

22 September 2023

Joint Standing Committee on Trade and Investment Growth
PO Box 6021
Parliament House
CANBERRA ACT 2600

Via email: jsctig@aph.gov.au

Dear Committee members

Protecting animal welfare in trade and investment agreements

Thank you for the opportunity to provide a submission to the inquiry into the Australian Government's approach to negotiating trade and investment agreements. We represent six of Australia's leading animal protection organisations with a combined supporter base of over 2 million Australians. Our members include Animals Australia, Compassion in World Farming, Humane Society International Australia, World Animal Protection Australia, FOUR PAWS Australia, and Voiceless, the animal protection institute.

International trade and investment agreements play a major role in shaping Australian trade, industry and business policy and practice on a range of matters, including standards of animal welfare. It is important that such agreements do not give rise to perverse incentives for practices that are inconsistent with Australian values or that undermine local standards of production that accord with Australian regulatory requirements.

Animal welfare is of great concern to the Australian community and is an increasingly important component of sustainable development having implications for all three pillars of sustainability – economic, social, and environmental. The World Trade Organisation's Dispute Settlement Body has also endorsed the right of nation states to implement measures necessary to protect standards of animal welfare supported by their citizens.¹

Despite the increasing importance of animal welfare in international trade, it has not traditionally featured in trade and investment agreements to which Australia is a party, nor has it been

¹ Appellate Body Report, *European Communities – Measures Prohibiting the Importation and Marketing of Seal Products* (DS400, 401), adopted 18 June 2014.

considered a high priority by Australian trade negotiators. It is pleasing to see this has recently changed with the Australia-UK Free Trade Agreement containing a dedicated chapter on animal welfare.² Similar provisions have been proposed for the draft Australia-EU Free Trade Agreement.³

However, in both cases, the impetus for including such provisions derived from trading partner concerns over Australia's comparatively poor animal welfare standards, rather than the initiative of the Australian Government. This placed Australia on a reactive, and at times, defensive, footing in the negotiations. This was unfortunate. There is no need for Australia to find itself in this position in future negotiations.

Australia is well placed to be an international leader in animal welfare practices and should seek to capitalise on this comparative advantage and market opportunity in future trade negotiations. Principles and standards of animal welfare should be proactively embraced within Australian trade policy and consistently promoted to all parties with which Australia is negotiating trade and investment agreements.


When Australia is negotiating with countries that have comparatively high animal welfare standards, it is important the Australian Government embrace commitments to improving standards to ensure continued and improved market access for Australian exports. Conversely, when negotiating with countries with comparatively low animal welfare standards, it is important that measures are adopted to ensure that Australian standards of production are not undermined and placed at a competitive disadvantage through cheap and inferior imports produced using methods that would be illegal under Australian law.

We encourage Committee members to recommend that the Department of Foreign Affairs and Trade lead the development of an animal welfare trade policy in conjunction with the Australian animal welfare sector. This policy should include principles of animal welfare to which the Australian Government subscribes, a strategy for the Government's approach to negotiating animal welfare provisions in trade and investment agreements, and a formal framework for consultation with key animal welfare stakeholders, both in formulating a negotiating mandate and during the course of negotiations.

For further detail on such policy, we **enclose** a comprehensive briefing paper on Animal Welfare and Wildlife Trade Provisions prepared by our member organisation Humane Society International to inform the Australia-EU FTA negotiations.

² Australia-UK Free Trade Agreement, chp 25 and 'Chapter XX Sanitary and Phytosanitary Measures'.

³ European Commission (Initial Text Proposal, Australia-EU Free Trade Agreement, 10 August 2018) <https://policy.trade.ec.europa.eu/eu-trade-relationships-country-and-region/countries-and-regions/australia/eu-australia-agreement/documents_en>.

We trust our submission will be of assistance to the Committee. Should you require any clarification or further information, we can be contacted on 



Yours sincerely,



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Director of Policy



Dr Bidda Jones AM
Director of Strategy