



# Communication and engagement in livestock export regulation

Review report no. 2023-01



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### **Review team and acknowledgements**

Mr Glenn McMellon and Ms Heidi Barbour assisted the Inspector-General in this review.

We acknowledge the Traditional Custodians of Australia and their continuing connection to land and sea, waters, environment and community. We pay our respects to the Traditional Custodians of the lands we live and work on, their culture, and their Elders past and present.

The Inspector-General gratefully acknowledges the cooperation and advice of the Australian Government Department of Agriculture, Fisheries and Forestry and those that provided submissions and input into this review.

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## Summary

This is the sixth and final review for this inspector-general due to retirement. As noted in previous reviews the department has made significant improvement to its regulatory practice since 2019. However, there is much left to do. Of the 41 recommendations made in these 6 reviews the department has 33 that remain open.

The Moss review, and the inspector-general, have noted the antecedent reduction in resourcing and capability that preceded the Awassi incident. In effect this represented depreciation of the underlying capital asset of regulatory capability and capacity. Recent reports of the department's dire financial position mean that it is unlikely that the department will have sufficient resourcing from operational cost recovery alone to be able to acquit these recommendations and move towards better regulatory practice in the medium term.

While the inspector-general considers cost recovery to be best practice for regulators, this is predicated on a regulator being at an effective and efficient level of regulatory maturity. As livestock exports regulation is yet to achieve this level of maturity, it is the inspector-general's view that there is a case for public investment in the underpinning capability and capacity required. Cost recovery can then support the operations and ongoing maintenance.

In relation to this review, the inspector-general considers that the department generally consults and engages well with livestock export stakeholders. Communication and engagement are undertaken in accordance with standard Australian Government and APS approaches and requirements.

For formal consultations the primary issues raised by stakeholders were the timeframes for submissions (including overlapping timeframes), quantity and scheduling of consultations. In this regard, the inspector-general recommended an increased use of targeted meetings to facilitate stakeholders being heard, reducing the need for them to make formal submissions, and ensuring regional and stakeholder differences are identified (Recommendation 1). The review also discusses the utility of the department providing an indicative consultation workplan on its website so that stakeholders and their staff can plan for submission development. The review also discusses the importance of stakeholders understanding that their issues have been considered and recommends a 'response to submissions' as part of the subsequent decision to give effect to this (Recommendation 2).

The review also noted that there may be further opportunities for the department to collaborate with professional bodies and animal welfare organisations, particularly where they have strong technical skills and can provide a useful perspective on often contestable areas of evidence.

The department seeks to provide transparency of the livestock export industry by reporting and publishing a range of information on their website and have done so for some time. The department is to be commended in this regard. While the review discusses a range of ways in which this reporting could be improved to increase the timeliness, consistency and utility of the information, it also highlights the main challenge for the department. That is, for the department to increase public trust and confidence in them as a regulator.

The review canvasses two main ways that regulators seek to instil public trust and confidence in their regulatory regime. Firstly, by regularly publishing the activities they undertake to assure compliance. For example, the number and types of audits, inspections, investigations and the non-compliances that are detected.

Secondly, regulators can also publish the nature of their regulatory responses such as warning letters, legal notices, penalty notices and prosecutions. Additionally, not all livestock health and welfare issues that may be identified are non-compliances. These health and welfare issues are usually being actively managed by the exporter at the time and may result in improved practices by the exporter in future. These issues can provide important context, particularly where proactive, positive action is demonstrated. This may also improve stakeholder confidence in the management of livestock health and welfare.

Many of the concerns stakeholders have raised with the inspector-general relating to transparency and reporting, including in the provision of images and details from independent observer reports, can be attributed to a root cause of a lack of trust and confidence that the department is detecting non-compliance effectively, and taking proportionate regulatory action. Recommendation 3, and implicit in recommendations 4 and 5, is transparency and publication of information of this nature.

Finally, the review discusses the timeliness of both publication of reports and of the provision of independent observer data to exporters and recommends a service level commitment in this regard (Recommendation 6).

# Review process

## Objectives

The review examined the Department of Agriculture, Fisheries and Forestry's approach to stakeholder communication, engagement and response to external enquiries, reports, complaints, and allegations of non-compliance. The review focused on:

- how effective the department engages with all its livestock export stakeholders
- the processes, policies and systems that support the department's engagement with livestock export stakeholders
- what, if any improvements, should be made to the current arrangements.

## Scope

The review considered:

- the stakeholder communication and engagement policy of livestock exports
- approaches employed to engage stakeholders
- responses to enquiries, reports, complaints, and allegations of non-compliance
- the investigation of complaints and allegations of non-compliance
- systems, processes and timeliness of responses, and the nature of responses to enquiries, reports, complaints, and allegations of non-compliance
- information web pages
- privacy and confidentiality.

## Out of scope

The review did not examine stakeholder engagement activities not related to livestock exports.

## Methodology

During this review, the inspector-general:

- conducted an entry meeting with the department's executives to
  - communicate the review's objectives and scope
  - outline responsibilities
  - identify risks related to the review and any appropriate mitigation strategies
  - discuss preliminary data and information requirements
  - provide an opportunity for all parties to discuss the proposed review process
- invited submissions from stakeholders
- conducted in-person and phone meetings with stakeholders
- conducted a desk-top audit of relevant department data and documentation (such as instructional material, policies and communications material)
- undertook fieldwork to discuss and observe the department's procedures and operations

- developed a draft review report with key findings and recommendations
- conducted an exit meeting with departmental executives that:
  - provided an overview of initial review findings
  - outlined the process of release of and response to the issues paper and draft report
- requested a fact check by the department's relevant line areas to correct any factual errors or misinterpretations of evidence and to provide further evidence
- requested that the secretary provide a management response to the draft review report
- provided a final report to the Minister for Agriculture, Fisheries and Forestry and published it on the [Inspector-General of Live Animal Exports website](#).



# Recommendations and department responses

The departmental response to the recommendations is at [Appendix A](#).

## **Recommendation 1**

The department should increase meetings or workshops with stakeholders to ensure that those who are time constrained from providing formal submissions can be heard. This should target stakeholder segments to ensure that regional differences are identified, and so that stakeholders with widely disparate positions are heard separately.

### **Department's response:**

Agreed

The department uses many engagement strategies and platforms, as described in our “Stakeholder Communication and Engagement Policy Live animal exports” published on our website, and, also, depending on the purpose of specific communication, consultation or other engagement. The department also invites direct input (both formal and informal) from stakeholders through email, web content, telephone and face-to-face meetings.

To continue to support stakeholders’ participation, we will update our “Stakeholder Communication and Engagement Policy Live Animal Exports” and publish a summary of consultation undertaken for future reviews. We will also reiterate guidance when seeking public comment on draft reports and will continue to invite stakeholders to engage with us on an individual or group basis, particularly if they have difficulties or concerns about providing a formal submission.

## **Recommendation 2**

When the department undertakes a formal consultation process the subsequent decision should include a ‘response to submissions’ to inform stakeholders who made submissions of how their concerns were considered.

### **Department's response:**

Agreed

For each formal consultation process, the Live Animal Exports program will adopt a policy to include a summary of the themes to submissions or discussion in the final report.

## **Recommendation 3**

The department should develop an annual regulatory activity report and publish it on its website.

### **Department's response:**

Agreed

We will publish additional information about our regulatory activities (e.g. number of audits and outcomes of investigations) noting the *Export Control Act 2020* may limit the use and disclosure of certain information. It may also not be appropriate to report on matters where parties are seeking review or are subject to legal challenge.



**Recommendation 4**

The department should reformat summary independent observer reports to become outcome reports. The reports need to include all non-compliance against ASEL, observed and verified mortalities, exporter mitigating actions and departmental regulatory actions.

**Department's response:**

Agreed

The department agrees to reformat the summary independent observer reports, noting that the recommended information is currently captured throughout the reports.

**Recommendation 5**

The department should be consistent in its reports with naming of entities, scheduling publication, and inclusion of non-compliance and regulatory action taken information. In this regard, the department should consider whether integration and rationalisation of reporting would be beneficial to make information more easily accessible to stakeholders.

**Department's response:**

Agreed

The department agrees to improve consistency across reports within legislative and procedural fairness constraints (including confidentiality of information provisions under the *Export Control Act 2020*).

**Recommendation 6**

The department develop and publish a service level commitment for the provision of IO observational data to exporters, and for the publication of all of its live animal export reports.

**Department's response:**

Agreed

The department will work with exporters regarding the timely provision of the information gathered by independent observers following a voyage.

To provide more predictability for stakeholders regarding the publishing of our reports, we will publish finalised IO reports on a quarterly basis aligning with ESCAS reporting.

A handwritten signature in black ink, appearing to read 'Ross Carter'.

Ross Carter

Inspector-General of Live Animal Exports

6 April 2023

# Introduction

The Department of Agriculture, Fisheries and Forestry regulates the export of livestock under the *Export Control Act 2020* and the *Export Control (Animals) Rules 2021*. The Australian Standards for the Export of Livestock (ASEL) provides the minimum animal health and welfare conditions required to export livestock.

Best practice regulation includes regulators being transparent and responsive communicators as part of implementing regulations in a modern and collaborative way (PMC 2020). Accordingly, communication and engagement activities are core functions of an effective regulator.

Communication and engagement by the department is undertaken in the context of a range of other relevant Australian Government legislation.

This includes the *Privacy Act 1988*, which regulates the use of personal information, and the *Freedom of Information Act 1982*, which allows individuals to request access to government information, including government policies and decisions.

The department engages a wide variety of stakeholders with an interest in livestock exports. Stakeholders include:

- live animal exporters, including live animal reproductive material exporters
- registered establishment occupiers
- accredited veterinarians (AAVs) and stockpersons
- national and state and territory peak export industry bodies
- national and state and territory farming organisations
- national and state and territory producer bodies
- producers and farmers
- agents for livestock
- animal health bodies
- animal welfare groups
- community groups
- Australian Government ministers
- other Australian and state and territory government departments
- other interested parties.

# 1 Engagement and communication

The department seeks to use the most appropriate communication channels for the given intent, audience, messaging and desired outcomes. Communication channels can be formal, informal, interactive, educational, face-to-face, directional or advisory.

## 1.1 Communications and engagement policy

The department published its communications and engagement policy on 19 April 2022 (DAWE 2022). The department incorporates this policy into each of its projects. The 3 ways the department engages are to:

- share
- consult
- collaborate.

## 1.2 Communication

The department shares information when it needs to inform stakeholders about a government initiative. New initiatives can be policy, guidance, future events or change in operations or management. It uses several communication channels to accomplish this, including:

- export advisory notices (EANs) and market access notices (MANs)
- website updates
- webinars and teleconferences
- direct correspondence such as emails and phone calls
- education, conferences and training events
- social media including Twitter, Facebook and LinkedIn
- brochures, information packs and reports.

A full list of EANs from 2007 was previously available on the department's website. The EANs contained information about livestock export processes, standards and other requirements and were quite detailed. This posed a problem for exporters and other stakeholders as there was potential for confusion or ambiguity on the status of superseded or outdated EANs.

In 2019 the department reviewed the list of EANs to remove outdated ones and move current content to the relevant webpage or external guideline. For example, the department moved any information about approved arrangements from EANs into the approved arrangements webpage. In 2022 the department further addressed the issues that arose from having too much detail in EANs and began to use them solely as a notification tool to inform livestock exporters on upcoming changes. This included any impacts on livestock export processes or standards, recently implemented regulatory changes, items open for consultation or any other information. To support this change, the department published a guideline on its internal Instructional Material Library to provide guidance to staff writing EANs and MANs. The inspector-general considers the changes the department has made in the way it uses EANs to be a positive step.

As part of the department's review of its use of EANs, it was decided that market specific advice should not be included in the EANs. This led to the creation of a new industry notice category called MANs. These are notifications that are relevant to specific export markets and include sensitivities or changes to requirements. A current list is available on the department's [Manual of Importing Country Requirements \(Micor\) website](#).

The department uses website analytics to understand the audience they are reaching with their materials. They do this by seeing how many hits and download counts the pages have. Recently, the analytics were used to help inform updates to the department's website content. The bottom of each webpage now has a feedback survey question 'Was this page helpful?' to assist in improving communications.

The department uses social media apps such as Facebook, Twitter and LinkedIn to communicate information to a wide audience. Social media is often used for projecting media statements. For example, the department used social media to help inform stakeholders that it had published guidebooks that support users of ASEL.

The department uses webinars to communicate with stakeholders. Webinars have been used to target different user groups to provide information on changes specific to them. For example, the department held webinars for the release of the revised Australian Standards for the Export of Livestock. Time was made available at the end of each webinar for feedback and how improvements could be made.

The department has set up a range of regular forum groups to engage with industry and other stakeholders on specific issues. There are 10 forums which traverse regulation, finance, legislation and animal welfare issues with industry. There are 2 forums for engagement with other government organisations, including states and territories. There is 1 forum, the Livestock Export Animal Welfare Advisory Group, that includes industry as well as animal welfare advocacy stakeholders. These forums are held on a regular basis by face-to-face meetings or dial-in video conferencing. A list of ongoing engagement forums and their purposes can be found in [Appendix B](#).

### **1.2.1 Communication with individual regulated parties**

The department interacts with individual regulated parties (exporters, AAVs and occupiers of registered establishments) through a wide range of channels as discussed throughout this report. Interactions obviously include advice and decisions but also include direct communication about issues of concern to the department and non-compliances. This communication is undertaken across telephone, face-to-face, email and formal written channels.

## **1.3 External guidance material and training**

The department's external guidance material can be found in various areas on its website. The department provides extensive links to supporting information such as policy, guidelines, and legislation relevant to each section of the livestock exports webpages. For example, the webpage that provides information on ASEL has a link to the *ASEL rejection criteria guidebook for cattle and buffalo* and a link to the *ASEL rejection criteria guidebook for sheep and goats*. The department produced these guidebooks to provide clarification and technical information on ASEL rejection criteria. They help to reduce subjectivity when assessing livestock and promote consistent application of rejection criteria.

It is a requirement under ASEL that all livestock voyages are accompanied by an accredited stockperson. LiveCorp provides and manages the shipboard stockperson training course and accreditation program. The training course is currently held online. A stockperson attains full accreditation after passing both a written exam and assessment of livestock handling skills, and subsequently completes 2 voyages on livestock export vessels within 2 years. Accreditation needs to be renewed every 2 years. The department provides input to LiveCorp on its requirements for the training and accreditation of stockpersons.

In some instances, an Australian accredited veterinarian (AAV) may be required to accompany a voyage in addition to an accredited stockperson. AAVs are also required to undertake a range of important aspects of land-based preparation of livestock for export. Animal Health Australia delivers the online Australian Government Accredited Veterinarian Course based on material provided by the department.

These courses are an important way in which the department communicates its requirements for livestock export.

## 1.4 Consultation

The department undertakes formal consultation when it needs feedback on new policy, legislation, guidelines and procedures relevant to live animal exports. Since 2019 the department has consulted on a wide range of matters including:

- the Export Control Act
- the Export Control (Animals) Rules
- cost recovery for live animal exports
- heat and cold stress in *Bos taurus* cattle
- the Australian Standards for the Export of Livestock
- third party assurance scheme for exported livestock
- registered establishment guidelines for the export of livestock by sea
- live sheep exports by sea, to or through, the Middle East during the northern hemisphere summer.

Stakeholders are consulted to seek to ensure that when the department puts in place any new or updated requirements, they are practical and fit for purpose, and appropriate guidance material is available. Many of the issues which the department consults on are contested with a wide range of views and perspectives across stakeholders. The approach the department has taken to developing policy positions in recent times is more rigorously evidence based. That is, the department develops its position based on technical and practical evidence and then presents this to stakeholders. In turn, stakeholders provide their opinions and evidence to support their position through submissions or other consultation avenues provided by the department.

The department often gathers information and evidence prior to developing and formally consulting on a particular matter and does this through a range of approaches such as meetings, workshops and conferences. The department also uses a range of approaches to gain input when it is formally consulting. However, the main approach the department uses for formal

consultations is the [Have Your Say](#) (HYS) consultation platform, which allows stakeholders to make a formal submission.

From February 2019 to August 2022 the department used the HYS platform 26 times to consult on livestock exports. For some matters multiple submission processes have been involved. For example, there were 6 submission processes for cost recovery and 5 for the Export Control (Animals) Rules 2020.

The length and timing of a public submission process is important. The number of days a submission is open is determined by factors such as urgency, importance or government guidelines. Depending on the significance of the proposal, between 30 to 60 days is usually appropriate for effective consultation, with 30 days considered the minimum. Longer consultation periods may be necessary when they fall around holiday periods (PMC 2020).

From February 2019 to August 2022 the number of days a submission process was open varied significantly. The shortest period was 11 days for 'Feedback on the export of sheep to the Middle East during September and October 2019'. The longest period was approximately 6 months for the 'Cost recovery for live animal exports' submit your feedback online consultation.

The largest number of submissions received for any project was 681 submissions for the *Review of live sheep exports by sea to, or through, the Middle East during the Northern Hemisphere summer*. This consultation was open for 43 days from 17 December 2021 to 28 January 2022. The inspector-general heard that this was inconvenient for a range of stakeholders as it occurred over the summer holiday period. It was a particularly inconvenient time for exporters as it also coincided with the Independent Performance Audit Report reporting period for Exporter Supply Chain Assurance System (ESCAS) participants.

The timing of submissions can also impact the quality when several submissions overlap each other. For example, from mid-September to early December 2019 the department had 5 submission processes open. Subjects included legislation, ASEL, animal welfare and cost recovery. During this period at least 3 submission processes overlapped at any given time.

## 1.5 Collaboration

The department collaborates with stakeholders where there are common interests and issues that would benefit from a collaborative approach to methods and solutions.

An important collaboration, particularly for industry co-design projects, is with [LiveCorp](#). LiveCorp is the service provider and research body for the Australian livestock export industry. They provide training for the livestock export industry to improve animal welfare and maintain market access. They also work with the department on projects to improve supply chain efficiencies and regulatory performance. Two recent and important examples of this collaboration are in the development of LIVEXCollect and the standardisation of export declarations.

In November 2020 the LIVEXCollect export journey reporting tool was released following extensive collaboration between LiveCorp and the department on its development. The introduction of LIVEXCollect provided the department and industry with a digitally-based reporting tool (rather than the previous paper-based reporting) and delivered a wider range of information that is easily collated and analysed through departmental systems to support both compliance assurance and performance data analysis.



LIVEXCollect's primary purpose is to provide exporters with an approved reporting form to meet ASEL requirements, as a part of the department's compliance assurance framework. However, the much broader and more detailed picture of export journey conditions provided by LIVEXCollect has also improved the department's ability to analyse voyage and air journey outcomes to support reviews of regulatory requirements and further improve animal welfare outcomes by providing data that can feed into evidence-based policy development.

In mid-2022 the department further collaborated with LiveCorp to identify and update animal welfare indicator data fields in LIVEXCollect. The updates will provide improved information about animal welfare onboard vessels, and make assessing and analysing the data collected easier for the department and exporters. The revised data collection requirements will be incorporated in the new LIVEXCollect smart device application and further analysis of trends in animal welfare data will be possible once the app is in operation. LiveCorp has indicated the app will be available for use from mid-2023.

In 2021–22 LiveCorp undertook a project [Improving regulatory efficiency and consistency through standardised export declarations](#) to standardise pregnancy, spay and vendor declarations for South-East Asian cattle markets. The benefit for industry in standardising these declarations was to create consistency across the industry, increase efficiency, and reduce the potential for error associated with exporters providing their own bespoke declarations. The benefit for the department was in efficiency in assessing declarations, and to encourage and support high levels of voluntary compliance by reducing the potential for error. LiveCorp, and their consultants who undertook the project, met and consulted with departmental staff to discuss departmental requirements for these declarations.

The department collaborates with other government agencies. For example, the department meets with the Australian Maritime Safety Authority on vessel requirements and state and territory governments on animal welfare policy and standards. This review did not examine these collaborations.

## 1.6 Observations and findings

The inspector-general considers that the department undertakes its formal consultation processes in line with standard departmental and Australian Government practice. The department generally consults and engages well with livestock export stakeholders.

The most common concerns raised by stakeholders in relation to formal consultation processes were:

- Timing – consultation processes are often scheduled for busy periods including the Christmas/New Year period. Where this occurred, it made it difficult for stakeholders to make submissions or to develop well researched submissions.

Industry is often provided with inadequate timelines to respond to Department consultations on significant issues. They are often short which constrains the ability of industry to consult and respond to effectively (ALEC 2022).

VALE has observed that the most critical live export reviews with public submissions invited routinely have short time periods for submission (eg. ASEL Update Review, Sept 20 to Oct 18) and are often over the Christmas/New Year period (VALE 2022).



- Quantity – with multiple and sometimes overlapping consultations overwhelming the capacity of some stakeholders to respond or respond in as considered a manner as they would like.
- Departmental response – concerns that timeframes for stakeholders to respond were not commensurate with the time it would take the department to conclude the matter being consulted on.

The inspector-general agrees that in some cases the timing and duration of submission processes have been inconvenient. This may lead to submissions being rushed without thorough consideration, or for some stakeholders to be unable to make a submission. The department does provide industry with a timetable of anticipated consultations and stakeholder meetings every 6 months. However, this may not be widely available across stakeholders, or within stakeholder organisations. The inspector-general suggests the department publish its indicative timetable of consultation activities on its website every 6 months for all stakeholders. Additionally, if busy or holiday periods cannot be avoided, providing additional time for submissions is desirable and should be factored in upfront.

Industry stakeholders have suggested that in some circumstances they may prefer to attend a 1-2 hour workshop to raise issues, rather than provide a written submission. The inspector-general considers that more informal approaches to consultation are important, should be considered across all stakeholders as appropriate, and that issues and matters raised in forums of this nature should be considered as validly as a written submission.

#### **Recommendation 1**

The department should increase meetings or workshops with stakeholders to ensure that those who are time constrained from providing formal submissions can be heard. This should target stakeholder segments to ensure that regional differences are identified, and so that stakeholders with widely disparate positions are heard separately.

While seeking to ensure that the outcome from a consultation process is timely it is inevitable that decision making, including considering new information from the consultation, can delay an outcome. Keeping stakeholders updated on progress is important to reduce perceptions that, while the consultation period was timebound, there is no explanation of delay in the subsequent decision.

Additionally, the department could improve the way in which it reports back to stakeholders on how the issues they have raised, and information they have provided, has been considered. Stakeholders put considerable effort into providing input and increased transparency in how this is 'heard' is important.

In land use planning regimes this feedback is often formalised as a 'response to submissions'. Generally, this involves aggregating and listing matters that are raised and providing a short summary of how it was considered in the final outcome. Importantly, this should include where the department has not agreed, or has a different take, on a matter that has been raised and the rationale for this.

## **Recommendation 2**

When the department undertakes a formal consultation process the subsequent decision should include a 'response to submissions' to inform stakeholders who made submissions of how their concerns were considered.

The department is involved in constructive collaboration with the livestock export industry, including through work programs with LiveCorp and with industry roundtable approaches to improving regulatory practice. The inspector-general considers that this is important and should continue to be a valued approach by the department. The inspector-general also reiterates, as discussed in the previous review *Monitoring and reporting during livestock export voyages*, the importance of AAVs and stockpersons in both consultation processes and in collaborative opportunities.

The inspector-general has heard that engagement with animal welfare organisations has continued to improve, particularly in the past year. The inspector-general has also heard important information and analysis from animal welfare organisations that may be valuable contributions to the departments work. The Moss review provided 2 recommendations of relevance in this regard:

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 (Moss 2018).

Recommendation 30: That the department establish appropriate forums to consult with stakeholders and assess community expectations (Moss 2018).

The inspector-general notes that the Livestock Export Animal Welfare Advisory Group (LEAWAG) was formed to address the Moss review recommendation 30. However, the inspector-general considers that LEAWAG is largely a one-directional information flow from the department rather than an advisory group and smaller, more focussed forums would be beneficial (IGLAE 2020a).

While there are opportunities for this information to be provided to the department through formal consultation and reporting allegations of non-compliance processes, there may be further opportunities for the department to collaborate with professional bodies (for example, the Australian Veterinary Association) and animal welfare organisations, particularly where they have strong technical skills and can provide a useful perspective on often contestable areas of evidence.

In relation to communication with individual regulated parties the inspector-general has heard that, in a number of instances, the messages from the department have been a surprise, not well understood, or delivered in a manner that the recipient considered to be abrasive. Where the department has concerns about the performance of a regulated party, good communication is critical to ensuring that the performance issue is effectively addressed. Ultimately, good regulatory practice is aimed at achieving desired behaviours from regulated parties and addressing poor behaviours.

Regulated parties generally want to comply with requirements so communication that is ambiguous or unclear can delay progress on a resolution. Clarity on what the problem is and what the department expects to be done to solve the problem is critical. It is also important to ensure that the tone of the communication does not detract from the substance of the issue. For more significant issues, the inspector-general considers that formal written advice in emails or letters should follow on from detailed telephone or face to face discussions. This would ensure the issue, the change the department is seeking, and any regulatory response the department is taking, are clearly explained. Follow up meetings or telephone discussions may also be required.

The inspector-general has observed, on a number of occasions, the industry perception of the department as a facilitator of the export livestock industry. The department continues to struggle to clearly communicate that while it has an overarching role in facilitating the livestock export trade, it also regulates participants in that trade and must ensure compliance. The Moss review discussed this issue in some detail. The department needs to ensure that its external communication to stakeholders is clear and consistent in this regard. It is also important that internal communications to regulatory staff are unequivocal on the regulatory role.

## 2 Reporting and transparency

The department provides reports that are publicly available on its website. The reports cover areas such as general data on livestock exports, ESCAS performance reports, independent observer (IO) summary reports, notifiable mortality reports and regulatory decisions. The department is also required to report to Parliament on livestock exports by sea.

The department provides a useful [all livestock exports report](#). The downloadable spreadsheet includes exports by air and sea. The report is compiled from information derived from export permits and government certificates issued to exporters at the time of departure. The reports are updated monthly and include financial or calendar years. Report data includes:

- mode of travel – air or sea
- month of departure
- state and load port
- species
- end use – breeder, feeder, productive or slaughter
- country of import
- quantity
- year – 2017 to 2022

### 2.1 Exporter Supply Chain Assurance System

The department investigates all alleged non-compliance under ESCAS. The department publishes a quarterly [ESCAS Regulatory Performance Report](#) that includes completed investigations. The department has published the ESCAS Regulatory Performance Reports in a range of formats since 2012. They now include a summary table of all feeder and slaughter livestock exported during the report period and are intended to be published quarterly. However, there was a significant gap in reporting between the last 2 performance reports. The 1 April 2021 to 30 June 2021 quarterly performance report was published in August 2021. The department did not publish another report until December 2022. The latest report covers 1 July 2022 to 30 September 2022. The report covering the year from 1 July 2021 to 30 June 2022 includes 9 investigations dating back to August 2020. The report includes investigation commencement dates but not completion dates.

### 2.2 Independent observer reports

Independent observers accompany some export consignments by sea. The publication of IO reports began in 2018 after the Awassi incident to provide public assurance.

The Australian public must have trust in the integrity and regulation of the live export trade. Reports from Independent Observers are a huge part of building this trust (Littleproud 2019).

The IOs collect and provide data based on their observations from the voyage. The department reviews all IO data to identify and verify non-compliance or other issues. The department then provides all observational data (redacted) to the exporter. At this time the department also

advises the exporter of potential non-compliance and issues and required actions. The department also publishes a summary of the independent observer data once investigations are finalised on their website.

No IOs were deployed from June 2020 until May 2022 due to COVID-19 travel restrictions. The IO program recommenced on 1 May 2022. At the time of this review the department had published 6 reports, with another 5 in progress, since recommencement. The department has introduced a new app to improve the rigour, objectivity and standardisation of IO reports.

The department advised the inspector-general that there had been a significant delay in publishing these reports. This was due to the implementation of the new app and the time it took to work through how to extract and publish information from it. The inspector-general has been assured that the new app is designed to provide more timely data as well as a more consistent format and use of terminology once fully implemented.

The department also indicated that delays in publishing IO reports were because any potential non-compliances required investigation and the investigation process can take considerable amounts of time depending on its complexity. This includes assessing observational data from the IO, including images and video footage, and getting it technically peer reviewed (Commonwealth of Australia 2023).

The inspector-general's review into *Monitoring and reporting during livestock export voyages* recommended:

Recommendation 6: That Independent Observer summary reports be published within a service-level commitment period after the conclusion of a voyage. Any matters under further investigation should be noted. Details of matters under investigation may be excluded, as appropriate, until the department's course of action is determined. Once this is determined, the published report should be updated to explain the issue and the department's response (IGLAE 2020b).

The department supported the recommendation:

The department will review its procedures for processing Independent Observer Reports with a view to establishing a timeframe within which summary reports will be published.

### **2.3 End of journey and voyage reports**

ASEL requires exporters to provide an end of journey report for every livestock consignment exported by air to the department. The department publishes a *Livestock exports by air* report that includes information derived from export permits and statistics on mortalities and other information from the end of journey reports. The *Livestock exports by air* report includes total mortalities and mortality rates for all species for each financial year. There is 5 years of data available on the department's website in this regard.

For export of prescribed livestock by sea, the Export Control (Animals) Rules 2021 (s 6-6(2)) requires the exporter to provide the department an end of voyage report. This is also specified under ASEL standard 5.6.8.

Exporters must notify the department when the air or sea export consignment mortality rate reaches the notifiable mortality level. Under ASEL, the notifiable level for cattle and buffalo is 0.5% or 3 animals, whichever is greater. The notifiable level for sheep and goats is 1% or 3 animals, whichever is greater. The department investigates all instances of notifiable mortality rates on air and sea consignments. Following investigations, detailed [mortality reports](#) are published. The reports include any actions required of exporters by the department in response to mortalities. This can include additional control measures, deployment of an independent observer or accredited veterinarian, or other regulatory response.

## 2.4 Report to Parliament

The Minister for Agriculture, Fisheries and Forestry is required to table in Parliament a departmental report on livestock exports from every sea voyage every 6 months. The information must be based on reporting by the master of the vessel under Marine Orders made under subsection 342(1) of the *Navigation Act 2012*. In accordance with the requirements of the *Export Control Act 2020*, the report relates only to information provided to the secretary or a delegate during the reporting period, regardless of whether the voyages occurred during the reporting period. This means voyages that may have occurred during the reporting period but are yet to provide their end of voyage reports would not be included, which sometimes leads to confusion with stakeholders. The department publishes a summary on its [reports to Parliament](#) webpage. At the time of this review the last published parliamentary report was June 2022.

## 2.5 Freedom of information

The *Freedom of Information Act 1982* requires government agencies to prepare an Information Publication Scheme (IPS) plan. The department's plan sets out how it will make information available under the IPS. The department will provide documents that they are requested to give access to through an FOI request, except if it contains:

- personal information
- information about the business, commercial, financial or professional affairs of any person
- other information determined by the Information Commissioner to be unreasonable to publish.

In accordance with the *Freedom of Information Act 1982*, the department redacts irrelevant or exempt material from documents before providing them. The department may also refuse to process an FOI request if they deem the request to be unclear or would involve a substantial and unreasonable diversion of resources to process. This may be due to the request being too broad in scope or involve too many documents.

The department provides a [disclosure log](#) which publishes a list of documents released in response to FOI requests. The disclosure log is not a comprehensive list of all documents released or all FOIs.

The Privacy Act can also prevent the publication or presentation of requested information. The Office of the Australian Information Commissioner (OAIC) is the independent regulator for privacy and FOI matters.

## 2.6 Privacy policy

The department's privacy policy is in accordance with the *Privacy Act 1988*. The department may collect personal information where it is necessary for one or more of its functions. Personal information is any information or opinion about an individual that is reasonably identifiable.

Business information does not fall within the definition of personal information under the Privacy Act. However, it may do so where the information is related to sole traders and partnerships. Where business information contains personal information, the Privacy Policy will apply to the personal information component (DAFF 2022b).

## 2.7 Observations and findings

The department seeks to provide transparency of the livestock export industry by reporting and publishing a range of information on their website and have done so for some time. The department is to be commended in this regard. Discussed below are a range of ways in which this reporting could be improved to increase the timeliness, consistency and utility of the information.

However, the major challenge for the department remains public trust and confidence in them as a regulator. One way in which regulators seek to instil public trust and confidence in their regulatory regime is by regularly publishing the activities they undertake to assure compliance. For example, the number and types of audits, inspections, investigations and the non-compliances that are detected. Regulators can also publish the nature of their regulatory responses such as warning letters, legal notices, penalty notices and prosecutions. Industry actions, such as corrective and mitigating actions that are taken in response to these non-compliances, can also be published.

The inspector-general has, in previous reviews, made observations and recommendations regarding the need for the department to move to a more rigorous and genuine proportionate response model (see *Livestock export permit systems and processes, Livestock export licences and approved arrangements* and *Review of the Exporter Supply Chain Assurance System*). Many of the concerns stakeholders have raised with the inspector-general relating to transparency and reporting can be attributed to a root cause of a lack of trust and confidence that the department is detecting non-compliance effectively, and taking proportionate regulatory action, including strong enforcement action where warranted.

As the department addresses the inspector-general's earlier recommendations on a proportionate response model (*Review of the Exporter Supply Chain Assurance System*, recommendation 8) it should ensure that opportunities to appropriately publish this information are taken. Much of the interest, pursuit of FOI, and speculation on previous IO reports and images that might demonstrate non-compliance, may not occur if the department was transparent on non-compliances detected, and, importantly, firm but fair proportionate action was being taken. That is, that stakeholders can see there is a clear connection between an unacceptable incident and a consequence. The department should provide an annual summary report that details these activities in future.

### **Recommendation 3**

The department should develop an annual regulatory activity report and publish it on its website.



Submissions to this review have criticised the use of summary reports for IO voyages, including the exclusion from publication of images or video footage.

The current approach to preparation of summaries undermines the purpose of stakeholder engagement, which is to strengthen protection for animal welfare and increase public confidence. In the Committee's submission, proper engagement with stakeholders requires that the full reports of the IOs (without redaction, other than in relation to the identity of the IOs), and any video footage, are made publicly available (Law Council of Australia 2022).

The Department should publish the process or guideline it applies to editing IO reports, and specifically outline what can and cannot be edited from IO reports that are summarised and published on its site. Ideally the only information that should be modified is the redaction of any private information (RSPCA 2022).

We remain concerned about the way the Department processes and summarises reports of Independent Observers. Comparative analysis between full observer reports (obtained under FOI) and relevant summary reports produced by the Department often reveals factual discrepancies and high levels of sanitisation regarding incidents and onboard conditions (Australian Alliance for Animals 2022).

As discussed above, the inspector-general considers that the concerns raised by stakeholders are primarily driven by a lack of trust and confidence that the department is clearly identifying non-compliance or poor practice and taking effective action in response. The stakeholder demands for the full publication of IO reports, and FOI requests for other information, is unlikely to abate unless this root cause is addressed by a track record that demonstrates effective regulatory practice.

The inspector-general considers that IO summary reports should become outcome reports, similar to the ESCAS regulatory performance reports. This is predicated on the department giving effect to a genuine proportionate regulatory response model. If this is in place the department should report on animal welfare issues and on non-compliance detected and proportionate action taken, including sanctions. There is arguably less public interest in the evidence that underpins regulatory action against a non-compliance if it is clear that action has been taken. In addition to clearer non-compliance information, any departmental actions required during or following the voyage should be included.

Additionally, not all livestock health and welfare issues that may be identified on a voyage are non-compliances, and some non-compliances may have significant mitigating factors. These health and welfare issues are usually being actively managed by the exporter at the time and may result in improved practices by the exporter in future. The actions and responses of exporters (including their AAVs and stockpersons) to these issues should also be described in the outcome report as they can provide important context, particularly where proactive positive action is demonstrated. This may also improve stakeholder confidence in the management of livestock health and welfare.

Each IO summary report relates to a vessel, with any non-compliance or management issues relating to an exporter. As there may be more than one exporter involved with a voyage it is important that both the vessel and the exporter(s) are identified in the reports.



**Recommendation 4**

The department should reformat summary independent observer reports to become outcome reports. The reports need to include all non-compliance against ASEL, observed and verified mortalities, exporter mitigating actions and departmental regulatory actions.

Currently the ESCAS and mortality reports do not provide any available images. The department considers images from ESCAS investigations to be outside accepted community standards.

We have a responsibility to everyone who may access this information, including children. We want to ensure they do not see images they might find upsetting or disturbing (DAFF 2022b).

The inspector-general heard that exporters are opposed to images from ESCAS investigations being published as they could be used negatively against the industry. Many of the images that are used in ESCAS investigations are provided by third parties. Animal welfare stakeholders argue that:

Transparency and objectivity is a responsibility of government and its departments, as well as in public interest and vital to the trade's social licence. Selectively deciding which images and footage to share publicly lacks transparency and objectivity and can be perceived as masking the reality of an inherently cruel trade (RSPCA 2022).

The inspector-general considers that the department's approach to publishing images is inconsistent. As discussed above the inspector-general considers that the root cause of concern relating to the publication of, or access to, images is because of a lack of trust and confidence that the department is taking appropriate action against non-compliance. Currently there is little counterfactual evidence that the department can provide. The inspector-general has discussed this issue and made recommendations in this regard both in this review, and previously in *Livestock export permit systems and processes* and *Livestock export licences and approved arrangements*.

The department should develop a considered position on the publication or release of images. Once again, the department would have a sounder basis on which to base such a position if it was confident that the detection of non-compliance and regulatory response was clear, and that it would meet community expectations. If this was the case the department may consider whether publishing images that illustrated where an unacceptable animal health or welfare incident had been identified accompanied by the regulatory response the department took, and the rationale for it, was of benefit. Benefits could include the deterrence value for other industry participants and increased community confidence that the regulator was on the job and effectively sanctioning poor performers.

There are a number of inconsistencies within and between the department's regular reports, as illustrated in Table 1. For example, the naming of entities is different for each report; images are included in IO summary reports but nowhere else; the frequency of publishing for all reports is different; and the reporting of non-compliance and regulatory action taken is different for each report.

**Table 1 Summary of departmental reports**

Report name	Number published	Published on web	Frequency	Full/summary	Entities named	Includes images	Includes regulatory actions
Independent observer summary report	222	Yes	When complete	Summary report for publication	Vessel	Yes	Yes
Mortality report	86	Yes	Following investigation	Full report for publication	Exporter	No	Yes
ESCAS	189	Yes	Quarterly following investigation	Full report for publication	Exporter Third party reporting	No	Yes
Report to Parliament on livestock exports by sea	36	Yes	6 months	Full report as required by legislation as tabled in Parliament	Exporter	No	Yes
Regulatory decisions	3	Yes	When complete	Full	Exporter, vessel, Industry groups, third parties	No	Yes

The inspector-general heard concerns from industry that too much information is published online.

Exporters remain very concerned about the level of detail being published on DAFF's website... Such detail provides a one stop shop for anyone to derive all the intelligence of Australian exporters – not only by fellow exporters (competitors) but also overseas customers, foreign governments and animal rights activist groups (ALEC submission).

While the department needs to be conscious of the potential for published information to be commercially sensitive (if the department is the only source from which commercial information could be derived) the high level of public interest in livestock exports requires a high level of transparency from the department.

#### **Recommendation 5**

The department should be consistent in its reports with naming of entities, scheduling publication, and inclusion of non-compliance and regulatory action taken information. In this regard, the department should consider whether integration and rationalisation of reporting would be beneficial to make information more easily accessible to stakeholders.

Submissions to this review have criticised the timeliness of the department finalising reports and providing or publishing them.

Industry has expressed its concern that IO observational data from long haul voyages are not being provided to exporters in a timely manner. The department sends the IO observational data (redacted) to the exporter so that early rectification actions can be taken where necessary, and

for procedural fairness in relation to any non-compliance allegations prior to publication. Once any additional information or evidence provided by the exporter has been considered and any investigation finalised, the IO reviews the report and prepares the summary. The summary is provided to the exporter before being published. In their submission to this review:

ALEC recommends that DAFF should implement mandatory reporting timeframes for Independent Observer reports to be provided to exporters, particularly if there are compliance issues identified, so that rectification actions can be taken as soon as possible. The timeframes should be legislated and similar to those for end of voyage reports by AAVs and accredited stockpersons (ALEC 2022).

The inspector-general considers that IO observational data should be provided to the exporter, as well as the finalised summary IO report published, in a consistent and timely manner, and has previously recommended this action (IGLAE 2020b). The inspector-general notes that the department has not yet implemented this recommendation. When it does so, the department should include service level commitments for the timely publication of all reports. This would provide an opportunity for the department to consider streamlining or integrating some of its reports.

**Recommendation 6**

The department develop and publish a service level commitment for the provision of IO observational data to exporters, and for the publication of all of its live animal export reports.

## 3 Response to enquiries, complaints and allegations of non-compliance

### 3.1 Enquiries

Stakeholders directly involved in livestock exports, and others with an interest, will make enquiries on various matters to the department. As with any complex area of administration, there are numerous departmental branches that may be responsible for responding. Live Animal Export Branch (LAEB) is the principal policy section for dealing with stakeholder enquiries relating to livestock exports.

The department has tried multiple branch structures and exporter enquiry models to be able to respond to enquiries effectively. Previously, the department had structured its operation teams under markets. For example, the Southeast Asian market. This meant that officers could develop a detailed understanding of the issues and policies relating to a particular market, as well as the exporters involved in those markets. However, exporters dealing in multiple markets and staff movements meant this model was difficult to sustain over time. The department also tried using a client contact officer model where a departmental officer would act like an account manager for an exporter. This provided consistency and a single point of contact for the exporter but also suffered from continuity issues with staff availability and movement.

The department's livestock export branch is now structured on a regulatory functional basis with enquiries being directed to the appropriate area for response. For example, licences, operations, voyage management and ESCAS.

The department has a general enquiry phone number displayed on its website (1800 900 090). Calls to the general enquiry number are transferred to a subject matter expert if available, or if not, a subject matter expert will return the call when available. In the last year, there were 5 calls to general enquiries in relation to livestock. The department maintains a call register with a brief explanation on the purpose of the call.

There is also a live animal general information phone line displayed on the website (02 6272 4581). The live animal general information line has been operating for more than 15 years. Live animal export staff answer enquiries during business hours – 8:30am to 12:30pm and 1:30pm to 5pm, Monday to Friday Canberra time. The department shut down this service in May 2020 at the start of the COVID-19 pandemic as there was no ability to divert calls. It was reactivated in July 2020. It was then shutdown from August 2021 until May 2022. The department notified industry of this during a teleconference, and there was a voice message to direct any enquiries through an email address. However, other channels for notification were not utilised leaving some industry participants unaware of the changed enquiry processes. The livestock general information phone line does not have a registry. Calls are not recorded for training or any other purposes.

### 3.2 Complaints

The department receives complaints from all stakeholder sectors. The type of complaint and how it is received determines what section of the department manages the response.

A complaint received in ministerial correspondence regarding livestock exports is referred to the LAE coordination team. A draft response is prepared using information provided by the relevant section.

The department's response to complaints operates within the general policy and approach to complaints in the Australian Government and is also in accordance with Australian public service values and code of conduct in practice (APSC 2021). Stakeholders did not raise any concerns with the inspector-general regarding complaints handling.

### **3.3 Allegations of non-compliance**

Allegations of non-compliance are dealt with separately for each section of the livestock export process. The allegations originate from third party observers or others working in the livestock export industry. The department investigates all allegations of non-compliance.

The majority of allegations of non-compliance relate to ESCAS. The inspector-general's review into ESCAS indicated that over 46% of non-compliance allegations came from third parties. Most of these allegations are related to animal welfare non-compliance in overseas facilities such as abattoirs and feedlots (IGLAE 2021a).

One of the most significant allegations of non-compliance came from a third party that was provided video footage by a crew member working on an export vessel, the *MV Awassi Express*. These allegations led to considerable reform of the livestock export industry, including the introduction of the Independent Observer Program.

### **3.4 Observations and findings**

The inspector-general considers that the department has in place, and follows, standard Australian Government practice in relation to complaints, FOI and privacy matters. As noted, the OAIC is the independent regulator for privacy and FOI matters.

A number of exporters expressed frustration that when the dedicated phone line was shut down during the COVID-19 pandemic the department's approach to receiving enquiries became unclear. Some exporters were initially unaware of the change in approach during this period, and many were concerned that access to departmental advice was more difficult during a time of increased operational uncertainty. The inspector-general suggests that the department develops contingency procedures to maintain an active direct phone line that can be implemented should similar circumstances occur.

Additionally, ensuring that the nature of calls is captured can be important in a number of ways. For example:

- Establishing a record of advice and decisions relating to a particular matter that is readily available to other officers.
- Dealing with similar calls consistently and efficiently by capturing the issues and answers developed in response (for example, through improved website guidance, scripts and internal training).

The inspector-general also heard that it can be difficult to obtain advice or decisions on matters that occur outside business hours. Regional veterinary officers are generally available during the operational phases of an export consignment and can address most issues. However, the

inspector-general heard of instances where advice or a decision was required from LAE branch out of hours.

The department's livestock standard hours of service are from Monday to Friday. The Canberra office hours are from 8:30am to 5pm, while the regional office hours are from 6:30am to 6:30pm local time. While the inspector-general understands this has improved in recent times with various senior officers accessible out of hours, the department should consider whether a more reliable and formal process be put in place for escalation of issues after hours.

Email correspondence is a ubiquitous feature of all current business and government administration. The inspector-general was given a number of examples of delayed response times by the department to email enquiries. Sometimes numerous follow-up emails were also required before a response was received. The inspector-general is concerned that a lack of systemised approaches to recording, allocating and tracking email enquiries may exacerbate response times. While accessing departmental officers on particular matters by email is an important avenue for enquiries it may, similar to phone enquiries, benefit from a more systemised approach to recording and tracking emails and responses to them. Customer relationship management systems or approaches should be considered by the department to provide this functionality. The additional benefits of retaining readily accessible temporal records of interactions with stakeholders to regulatory practice have been discussed in previous reviews (IGLAE 2021b, IGLAE 2020b).

It is inevitable that stakeholders involved in a highly contested policy environment will seek information to support their positions. The department needs to adhere to the legislative and policy requirements of government in considering what it publishes and how it responds to formal requests for information. In relation to FOI requests, there are also additional avenues that stakeholders can pursue if they are dissatisfied with the department's decisions, such as the Oaic.

However, there is a fundamental regulatory practice issue that undermines community trust and confidence in the department as a regulator. This is discussed in section 2.7 and reiterated here. As the inspector-general has raised in previous reviews (IGLAE 2021b, IGLAE 2022), the department does not have in place a clear proportionate regulatory response model that utilises the full range of legal powers available to address non-compliance. The inspector-general has consistently heard concerns from animal welfare advocacy groups that information that they seek access to through FOI or publications, often without success, may contain evidence of poor animal health and welfare outcomes and breaches of legislation and standards.

The inspector-general considers that this is a symptom of the department not having a succinct approach to non-compliance where it is recorded, the nature of it is described, and the regulatory response is articulated. In a proportionate model this can range from educational/advisory actions through to prosecution and licence cancellation and is often contextualised with mitigating/aggravating factors and correcting actions. In the absence of the department clearly communicating regulatory outcomes of this nature it is likely that stakeholders will continue to be concerned that the department is not taking appropriate action.

A track record as a regulator that demonstrates detection of non-compliance, and firm but fair actions and consequences in response, is an essential part of establishing trust and confidence. This was addressed in the Moss review under recommendations 4, 9, 10 and 22 (Moss 2018).

Further observations were provided in the inspector-general's *Implementation of Moss Review recommendations* review (IGLAE 2020a).



# Appendix A: Department's response



Australian Government  
Department of Agriculture,  
Fisheries and Forestry

ANDREW METCALFE AO  
SECRETARY

April 2023

Mr Ross Carter  
Inspector-General of Live Animal Exports  
GPO Box 858  
CANBERRA ACT 2601  
Via email: [iglae@agriculture.gov.au](mailto:iglae@agriculture.gov.au)

Dear Mr Carter

Ross

Thank you for providing your draft report "Communication and engagement in livestock export regulation" to the department on 17 March 2023, and for providing the opportunity to respond to your findings.

Best practice regulators are transparent, open, and responsive to stakeholders and as such effective communication and engagement skills, policies and processes are essential. We welcome your report and appreciate your insights.

We agree to all your recommendations (enclosed) and support the premise that publishing more information may improve stakeholder confidence in the department as a regulator. However, we note that the publishing of information must also be within legislative and procedural fairness constraints, within accepted community standards and presented in context to prevent misinterpretation. These constraints prevent us publishing some images and make it challenging to publish reports within a specified time frame. The department acknowledges this may lead stakeholders to perceive a lack of transparency.

To assist stakeholders who are interested in independent observer summary reports, we are implementing a quarterly publication schedule where we will publish all summary reports finalised in the preceding quarter. This aligns with our publication process for Exporter Supply Chain Assurance System reports. As we implement the new publication process for independent observer summary reports, we will continue to look for opportunities to improve the timeliness of the publication of our reports and more transparently demonstrate the department's regulatory actions.

I wish you happiness in your retirement and thank you for your commitment and service to improving our regulation of livestock exports.

Best wishes

Andrew Metcalfe AO

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## Enclosed response

### Recommendation 1

The department should increase meetings or workshops with stakeholders to ensure that those who are time constrained from providing formal submissions can be heard. This should target stakeholder segments to ensure that regional differences are identified, and so that stakeholders with widely disparate positions are heard separately.

Department's response: Agreed

The department uses many engagement strategies and platforms, as described in our "Stakeholder Communication and Engagement Policy Live animal exports" published on our website, and, also, depending on the purpose of specific communication, consultation or other engagement. The department also invites direct input (both formal and informal) from stakeholders through email, web content, telephone and face-to-face meetings.

To continue to support stakeholders' participation, we will update our "Stakeholder Communication and Engagement Policy Live Animal Exports" and publish a summary of consultation undertaken for future reviews. We will also reiterate guidance when seeking public comment on draft reports and will continue to invite stakeholders to engage with us on an individual or group basis, particularly if they have difficulties or concerns about providing a formal submission.

### Recommendation 2

When the department undertakes a formal consultation process the subsequent decision should include a 'response to submissions' to inform stakeholders who made submissions of how their concerns were considered.

Department's response: Agreed

For each formal consultation process, the Live Animal Exports program will adopt a policy to include a summary of the themes to submissions or discussion in the final report.

### Recommendation 3

The department should develop an annual regulatory activity report and publish it on its website.

Department's response: Agreed

We will publish additional information about our regulatory activities (e.g. number of audits and outcomes of investigations) noting the *Export Control Act 2020* may limit the use and disclosure of certain information. It may also not be appropriate to report on matters where parties are seeking review or are subject to legal challenge.

### Recommendation 4

The department should reformat summary independent observer reports to become outcome reports. The reports need to include all non-compliance against ASEL, observed and verified mortalities, exporter mitigating actions and departmental regulatory actions.

Department's response: Agreed

The department agrees to reformat the summary independent observer reports, noting that the recommended information is currently captured throughout the reports.

### **Recommendation 5**

The department should be consistent in its reports with naming of entities, scheduling publication, and inclusion of non-compliance and regulatory action taken information. In this regard, the department should consider whether integration and rationalisation of reporting would be beneficial to make information more easily accessible to stakeholders.

Department's response: Agreed

The department agrees to improve consistency across reports within legislative and procedural fairness constraints (including confidentiality of information provisions under the *Export Control Act 2020*).

### **Recommendation 6**

The department develop and publish a service level commitment for the provision of IO observational data to exporters, and for the publication of all of its live animal export reports.

Department's response: Agreed

The department will work with exporters regarding the timely provision of the information gathered by independent observers following a voyage.

To provide more predictability for stakeholders regarding the publishing of our reports, we will publish finalised IO reports on a quarterly basis aligning with ESCAS reporting.

## Appendix B: Industry engagement forums

Forum name	Purpose	Frequency
Livestock Export Industry Consultative Meeting	Discuss regulation with livestock exporters and peak bodies.	2 times a year
Live Animal Exports Finance Industry Consultative Committee (LAEFICC)	Provide information to exporters and peak bodies about the Cost Recovery Implementation Statement, the department's financial performance for live animal exports, and changes to fees and charges for the coming year.	3 times per year
Live Animal Exports Roundtable Working Group (RTWG)	<ul style="list-style-type: none"> <li>Oversee the progress of the RTWG final report work plan.</li> <li>Provide advice to the LAEB project team on specific projects.</li> <li>Discuss significant topics related to livestock exports to better understand exporters and departmental positions.</li> </ul>	Every 2 months – alternating months with RTWG-CEO level meeting (below)
Live Animal Exports Roundtable Working Group - CEO Level Meeting	<ul style="list-style-type: none"> <li>Oversee the progress of the RTWG final report work plan between full RTWG meetings.</li> <li>Provide advice to the project team on specific projects between full RTWG meetings.</li> <li>Discuss significant topics related to livestock exports to understand everyone's positions between full RTWG meetings.</li> </ul>	Every 2 months – alternating months with RTWG meeting (above)
LAE Industry Teleconference	Provide information to exporters, AAVs, peak bodies and occupiers of Registered Establishments about the regulation of livestock exports, and for participants to ask questions about information provided by the department (rather than individual consignments).	Monthly
Livestock Export Animal Welfare Advisory Group	Provides for strategic consultation between livestock industry, animal welfare organisations, state and territory animal welfare agencies and research groups and the department about livestock exports animal welfare practices, standards and legislation in Australia.	2 times a year
Livestock Export Animal Welfare Collaboration Group	Provides for collaboration and communication between key livestock export industry representatives and the department on projects and initiatives relevant to livestock export animal welfare.	2 months
Live Animal Exports Operations team meeting with LiveAir	Enable feedback and discussion on operational issues and matters of interest specific to livestock exporters by air.	3 months
Livestock Export Animal Welfare Collaboration Group sub-group meetings	Provides for strategic consultation with industry about livestock exports animal welfare practices, standards and legislation in Australia.	2 times a year
Animark re LGAP implementation	Monitoring AniMark's progress against revised LGAP implementation plan.	Monthly
Australian Maritime Safety Authority (AMSA) meeting	Discuss projects, issues and regulation between the 2 government organisations.	Monthly
Data and digital working group meeting with LiveCorp	Discuss data sources, data uses and data projects.	Monthly
State and Territory Livestock Animal Exports and Animal Welfare Regulators Group	A forum to consult on current issues, share information, clarify roles and responsibilities, and better understand jurisdictional responsibilities along the livestock export chain.	2 times a year

## Appendix C: Submission issues register

Issues raised through the submission process and interviews with stakeholders

<b>Issue</b>	<b>Inspector-general response in report</b>
Department's performance against service standards	Section 1.6
Infrequent departmental performance reports	Section 2.7
Timeliness of responses to enquires	Section 3.4
LAE phonenumber issues	Section 3.4
Timeliness of website updates	Section 1.2
Timeliness of updates to guidance material	IGLAE 2022
Privacy policy	Section 2.6
Timeliness of independent observer reports being published	Sections 2.2; 2.7
No forward workplan for departmental reviews	Section 1.6
Timeframes for submission processes	Section 1.6
ESCAS non-compliance reporting	Section 2.7
ESCAS reports taking a long time to conclude and be published	Section 2.7
Regulatory culture in the department	Sections 2.7; 3.4
Cost recovery invoice not itemised	Out of scope
FOI requests no longer published	Section 2.5
How the department deals with non-compliance and enforceability with ESCAS	Sections 2.7; 3.4
Departmental staff not having animal welfare qualifications	Out of scope
Application forms frustrating to use because the fillable PDFs malfunction	Out of scope (earlier reviews)
Length of time it takes for the department to respond to some email enquiries	Section 3.4
The department's response to non-compliance	Section 2.7
Information about non-compliances being handed to exporter	Section 2.7
Transparency of animal welfare issues and incidents	Section 2.7
Engagement with animal welfare organisations	Section 1.6
Recognition of veterinarian bodies and animal welfare bodies in non-routine regulatory matters	Section 1.6
Animal welfare and community groups as stakeholders in relation to policy guidelines and procedures development	Section 1.6
Transparency on breaches to animal welfare regulations	Sections 2.7; 3.4
Transparency on how regulatory breaches are evaluated and enforced	Sections 2.7; 3.4
Transparency on live animal export data	Section 2.7
Inadequate responses to third party stakeholders in relation to enquiries, reports, complaints and allegations of non-compliance	Sections 2.7; 3.4
Lack of information in public domain on internal processes and procedures	Out of scope
Changing web page URLs creating difficulty accessing information	Section 1.6

# Glossary

<b>Term</b>	<b>Definition</b>
animal welfare	The ability of an animal to cope with the conditions in which it lives and dies as described in the World Organisation for Animal Health (OIE) Terrestrial Animal Health Code.
Accredited veterinarian (AAV)	A veterinarian who is accredited by the department to carry out export operations in approved export programs. Previously referred to as Australian Government accredited veterinarian.
Australian Standards for the Export of Livestock (ASEL)	The minimum animal health and welfare requirements the Australian Government expects the livestock export industry to meet throughout the supply chain from sourcing to disembarkation overseas.
collaboration	United effort between the department and other agencies on a project or piece of work.
consignment	A group of livestock that are under export preparation by one exporter and are destined for export, or have been exported, from a single seaport or airport.
consultation	A formal process where the department seeks feedback from stakeholders.
export advisory notice (EAN)	Inform livestock stakeholders of any changes that impact the live export process or standards, regulatory changes, items open for consultation and other notifications.
forum	An assembly to provide for discussion of issues and information sharing.
independent observer (IO)	Departmental staff that accompany livestock voyages by sea to monitor and provide data on exporter arrangements on-board livestock export vessels.
livestock	Cattle, sheep, goats, deer, buffalo and camelids, including the young of these animals.
livestock export consignment report (LECR)	A report recording any issues and potential or actual non-compliance identified during livestock inspection and document verification.
market access notice (MAN)	Inform livestock exporters of overseas market access information.
regional veterinary officer (RVO)	A departmental veterinary officer authorised to inspect livestock for export and issue export permits and government certificates.
the department	The Department of Agriculture, Fisheries and Forestry (and its predecessors).
Tracking Animal Certification for Export (TRACE)	An online departmental system that manages the application and approval processes for consignments of all live animals exported from Australia.

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