



Australian Government

Australian Government response to the
Rural and Regional Affairs and Transport Legislation
Committee report:

Inspector-General of Live Animal Exports Amendment
(Animal Welfare) Bill 2023

March 2024

Introduction

The Australian Government welcomes the opportunity to respond to the Rural and Regional Affairs and Transport Legislation Committee report: Inspector-General of Live Animal Exports Amendment (Animal Welfare) Bill 2023, tabled on 30 August 2023.

Animal welfare is important to the Australian community, which expects robust oversight, accountability and transparency of animal welfare in livestock exports. The Inspector-General of Live Animal Exports Amendment (Animal Welfare) Bill 2023 reinforces the government's commitment to strengthening animal welfare by expanding the current office of the Inspector-General of Live Animal Exports to provide enhanced focus on animal welfare.

This Bill, together with the funding that we have already committed through the October 2022-23 Budget to expand this office, delivers on our 2022 election commitment. The additional objects and functions proposed in this Bill will help to increase oversight, accountability and transparency for animal welfare in exported livestock, and delivers on the government's commitment to strengthening animal welfare.

The Australian Government's response to the report is set out below. The response addresses the recommendation of the Committee and the additional comments provided by the Australian Greens Senators.

Response

Recommendation 1

The committee recommends that the Senate pass the bill.

Response

The Australian Government **supports** this recommendation.

Australian Greens Senators additional comments

Recommendation 1

The bill should be amended to provide that the Inspector-General has oversight of all Commonwealth Government regulation of animal welfare.

Response

The Australian Government **does not support** this recommendation.

The Bill already provides for the oversight of animal welfare regulation by the Commonwealth where it has clear responsibilities regarding the export of live animals. Expanding its scope risks duplicating existing requirements detailed in various other legislation and policies at the state, territory and Commonwealth level with the attendant risks of obsolescence, inconsistency or unintended legislative consequences.

It is noted that the Australian Greens additional comments reference the domestic harvesting of kangaroos for commercial purposes, which is a clear state and territory responsibility. The government has been careful to ensure that this Bill clearly relates to Commonwealth statutory responsibilities and functions under the *Export Control Act 2020*.

Recommendation 2

The bill should be amended to recognise animal sentience in law.

Response

The Australian Government **does not support** this recommendation.

Promoting or recognising animal sentience within Commonwealth law and practice is not appropriate for this Bill or a suitable role for an Inspector-General. The core role of the Inspector-General will be to monitor, investigate and report on the development of animal welfare standards and the implementation of live animal export legislation. The role is one of assuring the Commonwealth's livestock exports systems.

Recommendation 3

The bill should be amended to require that the Inspector-General have expertise in animal welfare science, animal welfare law, or animal welfare policy.

Response

The Australian Government **does not support** this recommendation.

The role of the Inspector-General is to oversee the regulator. The key responsibility of the Inspector-General is to monitor, investigate and report on the development of animal welfare standards and the implementation of live animal export legislation.

In doing so, the Inspector-General plays a critical function in promoting continual improvements in the regulatory practice, performance and culture of the Department of Agriculture, Fisheries and Forestry in its role as the regulator of animal welfare and export legislation and standards in relation to the export of livestock.

This is entirely consistent with how other Inspector-General legislation operates.

It is not considered appropriate for primary legislation to place prescriptive constraints on the qualification of the Inspector-General, because it may unnecessarily hinder the selection process for the most suitable candidate.

A full selection process will be undertaken to appoint the new Inspector-General. This process is intended to find a person who has suitable qualifications, experience and expertise in both animal welfare and live animal export regulation. Public consultation indicated that post-graduate veterinary or animal welfare science qualifications, in addition to relevant industry experience and professional memberships, are desirable.

If, however, the Inspector-General judged it necessary or appropriate, specialist expertise may be engaged to provide any additional expertise required.

The Bill explicitly provides that the Inspector-General may consult relevant experts to assist in the performance of the Inspector-General's duties. This ensures that the Inspector-General has the means to seek expertise where it is judged necessary.

Recommendation 4

The bill should be amended to require the Inspector-General to disclose any conflicts of interest that conflict or could conflict with the proper performance of their functions.

Response

The Australian Government **does not support** this recommendation.

Under the arrangements already in place in legislation, officials of a Commonwealth entity – who have a material personal interest in the affairs of an entity – must positively disclose details of the interest.

This applies to the occupant of the Inspector-General role.

In addition, section 22 of the *Inspector-General of Live Animal Exports Act 2019*, provides the Minister with the ability to terminate the Inspector-General if they do not comply with the accountability requirements of the *Public Governance, Performance and Accountability Act 2013*.

Recommendation 5

A national Independent Office of Animal Welfare should be established to develop, implement and oversee Commonwealth regulation of animal welfare in Australia.

Response

The Australian Government **does not support** this recommendation.

The establishment of an Independent Office of Animal Welfare is not a matter relevant to this Bill or a suitable role for an Inspector-General.