -----

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>;
Received: Mon Nov 13 2023 12:14:02 GMT+1100 (Australian Eastern Daylight Time)
To: s. 47F(1) <s. 47F(1) @pmc.gov.au>;
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; OIA Help Desk helpdesk-oia <helpdesk-oia@pmc.gov.au>; OBPR Mailbox <helpdesk-oia@pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>;
Subject: RE: Ditto, Looking forward to catching-up Friday==> Catch-up in the next week or so ESCAS Review OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

Thanks for taking my call earlier – as discussed, please find the updated ESCAS review recommendations. These are close to final and just undergoing review by our Comms team before formal approval by our Assistant Secretary.

Since you last saw the draft, the main changes include the finalisation of the recommendations and additional sections covering the overview, approach to consultation and guiding principles.

s. 47E(d)

We are planning to go out for stage 2 consultation from 20 November to 18 December. We are thinking it might not be appropriate to include impact questions in the upcoming survey (also since the targeted stakeholders include both regulated and non-regulated entities). Rather, that stage 3 would be the best opportunity to gather comments on the impact, and that this could include various touchpoints throughout stage 3.

Grateful if you had any comments on the table or advice on our approach. More than happy to discuss further or set up a meeting this week.

Kind regards,

s. 22(1)(a)(ii)

Senior Technical Officer | Regulatory Performance and Compliance | s. 22(1)(a)(ii)
Live Animal Export Branch
Plant and Live Animal Exports, Welfare and Regulation Division

Department of Agriculture, Fisheries and Forestry
GPO Box 858 Canberra ACT 2601
agriculture.gov.au

From: s. 47F(1) <s. 47F(1) @pmc.gov.au>
Sent: Monday, October 16, 2023 2:27 PM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)aff.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Subject: RE: Ditto, Looking forward to catching-up Friday==> Catch-up in the next week or so ESCAS Review OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Sent: Monday, 16 October 2023 2:14 PM
To: s. 47F(1) <s. 47F(1) @pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)aff.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Subject: RE: Catch-up in the next week or so ESCAS Review OBPR OBPR22-03259 [SEC=OFFICIAL]

Thanks s. 47F(1) no worries at all.

Friday works well for us, we are available most of the day and it would be great to meet in the morning.

I am happy to send through an invite shortly for 11-11:30am – looking forward to meeting with you then.

Kind regards,

s. 22(1)(a)(ii)

Senior Technical Officer | Regulatory Performance and Compliance | s. 22(1)(a)(ii)

Live Animal Export Branch
Plant and Live Animal Exports, Welfare and Regulation Division

Department of Agriculture, Fisheries and Forestry
GPO Box 858 Canberra ACT 2601
agriculture.gov.au

From: s. 47F(1) <s. 47F(1) @pmc.gov.au>
Sent: Friday, October 13, 2023 4:15 PM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)aff.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Subject: RE: Catch-up in the next week or so ESCAS Review OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

s. 22(1)(a)(ii)

Yes useful context, thanks

Unfortunately none of those times suit – s. 47F(1) on training all day + meetings already booked for those time on Wed.

How are you placed Thursday 19th other than 11-12 or 2-3; or Friday 20th before 3PM

Thanks again and regards,

s. 47F(1)

s. 47F(1) | Adviser, Office of Impact Analysis
Department of the Prime Minister and Cabinet
p. s. 47F(1)
Ngunnawal Country, 1 National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600
e. s. 47F(1) [@pmc.gov.au](mailto:pmc.gov.au) w. pmc.gov.au



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From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Sent: Friday, 13 October 2023 4:58 PM
To: s. 47F(1) <s. 47F(1) @pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)aff.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Subject: RE: Catch-up in the next week or so ESCAS Review OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

I hope the draft recommendations have been useful in providing context – I am just reaching out to see whether you and team have availability next week to meet and discuss?

We have time on Tuesday afternoon (between 2-3:30pm) and Wednesday (between 11-1pm or 2-3pm).

More than happy to send through further times during the week depending on your availability.

Have a great weekend and talk soon.

Kind regards,

s. 22(1)(a)(ii)

Senior Technical Officer | Regulatory Performance and Compliance | **s. 22(1)(a)(ii)**

Live Animal Export Branch

Plant and Live Animal Exports, Welfare and Regulation Division

Department of Agriculture, Fisheries and Forestry

GPO Box 858 Canberra ACT 2601

agriculture.gov.au

From: **s. 47F(1)** <**s. 47F(1)** @pmc.gov.au>

Sent: Thursday, September 21, 2023 8:10 AM

To: **s. 22(1)(a)(ii)** <**s. 22(1)(a)(ii)** aff.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>

Cc: **s. 47F(1)** <**s. 47F(1)** pmc.gov.au>; **s. 47F(1)** <**s. 47F(1)** pmc.gov.au>; **s. 22(1)(a)(ii)**

<**s. 22(1)(a)(ii)**aff.gov.au>

Subject: RE: Catch-up in the next week or so ESCAS Review OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

s. 22(1)(a)(ii)

Thanks for sending through latest draft of recommendation – Yes, will be beneficial to update on scope and detail, and for assessing Impact Analysis requirements.

Will aim to catch-up next week (not Monday).

Thanks again and regards,

s. 47F(1)

s. 47F(1) | Adviser, Office of Impact Analysis

Department of the Prime Minister and Cabinet

p. **s. 47F(1)**

Ngunnawal Country, 1 National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600

e. **s. 47F(1)** @pmc.gov.au w. pmc.gov.au



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From: **s. 22(1)(a)(ii)** <**s. 22(1)(a)(ii)** aff.gov.au>

Sent: Wednesday, 20 September 2023 6:31 PM

To: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>

Cc: **s. 47F(1)** <**s. 47F(1)** @pmc.gov.au>; **s. 47F(1)** <**s. 47F(1)** pmc.gov.au>; **s. 47F(1)**

<**s. 47F(1)** pmc.gov.au>; **s. 22(1)(a)(ii)** <**s. 22(1)(a)(ii)**aff.gov.au>

Subject: RE: Catch-up in the next week or so ESCAS Review OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi **s. 47F(1)**

Thank you for touching base a couple weeks ago, and apologies that this is coming through a bit later than expected.

I have attached the latest copy of our current draft recommendations, for your reference.

As you can see, this is still very much a working draft. We are intending to work through and finalise the detail of these recommendations over the coming weeks; however, I thought it beneficial to send through now as this should give you an indication on the scope of changes being considered, including the level of technical detail.

More than happy to discuss further once you/team have had a chance to take a look. My Director ^{s. 22(1)(a)(ii)} and I are reasonably flexible with availability, other than Mondays which are a bit busier.

Looking forward to meeting with you.

Kind regards,

s. 22(1)(a)(ii)

A/g Assistant Director | Regulatory Performance and Compliance | **s. 22(1)(a)(ii)**
Live Animal Export Branch | Traceability, Plant and Live Animal Exports Division

Department of Agriculture, Fisheries and Forestry
GPO Box 858 Canberra ACT 2601
agriculture.gov.au

From: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>

Sent: Wednesday, September 6, 2023 10:15 AM

To: **s. 22(1)(a)(ii)** <**s. 22(1)(a)(ii)** aff.gov.au>

Cc: **s. 47F(1)** <**s. 47F(1)** pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; **s. 47F(1)** <**s. 47F(1)** pmc.gov.au>; **s. 47F(1)** <**s. 47F(1)** pmc.gov.au>; **s. 47F(1)** <**s. 47F(1)** pmc.gov.au>

Subject: Catch-up in the next week or so RE: ESCAS Review OBPR OBPR22-03259 [SEC=OFFICIAL]

s. 22(1)(a)(ii)

Thanks for your time on the phone this morning.

As discussed, EL2 **s. 47F(1)** and I are keen to meet in the next week or so when you have updated draft recommendations - noting that recommendations subject to change after going out to consultation (as you said) in late Sept early Oct.

Items for discussion can include:

- . timeliness for any impact analysis that may be required; and
- . (as your raised) the possibility of an IA equivalent process.

Thanks again and regards,

s. 47F(1)

s. 47F(1) | Adviser, Office of Impact Analysis

Department of the Prime Minister and Cabinet

p. **s. 47F(1)**

Ngunawal Country, 1 National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600

e. **s. 47F(1)** [@pmc.gov.au](mailto:pmc.gov.au) w. pmc.gov.au



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----- Original Message -----

From: **s. 47F(1)** <**s. 47F(1)** [@pmc.gov.au](mailto:pmc.gov.au)>;

Received: Fri Jul 21 2023 15:27:03 GMT+1000 (Australian Eastern Standard Time)

To: **s. 22(1)(a)(ii)** <**s. 22(1)(a)(ii)** aff.gov.au>;

Cc: **s. 47F(1)** <**s. 47F(1)** pmc.gov.au>; **s. 47F(1)** <**s. 47F(1)** pmc.gov.au>; OIA Help

Desk helpdesk-oia <helpdesk-oia@pmc.gov.au>; OBPR Mailbox <helpdesk-oia@pmc.gov.au>;
s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>;
Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

s. 22(1)(a)(ii)

Hope you had a nice break. Thanks for your comprehensive update – very useful for getting me up to speed in my new role. We'll take you up on your offer of meeting in coming weeks - when you and your team are closer to finalising draft recommendations i.e. rather than taking up your valuable time now. Best wishes for your drafting.

Thanks again and regards

s. 47F(1)

s. 47F(1) | Adviser, Office of Impact Analysis

Department of the Prime Minister and Cabinet

p. s. 47F(1)

Ngunawal Country, 1 National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600

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From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Sent: Friday, 21 July 2023 11:13 AM

To: s. 47F(1) <s. 47F(1) @pmc.gov.au>

Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 47F(1)

<s. 47F(1) pmc.gov.au>

Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

Sorry to have missed your call – I've just returned from a couple weeks leave! Nice to e-meet you, and looking forward to working with you as we progress the Exporter Supply Chain Assurance System (ESCAS) review.

In terms of an update on the current progress, we are currently halfway through stage 2 and have recently published the Stage 2 Aggregated Report on our Have Your Say [consultation page](#) (please see attached). This report contains the department's high-level analysis of the submissions received at stage 1, and considerations for formulating recommendations to address challenges within the ESCAS framework.

As a general summary of the themes, the stage 1 submissions often reflected the opposed viewpoints held by our stakeholders.

- Primary areas of contention included the department's approach to noncompliance management under ESCAS, as well as control and traceability; submissions disagreed on whether the various challenges under these focus areas existed, as well as gave varying opinion as to how they should be addressed and managed, e.g., whether to focus on outcomes-based versus prescriptive requirements.
- There was also a significant amount of feedback (and discrepancy) on the ESCAS Animal Welfare Standards and their relation to international/domestic standards.

To give a recap of the stages:

- **Stage 1** included a desktop review to identify potential challenges in the ESCAS framework, which were documented in the Stage 1 Discussion Paper. Many challenges were previously identified in the Inspector-General of Live Animal Exports' review of ESCAS in 2021 (this report is one of the primary focuses for the review to address), and others originate from industry research papers, internal process documents, noncompliance reports, and ESCAS documentation/standards. We then conducted formal consultation on the discussion paper to gain stakeholder perspectives on whether they agreed or disagreed with the existence of the challenges, and where relevant, the proposal of solutions to address the challenges.
- **Stage 2** so far has included the review of stakeholder feedback from stage 1, contained in the Stage 2 Aggregated Report. We followed up this publication with a broadcast session on 7 July 2023, where we presented the content of the aggregated report, provided opportunity for questions and outlined the next steps.
 - - We are now organising one-on-one sessions with stakeholders, for anything that may have been missed or misinterpreted from the stage 1 feedback. We are aiming to conduct these over the next 1.5 weeks. Any relevant feedback will be incorporated into the **draft recommendations for improvements to the framework**, which we are in the initial stages of drafting.
 - Once the draft recommendations are finalised, we will commence formal consultation on the recommendations via Have Your Say. We anticipate this will occur in September.
- **Stage 3** (refresh and production of materials) will include finalising the recommendations and conducting consultation on the implementation of the final recommendations.

In general, the difficulty up to this stage has been in determining when a decision can be made on whether an Impact Analysis will be required. Throughout stage 1 and part of stage 2, it seemed premature as we were still obtaining stakeholder views on the challenges and potential solutions – the degree and number of potential changes to the framework were not yet fully realised.

We are now drafting these recommendations and have an initial rough draft that is being reviewed by our team (we still need to determine feasibility, gaps, level of detail, etc.). Happy to meet with you in the coming weeks – in particular, let me know if it would be useful to share draft content at this stage, or wait until we are closer to finalising the draft recommendations.

Hope that makes sense and happy to discuss further.

Kind regards,

s. 22(1)(a)(ii)

Senior Technical Officer | Regulatory Performance and Compliance | **s. 22(1)(a)(ii)**
Live Animal Export Branch | Traceability, Plant and Live Animal Exports Division

Department of Agriculture, Fisheries and Forestry
GPO Box 858 Canberra ACT 2601
agriculture.gov.au

From: **s. 47F(1)** <**s. 47F(1)** @pmc.gov.au>

Sent: Tuesday, July 18, 2023 9:41 AM

To: **s. 22(1)(a)(ii)** <**s. 22(1)(a)(ii)** aff.gov.au>

Cc: **s. 47F(1)** <**s. 47F(1)** pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; **s. 47F(1)** <**s. 47F(1)** pmc.gov.au>

Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

s. 22(1)(a)(ii)

Following up my previous email – are you able to supply an update on state-of-play re. the Exporter Supply Chain Assurance System proposal.

Happy to discuss at a time that best suits you.

Regards,
s. 47F(1)

s. 47F(1) | Adviser, Office of Impact Analysis
Department of the Prime Minister and Cabinet
p. s. 47F(1)

Ngunawal Country, 1 National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600
e. s. 47F(1) @pmc.gov.au w. pmc.gov.au



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From: s. 47F(1)

Sent: Tuesday, 11 July 2023 10:43 AM

To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>

Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

s. 22(1)(a)(iii)

Gave you a call to introduce myself as your new first point of contact in OIA.

Looking forward to working with you on the Exporter Supply Chain Assurance System issue (and other issues).

Regards,
s. 47F(1)

s. 47F(1) | Adviser, Office of Impact Analysis
Department of the Prime Minister and Cabinet
p. s. 47F(1)

Ngunawal Country, 1 National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600
e. s. 47F(1) @pmc.gov.au w. pmc.gov.au



The Department acknowledges and pays respect to the past, present and emerging Elders and Traditional Custodians of Country, and the continuation of cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander peoples.

From: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>

Sent: Monday, 10 July 2023 11:21 AM

To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Cc: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 47F(1) <s. 47F(1) @pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 22(1)(a)(ii)

I hope that you've been well.

I am just reaching out to inform you that s. 47F(1) will be taking over the relevant portfolio from today, and will therefore be dealing with any possible Impact Analysis requirements from here. I have cc'd them in this email, so that when you've completed the consolidation of the results from the consultation that you've recently undertaken, you can both organise a meeting.

Kind regards

s. 47F(1)

s. 47F(1) | Adviser

Office of Impact Analysis | Economic Division | Department of the Prime Minister and Cabinet

p. s. 47F(1) | e. s. 47F(1) pmc.gov.au | w. pmc.gov.au

Nggunawal Country, One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600

----- Original Message -----

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>;

Received: Fri Jun 02 2023 17:15:04 GMT+1000 (Australian Eastern Standard Time)

To: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>;

Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; OIA Help Desk helpdesk-oia@pmc.gov.au>; OBPR Mailbox <helpdesk-oia@pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>;

Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

Apologies for the change – it would be great if we could actually postpone the update at this time, as it will take us a bit longer than expected to publish the draft report and we are finalising details for ongoing stakeholder engagement over the coming weeks.

I am anticipating it will be more productive to meet once we have the draft report finalised (sorry for reaching out prematurely!).

Will be in touch and apologies for any inconvenience.

Kind regards,

s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii)

Sent: Tuesday, May 30, 2023 5:58 PM

To: 's. 47F(1) <s. 47F(1) pmc.gov.au>

Cc: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>

Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

Thanks for the quick response and that sounds good – afternoon works for us as well!

I'll send through a meeting invite shortly, and looking forward to speaking next week.

Kind regards,

s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>
Sent: Tuesday, May 30, 2023 3:15 PM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Cc: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Good afternoon s. 22(1)(a)(ii)

Thanks for reaching out, glad to hear from you. Would you also be able to include s. 47F(1) (cc'd) on a discussion invite? He's supporting me in s. 47F(1) absence.

Would next Wednesday work? We are free any time after 1pm. Otherwise, happy to provide some other times.

Kind regards

s. 47F(1)

s. 47F(1) | Adviser | Office of Impact Analysis
 Economic Division | Department of the Prime Minister and Cabinet
 p. s. 47F(1) | e. s. 47F(1) pmc.gov.au | w. pmc.gov.au
 Ngunnawal Country, One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600



The Department acknowledges and pays respect to the past, present and emerging Elders and Traditional Custodians of Country, and the continuation of cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander peoples.

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Sent: Tuesday, 30 May 2023 1:22 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

I am just reaching out with an update on the ESCAS review since we spoke last – we have completed a first draft of the aggregated report, on the department's analysis of the feedback received during stage 1 consultation.

We are currently working to finalise this draft, before publishing on HYS for stakeholders to view prior to the facilitated session in June.

Did you have any availability next week for a meeting to discuss some of the emerging themes?

Kind regards,
s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii)

Sent: Monday, April 24, 2023 4:03 PM

To: s. 47F(1) <s. 47F(1) pmc.gov.au>

Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

Sounds great, I'll send through a meeting invite now.

Looking forward to chatting on Thursday!

Cheers,

s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>

Sent: Monday, 24 April 2023 3:58 PM

To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Hi s. 22(1)(a)(ii) let's go for 2pm on Thursday. Half hour should be fine. It would be me and s. 47F(1) from our end.

Regards

s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Sent: Monday, 24 April 2023 2:02 PM

To: s. 47F(1) <s. 47F(1) pmc.gov.au>

Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

Thanks for the response, more than happy to meet and discuss.

At this stage, I can provide detail on trends in feedback and some claims on regulatory burden *should* a change be implemented by the department, although there hasn't been commitment to implement specific changes as of yet (other than those described in the summary & scoping document/stage 1 discussion paper, for example the introduction of a control and traceability standard). We'll need more time for stage 2 to progress in terms of the development of the draft recommendations, which will constitute the specific proposed changes to the framework.

Happy to discuss further, my afternoons are generally pretty free. A few times this week are:

- Wednesday after 1pm (excluding 3-3:30pm)
- Thursday after 2pm
- Friday between 1-3:30pm

Kind regards,

s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>
Sent: Friday, 21 April 2023 8:32 AM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>
Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Hi s. 22(1)(a)(ii)

Thanks for your email and the progress update. I agree that it would be good to target some of your questions towards issues that might arise in an Impact Analysis. However, it may be opportune to have a discussion about impacts following the feedback from consultation including issues identified through the confidential submissions (to the extent that you can share this) so as to determine whether you're in IA territory. That is, are we in a position to assess whether the proposals arising from the ESCAS review are likely to result in more than a minor regulatory impact? Or do we need more time for Stage 2 to progress further? Perhaps a meeting to discuss would be worthwhile?

Regards

s. 47F(1) | Advisor
 Office of Impact Analysis | Economic Division
 Department of the Prime Minister and Cabinet
 p. s. 47F(1) s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Sent: Wednesday, 19 April 2023 11:12 AM
To: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>
Subject: RE: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 47F(1)

I work in s. 22(1)(a)(ii) team and am just reaching out on her behalf – she's acting in another role for 6 weeks, and I am the current point of contact for the ESCAS review.

I wanted to provide an update on our progress in stage 2, particularly as we have extended our timeframe (stage 2 anticipated to conclude in August) and refined various aspects of our approach, including:

- We have published all non-confidential submissions received during stage 1 on the departmental platform [Have Your Say](#)
- We will be drafting an aggregated report in response to the submissions, i.e., outlining feedback received and the department's response and consideration of this feedback (est. May)
- We will be engaging with stakeholders in a facilitated session mid-stage 2 (est. early June) to discuss overall themes in the aggregated report and the development of draft recommendations, and
- Once draft recommendations are released for review and consultation, offering informal 1-on-1 sessions with stakeholders (in combination with a formal submission process) to ensure all voices are heard independently prior to finalisation of recommendations.

Considering past feedback from the OIA, going forward would it be beneficial to integrate specific questions on stakeholder impacts into upcoming consultation? E.g., Being deliberate during the consultation on draft

recommendations during stage 2 in asking questions of stakeholders, particularly industry, on impact, cost and benefit, etc.

Grateful if you had any comments or recommendations on this, as well as our general approach. I understand the difficulty in commenting, while the perceived impact is still in large part unknown; however, happy to send/discuss the aggregated report on stage 1 analysis of feedback once finalised, if this gives a better indication on the tone of feedback received thus far and general direction the department is considering in response.

Kind regards,

s. 22(1)(a)(ii)

A/g Assistant Director | Regulatory Performance and Compliance | s. 22(1)(a)(ii)
Live Animal Export Branch | Traceability, Plant and Live Animal Exports Division

Department of Agriculture, Fisheries and Forestry
GPO Box 858 Canberra ACT 2601
agriculture.gov.au

From: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>

Sent: Thursday, 2 March 2023 2:43 PM

To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 47F(1) <s. 47F(1) pmc.gov.au>

Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Hi s. 22(1)(a)(ii)

Thanks for the email on 27 February, the discussion paper and for the discussion on the phone today.

It is not clear at this stage whether the changes proposed are likely to result in 'more than a minor' regulatory impact. This is partly because the ESCAS framework is fundamentally remaining intact and many of the changes proposed would appear incremental or of a programmatic nature. I note your advice that some industry participants are claiming that the changes might have a significant impact on their commercial viability.

I therefore agree with your proposal that we hold our assessment at this stage and assess the significance of the ESCAS reforms as Stage 2 progresses (about April/May 2023). This will give you an opportunity to assess the claims of those industry participants.

If we determine that the proposal is more than minor, an Impact Analysis will need to be required to be prepared for Stage 3 to inform the decision, consistent with Government requirements.

We look forward to further discussions at this time. In the interim, feel free to contact me (or s. 47F^{s. 47F(1)}) to discuss any other issues that might assist with your consultation and policy development process.

regards

s. 47F(1) | Advisor

Office of Impact Analysis | Economic Division
Department of the Prime Minister and Cabinet
p. s. 47F(1) s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Sent: Monday, 27 February 2023 11:01 PM

To: s. 47F(1) <s. 47F(1) pmc.gov.au>

Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Dear s. 47F(1)

Thank you for taking the time to chat about the ESCAS Review this morning, and apologies for missing your call on Friday.

Allow me to introduce ^{s. 22(1)(a)(ii)} (copied) who is working with me on this project.

As discussed, here is some relevant background on:

The Exporter Supply Chain Assurance System (ESCAS)

- ESCAS is a regulatory framework that seeks to ensure animal welfare, control and traceability outcomes for feeder and slaughter livestock from the point of arrival in importing countries up until and including the point of slaughter.
- Livestock exporters are the regulated entities under ESCAS. They are responsible for establishing and managing arrangements with supply chain partners (i.e. importers, feedlots and abattoirs) in importing countries to ensure that ESCAS requirements are met.
- ESCAS was developed in 2011 in response to public outrage following the release of footage on *Four Corners* depicting poor animal handling and slaughter practices at Indonesian abattoirs, and progressively rolled out to all countries importing Australian feeder and slaughter livestock during 2012.
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 - Currently there are around 90 approved ESCAS supply chains across 17 countries.
- ESCAS has since been largely effective in delivering against its intended outcomes.
- Alleged ESCAS non-compliances are investigated by the department and regulatory action taken as indicated and as soon as practically possible.
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 - Since 2013, less than 0.20% of exported livestock covered by ESCAS have been involved with confirmed ESCAS non-compliances.
 - Reports of alleged ESCAS non-compliance are received from exporters (self-reports – 55%), third-parties (animal welfare organisations or private citizens in importing countries – 35%), industry groups, included in independent audit reports submitted by exporters or identified by the department.

The ESCAS Review

- The department is reviewing components of the ESCAS framework to ensure that it remains fit-for-purpose and supports consistent, risk-based regulation.
- The review is being conducted in 3 stages, with stakeholder engagement at the end of each stage. A **Summary and scoping document** setting out focus areas for the project, work at each stage, our stakeholder engagement approach and key review outcomes is attached for your reference.
- Key outcomes of this review include the production of a consolidated, single source reference of ESCAS for departmental staff and stakeholders, and to follow-through with the department's commitment to address recommendations in the [Inspector-General Review of ESCAS \(2021\)](#).
- We have just concluded stage 1 of the review, including associated stakeholder engagement. This stage was a gap analysis, with possible areas for improvement to the current ESCAS framework identified as 'challenges'.
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 - Targeted stakeholder groups (i.e., livestock exporters and their peak industry bodies, industry groups and animal welfare organisations) were invited to provide constructive feedback on, and propose practical solutions to these specific technical challenges. There was also the opportunity to present challenges that they felt had not been identified.
 - This consultation stage was launched as a survey on the *Have Your Say* platform on 10 January and closed on 21 February 2023.
 - The attached **Discussion Paper** sets out identified challenges and is the exhaustive basis on which the *Have Your Say* survey was built.
- We are now in stage 2 of the ESCAS Review, and are reviewing and analysing submissions from our recent consultation stage.
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 - The aim of this stage is to use feedback from the first consultation stage to inform recommendations for improvements to ESCAS.
 - These recommendations will be tested with livestock exporters at the stage 2 stakeholder consultation phase.
- Then, stage 3 of the project will follow, where recommendations are used to review and update ESCAS policies, with the final output being a consolidated document on all aspects of the framework.
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 - The plan is to consult publicly at this stage of the review.

Interactions with OIA to date

- We met with the OIA (^{s. 47F(1)} and ^{s. 47F(1)}) and a industry peak body representative last year, following finalisation of the first version of our *Summary and scoping document* and prior to the commencement of the review, to discuss views on stakeholder engagement and whether

the review can be conducted in a manner consistent with a RIS-like process, so that a full RIS might not be required at its conclusion and prior to implementation.

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- A focus of this meeting was to discuss strong exporter concerns about the department engaging with animal welfare organisations during the review process. Additionally, industry remains opined that animal welfare organisations, being opposed to the livestock export trade and not being directly affected by regulatory decisions, might distort/bias engagement results, and therefore should not be considered key stakeholders for the purpose of engagement.
- We disagree and consider wide engagement necessary to capture the myriad and nuanced views on livestock exports – a highly scrutinised industry that continues to polarise. It is important that our process and decisions reflect regulatory best practice and considers contemporary social views on the subject. Animal welfare organisations are a key stakeholder, reflected in their interest in the trade and continued role in reporting alleged ESCAS breaches.
- To date, feedback has been positive and we committed to keep the OIA informed as we progress, to ensure our processes continued to be consistent with a RIS-like process (see email exchange with ^{s. 47F(1)} below).

To recap our conversation

- I understand that to your knowledge, no formal assessment of our project and approach has been conducted by the OIA and this will need to happen for any definitive advice on whether our approach constitutes a RIS-like process or equivalent.
- Pending your review and assessment, the *Inspector-General Review of ESCAS (2021)* might qualify as a RIS-like process equivalent. The basis for this is the extensive consultation that was undertaken as part of the review, and that a primary focus of the ESCAS Review is to address its recommendations. If this is a possibility, the decision needs to be endorsed at a Deputy Secretary level.
- Integral to an impact analysis is a determination of the magnitude of change and the affected stakeholders. This may be qualitative and subjective, but must be defensible.

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s. 47E(d)

- Given that the magnitude of changes will depend on recommendations made as a result of feedback currently being analysed, it might be difficult to determine this until stage 3 of the review (when the outcome of the review is being drafted). However, any assessment on the impacts on industry would be useful.

As discussed, I'd be very grateful for your advice on:

- Anything we need to consider/reconsider about our approach so that our process is consistent with a RIS-like process.
- If you think we might be able to rely on the *Inspector-General Review of ESCAS (2021)* as a RIS-like equivalent.
- If we should be incorporating into our engagement strategy, a request for industry to quantify the impact of proposed changes to them/the trade, particularly where best practice regulation might be resisted on the basis of burden.

I realise this is a lot of information, but I hope it makes sense and trust that it informs you sufficiently to be able to offer the advice we are seeking.

Please let me know if I have missed or misinterpreted anything, and if you have any questions.

I look forward to further discussions.

Kind regards,

s. 22(1)(a)(ii)

Senior Veterinary Officer

Regulatory Performance | Live Animal Export Branch | Plant and Live Animal Exports Division

Phone: s. 22(1)(a)(ii)

Department of Agriculture, Fisheries and Forestry

GPO Box 858 Canberra ACT 2601 Australia

aff.gov.au

From: s. 47F(1) <s. 47F(1) pmc.gov.au>

Sent: Friday, 24 February 2023 4:02 PM

To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) aff.gov.au>

Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Hi ^{s. 22(1)(a)(ii)}

I left a message for you but I'm not sure if my landline is working so here is my mobile number below. If you could contact me, that would be great.
Regards

s. 47F(1) | Advisor
Office of Impact Analysis | Economic Division
Department of the Prime Minister and Cabinet
p. **s. 47F(1)** **s. 47F(1)**

From: **s. 47F(1)** <**s. 47F(1)** pmc.gov.au>
Sent: Thursday, 23 February 2023 6:32 PM
To: **s. 47F(1)** <**s. 47F(1)** pmc.gov.au>
Subject: FW: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

OFFICIAL

Can you get in touch with ^{s. 22(1)(a)(ii)} and let her know you're the new lead on this pls?
We will need to give them some advice about how to meet the independent review requirements (noting this commenced under the former arrangements)

s. 47F(1)

s. 47F(1) Senior Adviser
Office of Impact Analysis
p. **s. 47F(1)** | m. **s. 47F(1)**

From: **s. 22(1)(a)(ii)** <**s. 22(1)(a)(ii)** aff.gov.au>
Sent: Thursday, 23 February 2023 6:26 PM
To: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Cc: **s. 47F(1)** <**s. 47F(1)** pmc.gov.au>; **s. 22(1)(a)(ii)** <**s. 22(1)(a)(ii)** aff.gov.au>
Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Good afternoon ^{s. 47F(1)}

I hope 2023 has started off well for you and your team.

I am reaching out with a status update on the ESCAS Review.

We recently concluded the first of 3 stakeholder consultation stages, which was launched as a survey on the *Have Your Say* platform from 10 January to 21 February 2023. Targeted stakeholders were invited to provide constructive feedback on specific technical challenges to the ESCAS framework. Survey questions are reflected in the Discussion paper, attached for your interest. We are now collating and analysing feedback received and will use it to inform recommendations for improvements to ESCAS in stage 2 of this project.

We would greatly appreciate your advice/confirmation that our processes remain aligned with a RIS-like process, and if there are any relevant considerations from your perspective, on how feedback is handled and analysed, noting that some submissions have been marked as confidential.

Happy to meet to discuss if easier.

Kind regards,
s. 22(1)(a)(ii)
Senior Veterinary Officer

Regulatory Performance | Live Animal Export Branch | Plant and Live Animal Exports Division
Phone: **s. 22(1)(a)(ii)**

Department of Agriculture, Fisheries and Forestry
GPO Box 858 Canberra ACT 2601 Australia

aff.gov.au

From: Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>
Sent: Wednesday, 7 December 2022 12:30 PM
To: **s. 22(1)(a)(ii)** <**s. 22(1)(a)(ii)** aff.gov.au>
Cc: **s. 22(1)(a)(ii)** <**s. 22(1)(a)(ii)** aff.gov.au>; **s. 47F(1)** <**s. 47F(1)** pmc.gov.au>
Subject: RE: FW: ESCAS Review: Contact Points with the OBPR OBPR22-03259 [SEC=OFFICIAL]

Good afternoon ^{s. 22(1)(a)(ii)}

Thanks very much for sending this through, and apologies for the delay in my response. I've reviewed the summary and scoping document and have no major concerns. It's good to hear that consultation will be expanded. Seeking quantitative evidence of how proposed solutions will impact various stakeholder groups will assist in providing a more detailed outline of the anticipated costs and benefits.

I am happy to talk through the changes to the Impact Analysis framework once they are settled and am keen to ensure OIA supports you through this impact analysis process.

Kind regards,

s. 47F(1) (she/her) | Adviser
Office of Impact Analysis
Department of the Prime Minister and Cabinet
p. s. 47F(1)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) awe.gov.au>
Sent: Monday, 28 November 2022 6:52 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

Hi s. 47F(1)

I'm just reaching out from our team with an update on the ESCAS Review and upcoming stakeholder consultation, to keep you in the loop.

We have released a revised summary and scoping document (attached), to reflect our updated approach to stakeholder engagement. We intend to include a wider group of stakeholders at stage 1 for challenge identification/proposal of solutions, then a more targeted group later on for the testing of recommendations.

We have completed the stage 1 desktop review, and are about to commence stage 1 consultation. As previously discussed, we have contracted a team for their technical expertise to assist with our review, and they have developed draft material for stakeholder consultation. We are reviewing this material internally, prior to publication on the department's engagement platform 'Have Your Say'.

Any feedback or comments on how our current approach may impact the RIS process would be greatly appreciated.

Kind regards,

s. 22(1)(a)(ii)
Senior Technical Officer | Regulatory Performance | s. 22(1)(a)(ii)
Live Animal Exports Branch | Plant & Live Animal Exports Division

Department of Agriculture, Fisheries and Forestry
GPO Box 858 Canberra ACT 2601
awe.gov.au

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Sent: Monday, 14 November 2022 4:32 PM
To: s. 47F(1) <s. 47F(1) pmc.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

Thanks very much for getting back to us, s. 47F(1)

I'll be in touch again leading up our second consultation stage, to seek your thoughts on our approach at the time.

Kind regards

s. 22(1)(a)(ii)

From: s. 47F(1) <s. 47F(1) pmc.gov.au>
Sent: Monday, 14 November 2022 5:07 PM
To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Cc: s. 47F(1) <s. 47F(1) pmc.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>
Subject: RE: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

OFFICIAL

Good afternoon Eunice,

Thanks very much for providing these documents for OBPR's review. s. 47F(1) and I have discussed the documents and in order to meet the requirements to be certified in lieu of a RIS, the following will need to be considered and included in the development of the review:

- When presenting recommendations to address identified problems in stages 2 and 3, there should be a range of options considered, including at least one non-regulatory option.

- In order to meet the requirements, the final document will need to analyse the costs and benefits of each option. We suggest consultation in stage 2 should include questions to draw out expected costs and benefits from stakeholders. Stakeholders should be encouraged to provide any evidence, data or statistics of the quantitative impact various options may have on themselves, the community or other groups. Where quantification is not possible, stakeholders should be encouraged to be specific in qualitative assessments of likely impacts.

We're happy to discuss these points further if you would like.

Kind regards,

s. 47F(1) | Adviser

Office of Best Practice Regulation

Economic Division | Department of the Prime Minister and Cabinet

p. s. 47F(1) | e. s. 47F(1) pmc.gov.au | w. www.pmc.gov.au

One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) awe.gov.au>

Sent: Friday, 4 November 2022 5:17 PM

To: s. 47F(1) <s. 47F(1) pmc.gov.au>

Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii) agriculture.gov.au>

Subject: ESCAS Review: Contact Points with the OBPR [SEC=OFFICIAL]

Good afternoon s. 47F(1)

I hope this finds you well.

You might recall that we spoke some weeks ago about the Exporter Supply Chain Assurance System (ESCAS) Review.

As discussed, it would be good to get an indication from you about when we should engage with the OBPR as this project progresses.

On this note, please find attached:

- The ESCAS Review project plan, and
- The ESCAS Review scoping and summary document, which outlines focus areas and specific framework components we will be reviewing as part of this project.

We look forward to hearing back from you.

Thanks and have a great weekend!

Kind regards,

s. 22(1)(a)(ii)

Senior Veterinary Officer

Regulatory Performance | Live Animal Export Branch | Plant and Live Animal Exports Division

Phone: s. 22(1)(a)(ii)

Department of Agriculture, Fisheries and Forestry

18 Marcus Clarke Street, Canberra ACT 2601 Australia

GPO Box 858 Canberra ACT 2601 Australia

agriculture.gov.au

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IMPORTANT: This message, and any attachments to it, contains information that is confidential and may also be the subject of legal professional or other privilege. If you are not the intended recipient of this message, you must not review, copy, disseminate or disclose its contents to any other party or take action in reliance of any material contained within it. If you have received this message in error, please notify the sender immediately by return email informing them of the mistake and delete all copies of the message from your computer system.

s. 47F(1)

Advisor, Office of Impact Analysis

s. 47F(1) or **s. 47F(1)**

s. 47F(1) pmc.gov.au

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