

25 January 2024

2024-25 Pre-budget submission

Submission prepared by the 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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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 prominent role in industry sustainability policy, trade and market access, and in shaping Australia's international reputation as an environmentally responsible global citizen. Animal based industries contribute over \$50 billion to the Australian economy every year. The value of maintaining and improving animal welfare to Australian society 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.

While the Australian Government has committed to a range of measures to re-establish national frameworks in animal welfare, current funding allocations are inadequate. A small additional investment to bolster current funding commitments would provide significant returns for government, industry, and the Australian community. We propose an investment of \$82 million over four years (\$9 million of which has already been committed by the current Government) to ensure the objectives of the Australian Government in renewing national leadership, promoting community confidence, supporting industry sustainability, and providing assurances to international trade partners can be realised.

This funding would support renewing and implementing the Australian Animal Welfare Strategy, establishing a national Commission of Animal Welfare, and broadening the remit of the Inspector-General for Animal Welfare and Live Animal Exports. These proposed policies draw from current government policy commitments, the recommendations of the Australian



Productivity Commission, and the principles agreed at the Agriculture Ministers' Forum of 25 October 2019.

For further background to these and other reforms, please see our 2022 report, *Building a Fairer Australia for Animals* at www.fairgoforanimals.org.au

Recommendations

1. Renew and implement the Australian Animal Welfare Strategy

Relevant portfolio: Agriculture, Fisheries and Forestry

Budget measure:

	2024-25	2025-26	2026-27	2027-28	Total
Cost (\$m)	2.0	2.0	5.0	5.0	14.0

2. Establish a national Animal Welfare Commission

Relevant portfolio: Agriculture, Fisheries and Forestry

Budget measure:

	2024-25	2025-26	2026-27	2027-28	Total
Cost (\$m)	15.0	15.0	15.0	15.0	60.0

3. Expand the Inspector-General of Animal Welfare and Live Animal Exports

Relevant portfolio: Agriculture, Fisheries and Forestry

	2024-25	2025-26	2026-27	2027-28	Total
Cost (\$m)	2.0	2.0	2.0	2.0	8



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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 Australian 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 determined primarily by their utility to human beings, to a post-material ethic of care and compassion in which animal welfare is valued intrinsically. 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 explored the views of Australians on farmed animal welfare.² The report found that community expectations were evolving quite rapidly, and that there was 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

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
- 97% support laws that ensure animals are protected from cruel treatment

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).



- 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.

This was further supported by more recent research undertaken by BehaviourWorks Australia in February-March 2023,⁷ which found that:

- 86.5% of Australians believed that the law should require all sentient animals to be provided with good welfare
- 87% believed that animal welfare should be protected by the government through legislation
- 80.5% believed the final say on animal welfare policy decisions should be made by an independent and impartial authority

We attach a summary of this research.

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.⁸ Animals may continue producing and functioning biologically despite being in poor states of welfare.⁹ Accordingly, the market cannot efficiently allocate resources to animal welfare, which in turn, causes welfare standards to fall below socially desirable norms as producers employ methods of increasing productivity that may conflict with animal welfare.¹⁰

This creates a negative externality for society in the form of animal suffering 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.

⁷ BehaviourWorks Australia, Australian Animal Welfare Survey, 2023 https://www.allianceforanimals.org.au/animal-welfare-policy-barometer

⁸ UK Farm Animal Welfare Committee, Economics and Farm Animal Welfare, 2011, 21.

⁹ Donald Broon, 'Animal Welfare: Future Knowledge, Attitudes and Solutions' (Paper presented at AAWS International Animal Welfare Conference, 31 August - 3 September 2008) 8.

¹⁰ 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.



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 food products¹¹ and animal welfare, the adequacy of welfare standards operating within an industry has become a key determinant of its sustainability.

Poor animal welfare standards can have negative impacts on animal-based businesses and industries due to a range of consequential social and economic factors. According to social research specialists 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 attention to their concerns and resolving issues."12 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 to such risks. 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 continue to 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 significant regulatory interventions causing great disruption to their operations.

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

^{11 &}quot;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. ¹² Futureye, Commodity or Sentient Being? Australia's Shifting Mindset on Farm Animal Welfare (Report, 2018)



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 the UK Government to review developments in animal welfare and promote high animal welfare practices. While the agreement was welcomed in Australia, it faced sustained political opposition in the UK due to ongoing concerns about Australia's comparatively low standards of animal welfare. Australia welfare.

Similar concerns were raised with Australian trade officials during the negotiations on the proposed European Union Free Trade Agreement (EU FTA). The draft text of the EU FTA contained similar animal welfare provisions to those found in the UK FTA.¹⁵ In commenting on his recent trade visit to Europe, the Minister for Agriculture, Forestry and Fisheries, 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.¹⁶

It is becoming increasingly apparent that animal welfare will form a critical component of trade access to key markets in the future. Investment in improving animal welfare standards today will ensure Australia can secure and maintain trade and market access in the future.

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¹³ Australia-UK Free Trade Agreement, opened for signature 17 December 2021 (not yet in force) chp 25.

¹⁴ 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.smb.com.au/world/europe/australia-s-backwards-animal-

Morning Herald, 25 January 2023 https://www.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/.

¹⁵ 'Chapter XX Sanitary and Phytosanitary Measures', *European Commission* (Initial Text Proposal, 10 August 2018) https://policy.trade.ec.europa.eu/eu-trade-relationships-country-and-region/countries-and-regions/australia-eu-australia-agreement/documents_en.

¹⁶ 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.



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 has a 'D' ranking on the World Animal Protection Index,¹⁷ one of the lowest rankings of any developed economy. On the measure of farm animal welfare, Australia received an even lower 'E' ranking. A significant component of Australia's comparatively low rankings 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 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.

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¹⁷ 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 currently 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. Since 2013, the Australian Government has largely deferred responsibility to state and territory governments to self-nominate to lead the review and development of national standards for animal welfare.

The absence of national leadership and coordination significantly impacted progress on reviewing and developing national animal welfare standards and inconsistencies in their implementation at the state level 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 guidelines.



Table 1: Progress of national standards development and implementation as of 25 January 2024

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	2023			
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. It is 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 standards and laws.

National leadership and coordination from the Australian Government is required to provide the impetus for harmonising regulatory arrangements and progressing Australia's animal welfare policy and standards development processes. 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.¹⁸ 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. 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	Animal welfare governance should be consistent, effective and trusted:
principles	 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
	2. Capable governance and expertise
	 Consideration of contemporary animal welfare science, costs to industry, practicalities, community standards and international expectations
	4. 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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¹⁸ 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 and implement 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. This was later reflected in the 2023 Budget and the Department of Agriculture, Fisheries and Forestry commenced work on reviewing the Strategy in July 2023.

Development of the strategy will require extensive engagement with state and territory jurisdictions, and stakeholder and community consultation. 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.

The Australian Government should aim to complete the review of the Strategy within three years by 2025-26 with a view to focusing on implementation from 2026-27 onwards. In light of the significance and complexity of the task, the budget allocation for renewing the Strategy should be increased to \$2 million a year between 2024/25 – 2025/26 and then to \$5 million a year from 2026/27 for effective implementation, including leading national policy and standards development, facilitating stakeholder engagement, and commissioning necessary research.

Relevant portfolio:

Agriculture, Fisheries and Forestry

	2024-25	2025-26	2026-27	2027-28	Total
Cost (\$m)	2.0	2.0	5.0	5.0	14.0



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, and independence. A national commission would be the most effective vehicle for delivering such an undertaking. This was recommended by the Productivity Commission 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.

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.

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



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

	2024-25	2025-26	2026-27	2027-28	Total
Cost (\$m)	15.0	15.0	15.0	15.0	60.0

²⁰ Ibid 232.



2.3 Expand the Inspector-General of Animal Welfare and Live Animal Exports

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.

Legislation establishing the Inspector-General of Animal Welfare and Live Animal Exports later passed the Australian Parliament in November 2023. Unfortunately, the model established by the legislation added little to the role and objectives of the existing Inspector-General of Live Animal Exports. Reviewing and reporting on the Department of Agriculture's performance of functions and exercise of powers, and on the effectiveness of Commonwealth reporting on the welfare of exported livestock and compliance measure were all topics the existing Inspector-General had the power to review. The only additional function under the new legislation related to reporting on the effectiveness of the Australian Standards for the Export of Livestock (ASEL).

This was a missed opportunity. At a time when Australia is facing increasing international pressure from trade partners to lift its animal welfare standards and strengthen its assurances, expanding the role of the Inspector-General to include oversight of animal welfare standards in all Commonwealth-regulated fields, including animal welfare standards at export abattoirs and the international trade in wildlife and wildlife products would have been a far more meaningful reform providing better value to taxpayers.

We therefore recommend the functions of the Inspector-General of Animal Welfare and Live Animal Exports be expanded accordingly, with an increased budget allocation of \$2 million a year.

Relevant portfolio: Agriculture, Fisheries and Forestry

	2024-25	2025-26	2026-27	2027-28	Total
Cost (\$m)	2.0	2.0	2.0	2.0	8