



CATTLE COUNCIL OF AUSTRALIA

SUBMISSION

31 August 2020

Mr Ross Carter
Inspector-General of Live Animal Exports
Department of Agriculture, Water and the Environment
GPO Box 858
Canberra ACT 2601

Dear Mr Carter

Re: Review of the implementation of the Moss Review Recommendations

Cattle Council of Australia (CCA) welcomes the opportunity to provide feedback to the review of the progress of the Department of Agriculture, Water and the Environment (DAWE) in implementing the 31 recommendations of the independent *Review of Regulatory Capability and Culture of the Department of Agriculture and Water Resources in the Regulation of Live Animal Exports* (the Moss Review).

CCA is the peak industry organisation representing Australia's grass-fed cattle producers. Established in 1979, CCA brings together all state-based farming organisations representing cattle producers in their jurisdiction, associate member organisations with close connections to the cattle industry, and individual cattle producers.

CCA provided feedback to the original Moss Review consultation and continue to be invested in its outcomes. We recognise that the Inspector General of Live Animal Exports (IGLAE) will use the DAWE implementation progress report (the report) and these outcomes as a focus for the review into implementation of the Moss Review, and have structured our response to align with the status of recommendations from the report.

Recommendations identified by DAWE as being 'complete'

Recommendation 6: That the department adopt an approach which fosters and incorporates scientific best practice to ensure continual improvements in animal welfare outcomes for live animal exports.

The report states, *"Good progress has been made in delivering science-, evidence- and international best practice-based animal welfare standards and outcomes"* and cites the ASEL review as an example of a key deliverable to the industry. CCA asserts that a number of measures have been implemented as a result of various reviews into live export that are grounded in community sentiment, and possibly regulatory bias, not data and science.

An example of this is highlighted in DAWE's recommendations around stocking densities for cattle in ASEL 3.0. As noted in the LiveCorp submission into the ASEL Review Stage 2 draft report:

"Allometrics can provide a mechanism for determining space allowances tied to changing weights of animals. However, the allometric equation has its limitations

and, as noted in LiveCorp's submission to Stage 1 of the ASEL Review, there are varying levels of confidence in the different ways it is applied / proposed to be applied. For example, we noted in our submission that the most commonly accepted use of the allometric equation (in the livestock space) is to calculate the actual space occupied by individual animals performing static activities (e.g. standing, lying etc). Conversely, the application of allometrics for groups of animals, or as an estimate of the space required for animals to perform movements or behavioural functions, is less clear / accepted. In this latter situation, where the use of allometrics moves into behavioural activities, the need for validation through scientific research and evidence specific to the situation is essential. This is particularly clear when considering how much variation exists between how different breeds and species animals behave and act, and what resources they need.¹"

Given that the Moss recommendations came out prior to the ASEL 3 review, it appears that the ASEL review and DAWE have rejected best practice science for postulated theories in DAWE desktop reviews to guide decisions around regulation of cattle stocking densities for voyages at sea.

CCA is concerned that the department is not effectively utilising the scientific expertise, rigour, and knowledge of LiveCorp as the research and development corporation for the Australian Livestock industry. As a not-for-profit research organisation that is jointly funded by industry levies and government funds, LiveCorp is best placed to generate and validate the science necessary to justify regulatory reform for live animal exports.

Recommendation 8: That the department adopt a regulatory approach that recognises the contribution of animal welfare organisations in identifying non-compliance with the Australian Standards for the Export of Livestock, the Exporter Supply Chain Assurance System and animal welfare standards.

CCA agrees that animal welfare organisations can play an important role in identifying non-compliance with Australian standards. However, we have concerns that some of these organisations are in fact activist organisations, with the singular goal to undermine the live export trade.

While CCA recognises the aim of the Live Export Animal Welfare Advisory Group (LEAWAG) is to provide a forum for strategic consultation between stakeholders and the department about live animal exports animal welfare practices, standards and legislation, we are concerned that LEAWAG is not operating as intended or in a manner supportive of the live export trade. It is our view that LEAWAG has become a forum to amplify the concerns of animal activist groups who do not share the aim of industry and the department to improve and support the live export trade, and indeed often have a mandate to end the trade.

Recommendation 9: That the department ensure reportable mortality events and other non-compliance relating to live animal exports, are investigated by staff members with appropriate skills and training who are sufficiently resourced to deliver timely outcomes.

CCA has previously raised concerns over the length of time taken to complete IO reports. While we note that this issue has largely improved through the standardisation of reporting guidelines, CCA suggests that establishing standardised reporting frameworks before reporting was made mandatory would have been a better approach.

Furthermore, CCA supports monitoring devices currently being trialed to assess wet bulb temperature and other conditions matched to visual recordings and welcomes any measures to increase transparency of IO

¹ <https://www.agriculture.gov.au/sites/default/files/sitecollectiondocuments/animal/livecorp.pdf> , P 9.

reporting. This additional independent monitoring is important in validating and ensuring IO reports are a true representation of conditions on vessels and the livestock being transported on those vessels.

Recommendation 22: That the department identify the skills and experience necessary to enhance its regulatory capability in relation to live animal exports and employ people with relevant skills and experience.

As identified in the Moss Review, a number of regional offices were closed over the proceeding decade due to cost efficiencies and this resulted in considerable loss of expert staff with the necessary live export experience to perform the required regulatory functions. CCA considers that an effective live export regulatory framework must include regional DAWE offices in the major live export ports (such as Darwin, Townsville, and Fremantle).

Increased scrutiny on the department as the regulator following the Awassi Express live sheep incident resulted in considerable loss of staff with sufficient practical industry experience and understanding. Since then, the department has undergone an overhaul in its approach to regulating the live export industry. There has been critical staff drain from key areas within the department, which CCA considers has been to the detriment a co-operative culture. If the department is genuine in its goals to support the live export trade, this will need to be addressed.

Recommendation 27: That the department engage with the states and territories and other stakeholders to develop national animal welfare coordination to improve animal welfare outcomes in relation to live animal exports.

CCA notes that the Australian Animal Welfare Standards and Guidelines for Cattle have been developed and endorsed by all jurisdictions since 2015; however, have not been adopted by several states and territories. There remains a considerable role for the department in ensuring consistency in application and assessment of animal welfare outcomes across all jurisdictions, thus CCA does not agree that this recommendation could be considered complete.

Recommendation 28: That the department engage with the live animal export industry to demonstrate joint unequivocal commitment to animal welfare standards.

While CCA agrees that there has been a concerted effort on the part of the department to increase engagement with industry, it is often the perception of industry that consultation is tokenistic and the department has already identified the outcomes and processes it is looking to implement.

We believe that through genuine engagement there can be improvements not just in the relationship between the regulator and industry, but also in the information provided back to industry. The monthly discussions with exporters have been valuable in gaining insight into the various challenges faced (both from a regulatory and commercial perspective) and engagement with department staff in forums such as the LiveCorp and ALEC annual conference has been particularly welcomed, offering opportunities to engage in meaningful dialogue.

Recommendation 30: That the department establish appropriate forums to consult with stakeholders and assess community expectations.

See comments relating to Recommendation 8 and 28.

Recommendation 31: That the department strengthen its regulatory capability and culture, including in relation to live animal exports, by developing its whole-of-department integrity measures.

CCA supports the department in drafting material that assists new staff in understanding their duties, which also include information on best practice in stakeholder interaction and engagement. CCA would welcome the opportunity to provide input into the drafting of the Regulatory Practice Framework as we believe it

important industry also has an understanding and input into the framework guiding departmental regulatory staff.

Recommendations identified by DAWE as being 'in progress'

Recommendation 2: That the department undertake to clarify the interaction between the *Export Control Act 1982* and the Australia Standards for the Export of Livestock (ASEL) and the operation of state and territory animal welfare laws regarding live animal exports.

CCA asserts that the planned implementation of the Export Control (Animals) Rules underpinning the Export Control Act should be delayed if industry is not satisfied that all drafting concerns have been addressed. It is unclear if there has been any success in clarifying jurisdictional and operational arrangements and inform further work to identify any risks and gaps.

Recommendation 7: That the department strengthen the approved arrangements model for live animal exports by introducing full inspections of consignments on a random unannounced basis.

CCA supports this recommendation and believes that it should be implemented as a priority to increase confidence in the assurance program. We welcome the department mapping of all regulatory processes to better understand the regulatory risks, gaps in regulation and potential control points throughout the supply chain. As there has been a focus of regulatory reform within the live export sector over recent years, it will be particularly helpful for both government and industry to have a better understanding of the interactions of these reforms.

Recommendation 16: That full cost recovery be accepted by the live animal export industry as underpinning the model of regulation and that the department ensure that the model operates effectively.

CCA does not support this recommendation for several reasons.

Live export is a significant contributing factor to the economy and viability of many remote and regional communities in northern Australia. As Australia's fourth most valuable cattle market, it also significantly contributes to national GDP. Further, increases in the regulatory landscape imposed on live cattle exporters resulted from a single incident in 2018. This regulatory overreach has not contributed to increased animal welfare outcomes (or fewer mortalities) for cattle, it merely serves as an exercise in transparency for public interest.

Where regulatory costs are solely attributable to industry, there is little to no incentive for the department to keep costs to a minimum or to look for any cost efficiencies. It is worth noting that over the last two decades there has been a massive expansion in what is considered cost recoverable, and costs borne by industry have quadrupled in that time².

CCA does not support the notion that market access activity is a regulatory activity. We assert that the Australian economy substantially benefits from cattle exports, thus the Australian Government has a vested interest in providing a sustainable, efficient, and effective system.

Recommendation 21: That the department engage in a cultural shift in its role as a regulator of live animal exports and ensure that its staff members understand the need for and implications of this change.

CCA considers there has been a degree of cultural shift within the department, but more is needed. As staff that are exiting the section are often those training new staff members, the biases and perceptions of these exiting staff members are inevitably passed onto the new staff.

² See SG Heilbron, *op.cit.*, June 2016, p. 26.

Recommendations identified by DAWE as being 'ongoing'

Recommendation 5: That the department as the regulator of live animal exports adopt a dynamic forward-looking posture to its regulatory responsibilities.

CCA supports the department's efforts to adopt a dynamic, forward-looking posture to its regulatory responsibilities and asserts it is critical that the department, as the regulator, be guided by the available science. We consider the *Export of Livestock Compliance Statement*, published on the department's website, allows for greater transparency in regulation.

CCA look forward to further consultation with the IGLAE to ensure the Moss Review recommendations are implemented in their intended spirit. If there are any queries about this submission, please do not hesitate to contact our office on 1300 653 038 or email cca@cattlecouncil.com.au.

Yours sincerely

Travis Tobin
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