Regulatory performance report – Live Animal Exports

The Australian Government requires the Department of Agriculture and Water Resources to exercise the required powers, regulatory capabilities, investigative capacity and culture to ensure that animal welfare standards are met and that export markets remain open. The department works to ensure that participants of the trade understand and comply with their regulatory obligations, that it is able to take appropriate and proportionate action when non-compliance is suspected or detected, and to provide assurance as to the ongoing integrity of the live animal export regulatory system.

We regulate the export of live animals under the Export Control Act 1982, the Australian Meat and Livestock Industry Act 1997 and associated orders, regulations and standards. This includes the Australian Standards for the Export of Livestock (ASEL) and the Exporter Supply Chain Assurance System (ESCAS).

Live animal export includes commercial livestock, companion and assistance animals, horses, and genetic material. This includes embryos, eggs or ova, semen and anything from which a complete live animal can be produced. Under the Export Control Act 1982 and its supporting legislation, an export permit and health certificate issued by the department is required for any live animal export.

Livestock export is a valuable component of Australia’s livestock industry. In 2017–18, the total value of livestock export was more than $1.5 billion. We are responsible for regulating the export of live animals from Australia to ensure that animals meet importing country requirements, to minimise the risk of rejection by the importing country, and to ensure animals are handled according to international animal health and welfare standards while protecting Australia’s reputation as a reliable and trusted source of live animals.

The introduction in July 2011 of ESCAS, first for the export of feeder and slaughter cattle to Indonesia, and later extended to all feeder and slaughter livestock to all destinations, was a significant reform for the livestock export industry. ESCAS gives transparency and accountability to how exported livestock are treated, starting from the farm and extending to slaughter in the importing country.

Australia is the only country, out of more than 100 countries that export livestock, which requires its exporters to achieve specific animal welfare outcomes for exported livestock in the importing country.

The ASEL outlines the animal health and welfare requirements for the livestock export industry, from farm to the discharge of animals in the country of export. The ASEL sets out how exporters must care for livestock along the livestock export chain to discharge. This includes planning the consignment, transporting livestock from farm to registered premises, and port and vessel preparation.

In April 2018, the department received video footage taken in 2017 that uncovered unacceptable animal welfare outcomes on some shipments of live sheep to the Middle East. In response to the footage, we took immediate steps to improve animal welfare outcomes on vessels by increasing pen space allocation for live sheep exports and placing independent observers on live sheep export voyages to the Middle East. The independent observer reports are designed to provide the department with information to enable the effective regulation of the live animal export trade. Their primary use is an information source for the regulator. The government currently has a Bill before the Parliament to increase penalties for those who breach live animal export laws. In late 2018, we took regulatory action by cancelling two export licences. The government also commissioned several reviews into livestock export standards and regulatory practice.

The first review, announced by the Minister for Agriculture and Water Resources, the Hon. David Littleproud MP, on 10 April 2018, examined the conditions for the export of sheep to the Middle East during the northern hemisphere summer. Dr Michael McCarthy was appointed to undertake this review and provided his final report to the government in May 2018.
The department supported all of the recommendations of the independent review. Most of the recommendations were implemented immediately, with some requiring more time to develop and implement, in particular those relating to the Heat Stress Risk Assessment Model, based on animal welfare rather than mortality indicators (see below).

The government also brought forward the reporting date of the ASEL review to the end of 2018. The independent Technical Advisory Committee conducting the ASEL review has completed its review of the standards for export by sea, with a review of the standards for export by air to commence shortly. The committee’s report and the department’s response to its recommendations was released on 19 March 2019.

On 13 December 2018, the independent Heat Stress Risk Assessment (HSRA) technical reference panel released its draft report and recommendations on heat stress risk in live sheep exports to the Middle East for public consultation. Consultation on the draft report closed on 1 March 2019. The department’s response to the panel’s recommendations will be subject to a regulation impact statement process prior to finalisation.

The department has set new conditions for live sheep exports to or through the Middle East during the next (2019) northern hemisphere summer, prior to the development of a new HSRA model.

Alongside these technical reviews, Minister Littleproud commissioned Mr Philip Moss AM to review the department’s capabilities, powers, practices and culture in relation to live animal exports. Mr Moss’ report was released on 31 October 2018.

The department supports (or supports in principle) all 31 recommendations of the Moss Review, as they will improve our regulatory practice and performance in delivering strong trade and animal welfare outcomes. We have made progress in implementing a number of significant recommendations from the Moss Review, including:

- strengthening our regulatory practice and performance by establishing an Animal Welfare branch to improve standard setting for the regulatory system, supported by people with the necessary skills and fit-for-purpose systems
- engaging an interim Inspector-General of Live Animal Exports (as a precursor to the establishment of a statutory position) to provide independent oversight and evaluation of the live animal export regulator and the regulatory system
- appointing a Principal Regulatory Officer who is overseeing the implementation of the Moss recommendations on live animal exports, including better coordination of regulatory activities across the department, improving culture and performance and ensuring a consistent response to non-compliance.