

# House of Representatives

# Supplementary Order Paper

**Tuesday, 2 August 2022**

## **Animal Welfare Amendment Bill**

### *Proposed amendments*

Nicola Grigg, in Committee, to move the following amendments:

#### *Clause 10*

In *clause 10*, new section 48(1A), after “30 April 2023” (page 3, line 13), insert “, except in accordance with **section 48B**”.

#### *New clause 10A*

After *clause 10* (page 3, after line 13), insert:

#### **10A New sections 48A and 48B inserted**

After section 48, insert:

#### **48A Director-General must review requirements to meet animal welfare standards for the export of live cattle**

- (1) Within 3 months of this section coming into force, the Director-General must undertake a review of, and report to the Minister on, whether standards could be applied to the live export of cattle for breeding purposes that would ensure the physical, health, and behavioural needs of the animals are met, based on both good practice and scientific knowledge,—
  - (a) during the voyage, a healthy and safe environment for cattle taking account of, among other things, standards, conditions, or both, that could be applied to—
    - (i) the age, number, and fitness of cattle and pre-conditions for travel (including requirements around pregnancy); and

- (ii) nutrition and environment, including space available per animal; and
  - (iii) management of physical and sentient health; and
  - (iv) transport vessels and associated facilities; and
  - (v) veterinary care on board and other people accompanying the cattle:
- (b) on arrival in the destination country and for the remainder of the animal's life, taking account of the extent likely positive animal welfare can be demonstrated by—
- (i) verification or certification of animal welfare requirements; or
  - (ii) commercial arrangements entered into with the person who will be caring for the cattle; or
  - (iii) any domestic or international regulatory requirements that apply in the relevant country.
- (2) If the Director-General considers standards could be developed that provide for the factors set out in **subsection (1)**, a draft of the relevant standards must be provided with the report to the Minister, together with details of a proposed process for an applicant to seek approval from the Director-General to export live cattle subject to the standards being applied.

**48B Minister's decision and recommendation on case-by-case export exemptions**

- (1) The Minister must consider any report and any draft standards provided by the Director-General under **section 48A**, and must within 3 months of receiving the report decide whether the Minister is satisfied that any draft standards provide for the factors set out in **section 48A(1)(a)** and are consistent with the purpose of the Act and the purpose of Part 3 of the Act and,—
- (a) if so satisfied, recommend the making of regulations under section 183C(3) that provide for a conditional exemption by the Director-General, on a case-by-case basis, for the export of live cattle for breeding purposes subject to the standards; and
  - (b) if not so satisfied, or if no draft standards are provided with the report by the Director-General, give advice to the Director-General on any further work to be undertaken and, if relevant, on the timing for any further review under **section 48A**.

- (2) Any regulations recommended by the Minister under **subsection (1)(a)** and section 183C(3) should be progressed as soon as reasonably possible, to be implemented in advance of 30 January 2023.

*Schedule 1: clause 7*

In *Schedule 1, clause 7(1)*, after “instrument” (page 4, line 29), insert “, other than regulations made under **sections 41B** and 183C(3) for the export of live cattle for breeding purposes,”.

### Explanatory note

This Supplementary Order Paper (SOP) amends the Animal Welfare Amendment Bill. The Bill seeks to ban all livestock exports by sea from 30 April 2023. This SOP introduces an exemption mechanism, recognising that, in some circumstances, exports of live cattle may be permissible, on a case-by-case basis. This SOP proposes a principle-based mechanism that enables a "Gold Standard" approach to be implemented if and when the Minister is satisfied that strict statutory criteria are met, based on both robust data and science and thereby allowing the Director-General to approve shipments of live cattle on an individual case-by-case basis, where the exporter is able to establish that the strict criteria are met.

The proposed exception mechanism operates as follows:

- under *new section 48A*, the Director-General is required to carry out a review, and report to the Minister, on whether standards could be applied to the export of cattle for breeding purposes that would ensure that the physical, health, and behavioural needs of the animals are met, based on both good practice and scientific knowledge:
- if the Director-General considers these could be so developed, a draft of the relevant standards must be provided to the Minister along with the report, together with the details of the process for an applicant to seek approval for live export:
- the Minister must then consider such material from the Director-General and, if satisfied that the appropriate standards are met, must recommend the making of regulations under section 183C(3) to provide for conditional approval for export, on a case-by-case basis:
- once regulations are made, exporters would be permitted to apply to the Director-General, and the Director-General would be able to approve, the export of live cattle, on a case-by-case basis, in accordance with the process set by the Director-General and approved by the Minister, and promulgated in the form of regulations under *new section 48B* and section 183C(3).