

RSPCA Australia
Submission

Proposed changes to the Export Control Rules 2021

March 2024

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About the RSPCA

The RSPCA has been advocating for animals across Australia for 153-years. In that time, the RSPCA has grown to be one of the nation's most loved, trusted, and recognised charities. Our mission is to prevent animal cruelty by actively promoting animal care and protection, and our vision is that all animals have a good life. We are an evidence-based organisation that rigorously applies contemporary animal welfare science to inform all RSPCA advocacy initiatives, education programs and policies.

The RSPCA operates under a federated structure, comprising RSPCA Australia and eight state and territory RSPCA member Societies. RSPCA member Societies care for and protect animals throughout Australia by operating animal shelters, and inspectorate services in most jurisdictions. Each year in Australia, the RSPCA:

- Receives and cares for more than 87,465 animals.
- Investigates tens of thousands of reports of animal cruelty and neglect.
- Educates the community on animal welfare, responsible animal care and companion animal guardianship through school, community, and online initiatives.
- Advocates for legislative and policy change to improve the lives of all animals by engaging with a range of stakeholders including governments, government departments, industry, and non-government organisations to improve animal welfare across federal and state/territory jurisdictions.

We welcome the opportunity to provide further information. Please contact RSPCA Australia Senior Scientific Officer Dr Natalie Roadknight at nroadknight@rspca.org.au for more information.

Increasing concern for animal welfare

Australians care about animals and are increasingly concerned about animal welfare. Community concern for animal welfare has increased since 2018 and independent research on consumer sentiment shows a very high proportion (98%) of Australians consider animal welfare important.¹ The majority of Australians (80%) also support more government action to improve the lives of animals, expect the government to protect animals through effective public policy² and see the Federal Government as “highly responsible” for animal welfare.³ Societal expectations on animal welfare have evolved. Regular legislative updates, which promote good animal welfare and the protection of animals from suffering and harm, are required in order to stay up to date with the latest animal welfare science and changing societal values.

Animal welfare is also a crucial factor for industry sustainability and social license to operate, Australian trade, and international reputation. Given Australia's heavy reliance on animal agriculture and the increasing community concerns about animal use, there is urgent need for improvement of Australian export regulations and legislation.

¹ McCrindle (2022) RSPCA Public Perception Report.

² Roy Morgan Research (2022) Attitudes to Animal Welfare.

³ Futureye (2018) Commodity or Sentient Being? Australia's Shifting Mindset on Farm Animal Welfare.

Summary of recommendations

Legislation	Proposed change	RSPCA Australia position
Export Control (Animals) Rules 2021	Proposed change to rules on the export of animals under the <i>Biosecurity Act 2015</i>	Support proposed change as described in <i>Information sheet: Proposed improvements to the Export Control (Animals) Rules 2021</i> provided that there are safeguards in place to assess and protect the animal's welfare.
	Proposed change to other requirements for renewing an export licence	Support proposed change as described in <i>Information sheet: Proposed improvements to the Export Control (Animals) Rules 2021</i>
	Proposed change to Accredited Veterinarian export documentation	Support proposed change as described in <i>Information sheet: Proposed improvements to the Export Control (Animals) Rules 2021</i>
	Proposed change to providing Property Identification Codes to the department	Support proposed change as described in <i>Information sheet: Proposed improvements to the Export Control (Animals) Rules 2021</i>
Export Control (Miscellaneous) Rules 2021	Proposed change regarding false or misleading information and documents	Support proposed change as described in <i>Information Sheet: Proposed improvements to the Export Control (Miscellaneous) Rules 2021</i>
Export Control (Meat and Meat Products) Rules 2021	Proposed change regarding regulating Tier 1 establishments	Support proposed change as described in <i>Information sheet: Proposed improvements to the Export Control (Meat and Meat Products) Rules 2021</i> , and recommend that these changes must also be applied to Tier 2 establishments

Proposed changes to Export Control (Animals) Rules 2021

Proposed change to rules on the export of animals under the *Biosecurity Act 2015*

RSPCA Australia supports the proposed amendment to provide that live animals (excluding livestock) and reproductive material held subject to biosecurity control and directed for export under the *Biosecurity Act 2015* are non-prescribed goods for the purposes of the Act provided that there are safeguards in place to assess and protect the animal's welfare. At very least safeguards should include:

- Veterinary assessment to ensure the animal is fit to travel. Travel is a known stressor for animals and sustained confinement in multiple unfamiliar environments has a cumulative impact on the health and welfare of an animal.
- Humane treatment for animals whose health and welfare is compromised and who would be at risk with, or may not survive, further travel – this may include euthanasia.
- Consideration of animal welfare standards and conditions of the destination – sending animals into poor conditions will likely have a detrimental impact on their health and welfare.

Proposed change to other requirements for renewing an export licence

RSPCA Australia supports the proposed change to prescribe the 'other requirements' listed in section 6-1 of the *Export Control (Animals) Rules 2021* to the renewal of export licences for livestock.

Proposed change to Accredited Veterinarian export documentation

RSPCA Australia supports the proposed change to require that Accredited Veterinarians must provide the Department of Agriculture, Fisheries and Forestry (DAFF) copies of any documents in their possession that relate to export operations and any other record they are required to keep under the *Export Control (Animals) Rules 2021*, if requested.

Proposed change to providing Property Identification Codes to the department

RSPCA Australia supports the proposed change to require that Registered Establishment occupiers and exporters of air livestock consignments provide DAFF with the Property Identification Code(s) for the relevant parts of the property used for export operations.

Proposed changes to Export Control (Miscellaneous) Rules 2021

False or misleading information and documents

RSPCA Australia supports the proposed change to require that the DAFF Secretary has regard to whether a person that is subject to a Fit and Proper Person Test (or an associate of that person) has provided false or misleading information to DAFF under the repealed *Australian Meat and Livestock Industry Act 1997* and *Export Control Act 1982*.

Proposed changes to Export Control (Meat and Meat Products) Rules 2021

Regulating Tier 1 establishments

RSPCA Australia supports the proposed change to clarify and confirm the need for Tier 1 establishments to retain the relevant State or Territory approvals to maintain its Tier 1 establishment status, including for gaining and maintaining approval for registration and arrangement for export operations.

We strongly recommend that these changes also be extended to Tier 2 establishments to better protect the welfare of animals in these facilities. The federal legislation regulating Tier 2 establishments does not currently adequately protect the welfare of animals, since the federal government does not regulate animal welfare other than in regard to licencing and approvals. Therefore, Tier 2 establishments must be required to maintain relevant State or Territory approvals. This is vital to ensure that Tier 2 establishments operate in compliance with State/Territory animal welfare laws, and undergo required audits for that jurisdiction, including audits relating to animal welfare. Maintaining State/Territory approvals would assist to better protect animal welfare, as well as mitigate the current risks that continued poor animal welfare outcomes will have on export processing establishments' social licence to operate.