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Budget Policy Division Treasury Langton Cres PARKES ACT 2600

Via: www.consult.treasury.gov.au

2023-24 Pre-budget submission

Thank you for the opportunity to make a submission to the 2023-24 Budget.

We represent six of Australia's leading animal protection organisations with a combined supporter base of over 2 million Australians.

We trust our attached submission will be of assistance in conveying our position on the budget. Should you require any clarification or further information, I can be contacted on

Yours sincerely,



Dr Jed Goodfellow Co-Director Australian Alliance for Animals



About the Australian Alliance for Animals

The Australian Alliance for Animals is a national charity leading a strategic alliance of Australia's key animal protection organisations to achieve systemic change for animals. Through our six core member organisations, we have a combined supporter base of over two million people.

Learn more about our work on our website: www.allianceforanimals.org.au













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In the spirit of reconciliation, we acknowledge the Traditional Custodians of country throughout Australia and their enduring connections to land, sea and community. We pay respect to their Elders past and present.



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Introduction

Animals are an intrinsic part of Australian society. From our iconic wildlife, to our cherished pets, and the many millions of animals farmed for food and fibre, the social and economic contribution that animals make to Australian society is profound. The humane treatment of animals is a principle that is embraced by the overwhelming majority of Australians and is often said to be a marker of the moral character of a society.

Apart from the strong ethical case for treating animals humanely, animal welfare is now taking on increasingly important economic dimensions as it begins to play a more prominent role in industry sustainability policy, trade and market access, and in shaping Australia's international reputation as an environmentally responsible global citizen. The value to Australian society of maintaining and improving animal welfare is clear and should form a key pillar of government policy into the future.

Australia currently lacks a national framework for developing animal welfare policy and standards. As a consequence, progress on developing national standards has faltered and inconsistencies in implementation have increased, leading to impacts upon business, trade and market access, and Australia's international standing.

In light of the low starting base, a relatively small investment in federal government budgetary terms, will provide significant returns for government, industry, and the Australian community. This submission proposes an investment of \$72 million over four years (\$9 million of which has already been committed by the current Government) to re-establish national leadership and Australia's international reputation on animal welfare.

This includes renewing the Australian Animal Welfare Strategy, establishing a national Commission of Animal Welfare, and creating an Inspector-General for Animal Welfare. The proposed policies draw from current government policy commitments and the recommendations of the Australian Productivity Commission, and are broadly consistent with principles agreed to by Australian agriculture ministers.

For further background to these and other reforms, please see our report, *Building a Fairer* Australia for Animals, available for download at www.fairgoforanimals.org.au



Recommendations

1. Renew the Australian Animal Welfare Strategy

Relevant portfolio: Agriculture, Fisheries and Forestry

Budget measure:

	2023-24	2024-25	2025-26	2026-27	Total
Cost (\$m)	2.0	2.0	2.0	2.0	8.0

2. Establish a national Animal Welfare Commission

Relevant portfolio: Agriculture, Fisheries and Forestry

Budget measure:

	2023-24	2024-25	2025-26	2026-27	Total
Cost (\$m)	15.0	15.0	15.0	15.0	60.0

3. Establish the Inspector-General for Animal Welfare

Relevant portfolio: Agriculture, Fisheries and Forestry

	2023-24	2024-25	2025-26	2026-27	Total
Cost (\$m)	1.0	1.0	1.0	1.0	4



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1. The value of animal welfare

While there have long been strong ethical reasons for treating animals humanely, animal welfare is now playing an increasingly prominent role in industry sustainability policy, trade and market access, and in shaping Australia's international reputation as an environmentally responsible global citizen. As a result, animal welfare is taking on important economic dimensions. The value to Australian society of maintaining and improving animal welfare is increasingly apparent and should form a key pillar of government policy into the future.

1.1 Australians care – animal welfare as a public good

Australians are increasingly concerned about animal welfare. Sociological research indicates that values towards animals have been shifting since the 1970s from an instrumental conception of animals in which their value is based on their utility to human beings, to a post-material ethic of care and compassion. These changing values have been influencing expectations around the care and treatment of animals and pose increasing challenges for the market's ability to accommodate and meet such expectations.

A 2018 report commissioned by the Australian Government and prepared by the specialist consulting firm Futureye, explored the views of Australians on farmed animal welfare.² The report found that community expectations on farmed animal welfare are evolving, and there is a "high level of concern about the treatment of farm animals and current regulation".³ It further found "high levels of agreement on rights and freedoms for animals, particularly relating to freedom from pain and cruelty":⁴

- 95% of Australians view farmed animal welfare to be a concern
- 92-95% (depending on the species) view farmed animals as sentient
- 91% want to see some reform to address their concerns.⁵

More recent polling by Roy Morgan Research in March 2022⁶ found similarly high levels of support for stronger animal welfare laws and for governments to do more to protect animal welfare:

- 98% of Australians consider animal welfare to be important
- 94% support laws that ensure animals are provided with a good quality of life

¹ See, Adrian Franklin, Bruce Tranter, and Robert White, 'Explaining Support for Animal Rights: A Comparison of Two Recent Approaches to Humans, Nonhuman Animals, and Postmodernity' (2001) 9:2 Society & Animals 127, 127-144; Nicole Mazur, Cecily Maller, Heather Aslin and Robert Kancans, Australian Animal Welfare Strategy Stakeholder Analysis Phases 1-4 (2006) Bureau of Rural Services, Australian Government.

² Futureye, Commodity or Sentient Being? Australia's Shifting Mindset on Farm Animal Welfare (Report, 2018). ³ Ibid 10.

⁴ Ibid.

⁵ Ibid 4.

⁶ Roy Morgan Research, Attitudes to Animal Welfare, (Report, March 2022).



- 97% support laws that ensure animals are protected from cruel treatment
- 95% support animals being given pain relief for surgical procedures
- 80% support government doing more to protect animal welfare
- 74% support the creation of an independent body to oversee animal welfare
- 85% support animal welfare laws reflecting community expectations and best-available science.

The increasing support for stronger action from government may, in part, be explained by the public good nature of animal welfare. The welfare of animals is not a market good in the same way the products deriving from animals (meat, eggs, milk, wool etc) are because it has no explicit value in terms of market prices. Animals may continue producing and functioning biologically despite being in poor states of welfare. Accordingly, the market cannot efficiently allocate resources to animal welfare, which generally causes welfare standards to fall below socially desirable norms as producers employ methods of increasing productivity that may conflict with animal welfare.

This creates a negative externality for society and points to a role for government in ensuring that welfare standards are improved in line with community expectations. This would be a public good as the knowledge of improved animal welfare benefits society generally, particularly the majority of Australians who care about animal welfare and desire assurances that it is being addressed.

1.2 Industry sustainability

Animal based industries including the pet, zoo and aquaria, racing, and livestock industries, contribute billions of dollars to the Australian economy every year. With increasing levels of consumer interest in the provenance of products¹⁰ and public concern about animal welfare, the adequacy of welfare standards operating within an industry is becoming a key determinant of its ongoing sustainability.

Poor animal welfare standards can have a very detrimental effect on animal-based businesses and industries due to a range of consequential social and economic factors. According to Futureye, a 'social licence' is the implicit acceptance of an industry, business, or service by the community – "to retain this acceptance requires ongoing alignment to society's values, paying

⁷ UK Farm Animal Welfare Committee, Economics and Farm Animal Welfare, 2011, 21.

⁸ Donald Broon, 'Animal Welfare: Future Knowledge, Attitudes and Solutions' (Paper presented at AAWS International Animal Welfare Conference, 31 August - 3 September 2008) 8.

⁹ John McInerney, Animal Welfare, Economics and Policy: A Report on a Study Undertaken for the Farm and Animal Health Economics Division of DEFRA (2004)

<www.archive.defra.gov.uk/evidence/economics/foodfarm/reports/documents/animalwelfare.pdf.> 2-3.

¹⁰ "More than 70% of consumers place increasing importance on information about how food and ingredients are manufactured, prepared and handled": Minister for Agriculture, Fisheries and Forestry, Senator the Hon Murray Watt, 'Grants to improve ag sector's sustainability credentials,' Media Release, 19 January 2023.



attention to their concerns and resolving issues."¹¹ When the practices of an industry do not align with the community's values and expectations, the industry is exposed to social licence risk. Public exposure can lead to community outrage, consumer boycotts, protest actions, litigation, and political and regulatory intervention.

When research data on community values and expectations around animal welfare are considered against current industry practices, it is clear that certain industries are heavily exposed. As recent polling by Roy Morgan Research found, 95% of Australians support animals being given pain relief for surgical procedures, and Futureye's research noted "high levels of agreement on rights and freedoms for animals, particularly relating to freedom from pain and cruelty." Yet despite this, most invasive husbandry practices carried out on Australian farms occur without any form of pain relief.

Wastage, including the practice of killing male calves in the dairy industry and male chicks in the egg industry, is another area of high social licence risk. The greater the divergence from community values, the greater the risk. Prominent examples of animal industries facing major social licence challenges in Australia include the live animal export trade and the horse and greyhound racing industries. Each of these industries have been the focus of major public exposés resulting in fierce public backlash and major regulatory reforms creating great disruption to the industries.

Investment in strong standards of animal welfare that reflect contemporary scientific knowledge and community expectations and robust compliance monitoring and assurance schemes are essential to avoid such disruptions in the future. While various industry bodies have developed sustainability frameworks which include some measures of animal welfare, government still has an important role to play in establishing adequate regulatory benchmarks and compliance frameworks to provide the community with independent assurance that standards are being upheld in practice.

1.3 Trade and market access

Concern for animal welfare is not just increasing in Australia but is a pattern occurring across the globe including in countries that make up some of Australia's most important trading partners. The recently finalised Free Trade Agreement with the United Kingdom (UK FTA) includes a dedicated chapter on animal welfare, committing Australia to ensuring "that its laws, regulations and policies provide for and encourage high levels of animal welfare protection" and to continuing to improve levels of animal welfare through such measures. The Agreement also binds Australia to establishing a Joint Working Group on Animal Welfare with UK Government officials responsible for animal welfare to review developments in animal welfare and promote high animal welfare practices. While the agreement has been ratified in Australia, it is still facing

¹¹ Futureye, Commodity or Sentient Being? Australia's Shifting Mindset on Farm Animal Welfare (Report, 2018) 99.

¹² Australia-UK Free Trade Agreement, opened for signature 17 December 2021 (not yet in force) chp 25.



sustained political opposition in the UK due to ongoing concerns about Australia's comparatively low standards of animal welfare.¹³

Similar concerns are being raised with Australian trade officials in the current negotiations on the European Union Free Trade Agreement (EU FTA). The draft text of the EU FTA includes similar animal welfare provisions to those found in the UK FTA.¹⁴ In commenting on his recent trade visit to Europe, the Minister for Agriculture, Forestry and Fisheries Senator the Hon Murray Watt said that continuing to improve Australia's animal welfare standards was essential for its ongoing for ability to sell produce to the world.¹⁵

It is becoming increasingly apparent that animal welfare will form a critical component trade access to key markets in the future. Investment in improving animal welfare standards and providing assurances of such will help Australia to secure and maintain such markets.

1.4 International reputation

Standards of animal welfare affect the international reputation of nations as advanced and environmentally responsible actors. The recent challenges during the UK and EU FTA negotiations were accentuated by Australia's deteriorating international reputation on animal welfare. Australia recently received a 'D' ranking on the World Animal Protection Index, ¹⁶ one of the lowest rankings of any developed economy, and on the measure of farm animal welfare, Australia received an 'E' ranking. A significant component of Australia's comparatively low ranking derives from the lack of national leadership and robust governance arrangements for animal welfare. As an economically prosperous nation with significant animal-based industries, this low ranking, relative to comparable nations around the world, impacts upon Australia's international reputation as a provider of 'clean green' agricultural products. Improving and maintaining high standards of animal welfare will be an essential component for improving Australia's image as a progressive and environmentally responsible citizen on the world stage.

¹³ Latika Bourke, 'Australia's 'backwards' animal practices still in the way of free trade deal with Britain' *Sydney Morning Herald*, 25 January 2023 https://www.smh.com.au/world/europe/australia-s-backwards-animal-practices-still-in-the-way-of-free-trade-deal-with-britain-20230124-p5cex5.html. See also, Peter Foster, 'Farmers and Activists Call for Level Playing Field in UK Trade Deals' *Financial Times* (online, 2 October 2022) https://www.ft.com/content/e2322341-5637-49cc-8713-6997f0f39a87; 'Australia Trade Deal Analysis Warns of Unfair Competition Due to 'Outdated, Cruel and Unsustainable Farming Practices' *Nation CYMRU* (online, 30 March 2022) https://nation.cymru/news/australia-trade-deal-analysis-warns-of-unfair-competition-due-to-outdated-cruel-and-unsustainable-farming-practices/.

¹⁴ 'Chapter XX Sanitary and Phytosanitary Measures', *European Commission* (Initial Text Proposal, 10 August 2018) .

¹⁵ Latika Bourke, 'Australia's 'backwards' animal practices still in the way of free trade deal with Britain' *Sydney Morning Herald*, 25 January 2023 https://www.smh.com.au/world/europe/australia-s-backwards-animal-practices-still-in-the-way-of-free-trade-deal-with-britain-20230124-p5cex5.html.

¹⁶ Animal Protection Index' World Animal Protection (Web Page, 2020) https://api.worldanimalprotection.org/>.



2. National leadership on animal welfare policy

Despite the growing significance of animal welfare to consumer confidence, industry sustainability and global trade, Australia has no national strategy or formalised framework for the development of animal welfare standards and policy. The previous Australian Animal Welfare Strategy, which set out a framework for progressing Australia's animal welfare standards in conjunction with state and territory jurisdictions and key stakeholders, was defunded in 2013 and never reinstated. Instead, the then Australian Government deferred to state and territory governments to self-nominate to lead individual standards development processes.

The absence of national leadership and coordination meant that progress on reviewing and developing national animal welfare standards faltered and inconsistencies in implementation increased. Table 1 depicts the slow rate of review and implementation of the national standards and the inconsistent legal status attributed to the standards under state and territory law.

For example, national standards for sheep and cattle were endorsed by ministers in 2016 following a four-year development process. Over seven years later, less than half of Australian jurisdictions have implemented the standards into state law. Of those that have, two have adopted the standards as mandatory regulations (South Australia and Queensland) while the other two (New South Wales and the Northern Territory) have adopted them as non-enforceable quidelines.



Table 1: Progress of national standards development and implementation as of 27 January 2023

Animal Welfare Standard	Review commenced	Endorsed by Ministers	Implemented in state law	Mandator Yes	y? No
Land Transport	2007	2008	SA, 2012; NSW, 2013; NT, 2013; Tas, 2013; Vic, 2013; Qld, 2014; ACT, 2018; WA, 2020	Vic; Qld; ACT;	NT
Horses	2009				
Sheep	2012	2016	SA, 2017; NSW, 2017; Qld, 2021	SA; Qld	NSW
Cattle	2012	2016	SA, 2017; NSW, 2017; Qld, 2021; NT, 2022	SA; Qld	NSW; NT
Saleyards	2013	2018	WA, 2020; Qld, 2021; NT, 2022	WA; Qld	NT
Exhibited Animals	2014	2019			
Poultry	2015				
Slaughter	2016				
Pigs	2017				

The fragmentation and inconsistency in national standards implementation creates a range of additional difficulties for businesses operating across state borders. It increases compliance costs as the complexity involved with navigating differing state legislative requirements places a greater burden on businesses. It impacts competition by creating an uneven playing field between businesses operating in different states. It deters investment due to the uncertainty such inconsistencies create in the regulatory operating environment. And finally, it accentuates the challenges of market access due to the added difficulty of providing assurances to trading partners about the consistency of Australia's animal welfare laws and standards.

Only national leadership and coordination from the Australian Government can truly address these problems and provide the impetus to harmonise regulatory arrangements and get Australia's animal welfare policy and standards development processes back on track.

As part of this reform, the portfolio responsibility for animal welfare policy should also be reviewed. Responsibility for animal welfare policy currently resides with Agriculture, Fisheries



and Forestry. This allocation presents inherent structural challenges to the realisation of animal welfare policy goals due to the broader competing objectives of agriculture ministries and departments in promoting the gross value of production of animal-based industries. The negative effects of these competing priorities have been thoroughly examined in animal welfare policy research and multiple independent government reviews.¹⁷ Accordingly, animal welfare policy functions should be transferred to a different portfolio that does not possess the same institutional conflicts.

Until this occurs, it will be crucial for independence in animal welfare policy and decision-making functions to be built into the relevant structures and processes as much as possible. This was partly acknowledged by agriculture ministers at a meeting of the Agriculture Minister's Forum on 25 October 2019, in which the following principles were agreed:

Overarching principles	Animal welfare governance should be consistent, effective and trusted: • Nationally consistent to provide certainty to industry and consumers; • Ensure good animal welfare outcomes; and • Be trusted by the community, consumers, industry and trading partners.
Key requirements	 The three overarching principles can be achieved if an improved national governance system meets six key requirements: Independence from specific political and stakeholder interests Capable governance and expertise Consideration of contemporary animal welfare science, costs to industry, practicalities, community standards and international expectations Transparent policies and processes Rapid and consistent implementation of standards in all state and territory jurisdictions Accountable compliance and enforcement by state and territory authorities

The following recommendations draw from these principles.

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¹⁷ For academic literature, see Jed Goodfellow, 'Animal Welfare Regulation in the Australian Agricultural Sector: A Legitimacy Maximising Analysis' (PhD Thesis, Macquarie University, 2015); Jed Goodfellow, 'Regulatory Capture and the Welfare of Farm Animals in Australia', in *Animal Welfare Law and Science: International Perspectives* (Springer, 2016); Elizabeth Ellis, 'Making Sausages and the Law: The Failure of Animal Welfare Laws to Protect both Animals and the Fundamental Tenets of Australia's Legal System' (2010) 4 *Australian Animal Protection Law Journal* 6, 14-21; Alex Bruce, *Animal Welfare Law in Australia: An Integrated Approach* (LexisNexis, 2011) 83-84. For government commissioned independent reviews, see Productivity Commission, *Regulation of Australian Agriculture*, Inquiry Report No.79 (Report, 2016) chp 5; Phillip Moss, 'Review of the Regulatory Capability and Culture of the Department of Agriculture and Water Resources in the Regulation of Live Animal Exports' (2018).



2.1 Renew the Australian Animal Welfare Strategy

During the 2022 federal election campaign, the Australian Labor Party committed to renewing the Australian Animal Welfare Strategy with a funding allocation of \$5 million over four years. However, this was not included in the October 2022 Budget. As the development of the strategy will take some time, a budget allocation must be assigned in this forthcoming budget to ensure the commitment can be fulfilled within this term.

Development of the strategy will require extensive engagement with state and territory jurisdictions, and stakeholder and community consultation. As this will be a complex and challenging task, the budget allocation should be sufficient to accommodate the appointment of a dynamic leader with proven experience in bringing a diverse range of stakeholders together and achieving outcomes.

The strategy should establish a series of time-based objectives directed at improving animal welfare standards throughout the country and a national framework for achieving them. It should embrace contemporary animal welfare scientific concepts, explicitly recognise the sentience of animals, and set out high level decision-making principles centred around protecting and improving the welfare of animals.

The framework for developing national standards should include the following key elements:

- Independent governance and management
- Balanced and inclusive stakeholder representation
- Independent scientific literature review
- Meaningful public engagement and consultation
- Published reasons for decisions.

In light of the significance and complexity of the task, the budget allocation for renewing the Australian Animal Welfare Strategy should be increased from \$5 million over four years to \$8 million over four years.

Relevant portfolio:

Agriculture, Fisheries and Forestry

	2023-24	2024-25	2025-26	2026-27	Total
Cost (\$m)	2.0	2.0	2.0	2.0	8.0



2.2 Establish a national Animal Welfare Commission

The task of delivering the framework set out in the renewed Australian Animal Welfare Strategy will be a significant undertaking requiring dedicated focus, expertise, integrity and independence. A national commission would be the most effective vehicle for delivering such an undertaking. While proposals to establish an independent statutory body for animal welfare have been long-standing, ¹⁸ it was the Productivity Commission that proposed the first fully developed model of an "Australian Commission for Animal Welfare" in its 2016 report on the regulation of Australian agriculture:

To facilitate greater rigour in the process for developing national farm animal welfare standards, the Australian Government should take responsibility for ensuring that scientific principles guide the development of farm animal welfare standards. To do this, a stand-alone statutory organisation — the Australian Commission for Animal Welfare (ACAW) — should be established.¹⁹

Under the Productivity Commission's model, the national Animal Welfare Commission would manage the development of national animal welfare policy and standards in conjunction with state and territory jurisdictions and key stakeholders, and monitor and report on progress and implementation to promote national consistency. State and territory governments would retain responsibility for the implementation and enforcement of the standards consistent with constitutional arrangements.

It is not unusual for federal government entities to undertake national leadership and standards development functions in areas that are regulated by the states and territories. Current federal government agencies that perform such a role include Food Standards Australia and New Zealand, the National Transport Commission, the Australian Commission on Safety and Quality in Health Care, and Safe Work Australia.

A properly constituted commission with relevant expertise and sufficient resourcing could become a centre of excellence in animal welfare policymaking, providing much-needed national direction and renewed impetus for animal welfare standards development. A national Animal Welfare Commission would also be ideally placed to lead the development of a renewed Australian Animal Welfare Strategy in conjunction with state and territory jurisdictions and stakeholders, and to fulfill international trade obligations relating to animal welfare.

¹⁸ See, Malcolm Caulfield, *Handbook of Australian Animal Cruelty Law* (Animals Australia, 2008) 17; Australian Labor Party, *46th National Conference: National Platform*, 2011; Commonwealth, *Parliamentary Debates*, House of Representatives, 11 February 2013 (Melissa Parke MP). Australian Greens, 'Ingham Abuse at Turkey Abattoir: Overdue Office of Animal Welfare Needed' (Media Release, 21 March 2013)

http://greensmps.org.au/content/media-releases/inghamabuse-turkey-abattoir-overdue-office-animal-welfare-needed; Voice for Animals (Independent Office of Animal Welfare) Bill 2015 (Cth).

¹⁹ Productivity Commission, Regulation of Australian Agriculture, Inquiry Report No.79 (Report, 2016) 236-238.



In order to carry out the proposed functions in an effective manner, the national Animal Welfare Commission would require a workforce of around 40 personnel with an operating budget of approximately \$15 million per year. Part of this funding could be sourced via reallocation of existing resources for related functions already undertaken or funded by the federal Department of Agriculture.

As the Productivity Commission noted:

The main costs with establishing an independent body are the administrative costs of operation. However, a well-designed independent body need not be more expensive than the current arrangements, and could deliver cost savings over time by providing greater clarity on farm animal welfare issues and by reducing the likelihood that regulations will be hastily implemented in response to intense public reaction to revelations of mistreatment.²⁰

Relevant portfolio: Agriculture, Fisheries and Forestry

	2023-24	2024-25	2025-26	2026-27	Total
Cost (\$m)	15.0	15.0	15.0	15.0	60.0

²⁰ Ibid 232.



2.3 Establish the Inspector-General for Animal Welfare

During the 2022 federal election campaign, the Australian Labor Party committed to establishing the "independent office of the Inspector-General for Animal Welfare" to "increase accountability and transparency for reporting of animal welfare breaches" with a funding allocation of \$1 million a year. This commitment was recognised in the October 2022 Budget.

We understand the Government will be releasing a proposed model for the Inspector-General for Animal Welfare in the first quarter of 2023. While we support increased accountability and transparency in animal welfare regulation, it will be important for the model to expand on the functions of the current Inspector-General of Live Animal Exports. Accordingly, its scope should not be limited to live animal exports but include other areas of animal welfare policy and regulatory functions.

Relevant portfolio: Agriculture, Fisheries and Forestry

	2023-24	2024-25	2025-26	2026-27	Total
Cost (\$m)	1.0	1.0	1.0	1.0	4