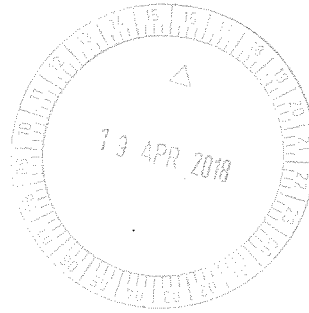


The Western Australian Livestock Exporters' Association

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Mr. Mark Warner
Committee Clerk
Standing Committee on Legislation
Parliament House
4 Harvest Terrace
Perth WA 6005

Email: lccl@parliament.wa.gov.au

Dear Sir

Please find attached the submission of the Western Australian Livestock Exporters' Association to the Standing Committee in regard to the Animal Welfare Amendment Bill 2017.

I am happy to appear before the committee if required to expand any of the issues raised in our submission.

Yours faithfully

A handwritten signature in black ink, appearing to be 'D. Jarvie', with a long horizontal line extending to the right.

David Jarvie

Chair WALEA

16th April 2018

Submission to Legislative Council Standing Committee on Legislation - Animal Welfare Amendment Bill 2017

Western Australian Livestock Exports Association

Our Association consist of 14 Licensed Livestock exporters in Western Australia, representing 75% of cattle exports and 100% of sheep exports, together with associate members representing producer and associated industry bodies.

The Association supports animal welfare and therefore the enforcement of Animal Welfare Standards, and believes that adoption of recognized codes of practice across Australia can lead to improved animal welfare outcomes as well as delivering some certainty to the animal production sector on agreed standards.

WALEA recognizes the importance of community expectations and its relevance to animal welfare, including the value of better defining relevant community standards and avoiding ill-defined or special interest minority views inappropriately influencing regulatory obligations.

We offer the following comments regarding the proposed legislation and more specifically the proposed amendments to the Animal Welfare Bill 2017.

We support amendments regarding adopting codes of practice as a defense to a charge under the Act, however we do not believe that a code should override “generally accepted animal husbandry practice” as a provision.

We do not believe that creation of a separate category of “Designated general Inspectors” in Section 35A is required to deliver this legislation.

This appointment specifically by the Minister is contrary to existing appointments by the CEO and there appears to be no justification to creating a separate class of inspector whose lines of responsibility and reporting are unclear. The lack of prescribed qualifications and demonstration that these inspectors do not have political or philosophical agendas is not specified in the Act, which is an omission we cannot support. There is also risk with political appointments threatening the current impartiality in the delivery of Animal Welfare regulation. There is no case presented for amending legislation to create this class of inspector.

Currently delivery and reporting of animal welfare is blurred by individuals and groups who also have political agendas which are anti-farming and agriculture and are funded by bodies sometimes from outside Australia. Legislation, while delivering legislated animal welfare outcomes, should also be compatible with sustainable livestock industries. Many bodies lobbying for legislative change do not act to promote agriculture in Western Australia and export from the state. In fact, they want to kill it.

We offer the following general comments regarding delivery of good legislation for the

livestock sector, legislation which strikes the right of blend of facilitating increased production and economic activity it generates with prescribing specific animal welfare outcomes.

Clearly for the animal production industries to be sustainable in the long term, any assessment of regulatory burden cannot separate the interrelated and inseparable need to be regulated more effectively, as well as more efficiently.

Legislation should ensure that regulatory arrangements can effectively manage animal welfare in the animal production sector ensuring that the regulation in place effectively addresses the welfare risks for animal production industries or ultimately risk the viability of our agriculture sector.

We believe good legislation should deliver substantive, far-reaching benefits for the industry and government, including:

- Increased predictability and certainty in administrative decisions;
- Greater clarity on compliance expectations and standards;
- Increased clarity on the consequences for non-compliance;
- Improved stability and transparency in the balancing of social and economic objectives;
- Better separation between categories of non-compliance and risk to drive performance;
- Protection from fluctuating risk appetite, regulatory creep and micro-management;
- Ensuring compliance obligations are achievable and transparent and a more appropriate balance exists between how remedial and punitive approaches are applied to support the system;
- Providing an effective and transparent framework to deliver appropriate animal welfare outcomes

Government / Parliament has the community mandate to act within this clear, transparent and scrutinized legislative environment. Community expectations must not inappropriately influence regulatory discretion. It is not and should not be up to the regulator to try and address or predict community expectations – a situation which would result only in an inefficient and volatile environment that precludes fairness and transparency to the businesses being regulated.

Fluctuating risk appetite, regulatory creep, micro-management and the damage done by unreasonable absolute compliance expectations (e.g. that the regulator and the regulated are failing) are the ultimate results of such an approach.