SUBMISSION TO THE SENATE RURAL AND REGIONAL AFFAIRS AND TRANSPORT COMMITTEE

VOICE FOR ANIMALS (INDEPENDENT OFFICE OF ANIMAL WELFARE) BILL 2015

14 August 2015

Voiceless Limited

ACN 108 494 631
2 Paddington Street
Paddington NSW 2021

P +61 2 9357 0703
F +61 2 9357 0711

ABOUT VOICELESS

As an innovator, capacity builder and ideas-generator, Voiceless plays a leading role in the development of a cutting edge social justice movement, animal protection.

With a highly professional and well-educated team, Voiceless brings together like-minded compassionate Australians from the legal, academic, non-profit and education sectors to form strong and effective networks.

Voiceless believes in the provision of quality information, analysis and resources to inspire debate and discussion and to empower individuals and organisations to generate positive social change.

Voiceless is a non-profit Australian organisation established in May 2004 by father and daughter team Brian Sherman and Ondine Sherman.

To build and fortify the animal protection movement, Voiceless:

- gives grants to key projects which create the groundswell for social change;
- cultivates the animal law community through the provision of leadership, educational opportunities and resources; and
- raises awareness of animal protection issues within the education system in order to strengthen democratic skills, promote critical thinking and encourage advocacy amongst students.

PATRONS
J.M. COETZEE, Nobel Prize for Literature Winner 2003, author of 'Lives of Animals' and 'Elizabeth Costello'
BRIAN SHERMAN AM, businessman and philanthropist
DR JANE GOODALL, world-renowned primatologist and animal advocate
THE HON MICHAEL KIRBY AC CMG, former judge of the High Court of Australia
CHARLIE TEO, internationally acclaimed neurosurgeon

AMBASSADORS
HUGO WEAVING, Actor: Oranges and Sunshine, Last Ride, Little Fish, Lord of the Rings Trilogy, Matrix Trilogy, The Adventures of Priscilla Queen of the Desert
EMILY BARCLAY, Actor: Prime Mover, Piece of my Heart, Suburban Mayhem, In My Father's Den
ABBIE CORNISH, Actor: w.e., Suckerpunch, Limitless, Bright Star, Stop Loss, Elizabeth: The Golden Age, A Good Year, Somersault, Candy

For further information visit http://www.voiceless.org.au

All correspondence in relation to this submission should be directed to:
Mr Emmanuel Giuffre and Ms Sarah Margo
Voiceless
2 Paddington Street
Paddington NSW 2021 AUSTRALIA
T: + 612 9357 0713
F: + 612 9357 0711

Voiceless commends Senator Rhiannon on her proposed Bill and thanks the Senate Rural and Regional Affairs and Transport Committee for the opportunity to make this submission.

Voiceless endorses the *Voice for Animals (Independent Office of Animal Welfare) Bill 2015* (Cth) (**the Bill**), and makes further recommendations for the Bill which are outlined in section 3 of this submission. The issues arising in the commercial kangaroo industry are dealt with separately in section 4 of this submission.

1. Problems with the current animal protection regulatory and governance framework

1.1. Voiceless has extensive experience in the animal protection space, particularly in the areas of factory farming and the commercial kangaroo industry. Over the years, it has become clear that the animal protection community and the Australian public as a whole have lost confidence in the animal protection framework, both at a federal and state level. This is evidenced by:

1.1.1. large public demonstrations and political opposition to live export;[i]

1.1.2. increased participation in the animal protection movement;[ii]

1.1.3. increased activist behaviour through trespass and undercover surveillance activities;[iii] and

1.1.4. ongoing reliance on animal welfare charities to conduct investigations into regulatory non-compliance in live export.[iv]

1.2. The principle issues giving rise to this sentiment include, but are not limited to, a failure of Australian laws to adequately protect animals, a lack of monitoring and enforcement of those laws by statutory authorities, and a lack of transparency in the way in which animals are treated and kept within animal use industries. In our view, these issues are also facilitated and/or actively perpetuated by a number of fundamental deficiencies in the framework for animal protection regulation and governance, which can be summarised as follows:

Lack of federal governance and leadership in animal protection

1.3. Australia presently lacks any valid form of federal governance or leadership in the animal protection space. At the same time, animal use industries have received significant and disproportionate levels of financial and non-financial support from the Australian Government to boost productivity and profitability, often at the expense of animal protection.

1.4. Under Australia's Constitutional arrangements, animal protection law and enforcement is largely the responsibility of state and territory governments. Despite this, the Australian Government should have a significant role to play in animal protection, including providing strategic direction for the development of animal protection policy and law reform; facilitating and playing an active role in the animal protection standards-setting process; commissioning

independent animal welfare science to underpin those standards, and enforcing Commonwealth animal protection laws.

1.5. Federal leadership is also necessary to assist in harmonising disparate and sometimes conflicting state and territory animal protection laws. Harmonisation would make animal protection standards nationally consistent (which is particularly important for organisations involved in inter-state commerce); streamline the implementation of reforms, and promote consistency in enforcement, prosecution and sentencing outcomes. Importantly, harmonisation would allow for a comparative analysis of state and territory animal protection regimes, and provide the opportunity for standards to be reformed where they fall short of national expectations.

1.6. Furthermore, there are a number of pressing animal welfare issues which, while currently forming part of state and territory duties, would greatly benefit from federal leadership and oversight. Regulating the labelling of animal products (or truth in labelling laws) is a clear example, and one which to date has had limited success when enacted by individual jurisdictions by virtue of the operation of mutual recognition principles.

1.7. Despite the critical importance of federal governance and leadership in animal protection, the Australian Government has completely withdrawn federal support from a number of animal protection initiatives. This includes:

1.7.1. redirecting responsibility for the Australian Animal Welfare Strategy to individual states and territories, as well as withdrawing $5 million of federal funding from the strategy in the 2014 budget;

1.7.2. disbanding the Australian Animal Welfare Strategy Advisory Committee, which was previously responsible for overseeing the development of the Australian Animal Welfare Strategy and reviewing animal welfare standards and guidelines in livestock production;[v]

1.7.3. disbanding the animal welfare subdivision within the Department of Agriculture, which was previously responsible for implementing the Australian Animal Welfare Strategy;[vi]

1.7.4. scrapping plans to establish an independent Inspector-General of Animal Welfare and Live Export, which was proposed by the Australian Labor Party prior to the 2013 Federal Election;[vii] and

1.7.5. discontinuing the Live Animal Exports – Improved Animal Welfare Program, which offered funding to countries that import live animals from Australia to improve their animal welfare outcomes.[viii]

1.8. At the same time, the Australian Government has reinforced its investment in the growth of primary industries. In the 2015-16 budget statement, for example, the Department of

Agriculture committed over $29.2 million to the Competitive Agriculture Sector Program, which boosts farm profits through research and development. Programs 1.5 through to 1.10 in the 2015-16 budget are all aimed at growing successful primary industries, and account for a total of $779.8 million in estimated expenditure. This includes $56.2 million to be appropriated for the dairy industry, and $180.7 million for the meat and livestock industry.[ix]

Conflict of interest

1.9. Both at federal and state level, the regulation and governance of animal protection has been delegated to government departments that possess an inherent conflict of interest, making these departments incapable of legitimately acting in the best interests of animals.

1.10. The Department of Agriculture is responsible for promoting both animal welfare and the profitability of primary industries at a federal level. With respect to its role and function, the Department states:

> *"The Department of Agriculture has a key role in promoting more profitable, competitive and sustainable food and agriculture industries, such as the important meat, wool and dairy industries."*[x]

> *"The department works with the meat, dairy and wool industries to improve their trading opportunities. Australia's farmers benefit from the scientific advice and economic research findings it delivers and from the policies and programs it develops that help improve business, risk and resource management, and the development of innovation."*[xi]

1.11. While it is valid for the Department of Agriculture to represent the commercial interests of primary industries, it is unable to simultaneously promote animal welfare in a legitimate and adequate way. Animal welfare, to a large extent, is at conflict with commercial productivity. It is often argued by industry representatives and certain members of parliament that this conflict does not exist, stating that higher animal welfare is necessary for increased productivity.[xii] Extensive economic research has shown, however, that while this complementarity may be true at relatively low levels of production, animal welfare is inevitably compromised as output increases.[xiii]

1.12. In 2004, the agricultural economist Professor John McInerney proposed that there is a non-linear relationship between welfare and productivity. The assumption is that as humans start to use animals, improvements in welfare and productivity coincide due to certain positive inputs, such as feed, housing, protection from predators, etc. As levels of productivity increase, however, welfare may show no further improvement and then be increasingly impaired by the higher metabolic demands or environmental constraints placed on the animals.[xiv] For example, the conditions within factory farms and the productivity output expected of animals within these systems are not conducive to internationally accepted notions of animal welfare, which encompass the emotional and psychological well-being of animals, in addition to their physical well-being.[xv]

1.13. The Department of Agriculture prioritises commercial productivity over animal welfare, which is consistent with Matheny and Leahy observations that, when animal welfare and economics are in competition, the latter usually wins.[xvi] For example, on the topic of live export, the Department of Agriculture's persistent efforts to expand the industry are irreconcilable with ongoing exposés into animal welfare breaches, violations of the live export regulatory framework, and the Australian public's opposition to live export (live export is discussed further below, see "Lack of compliance monitoring and enforcement"). Another example is the seemingly motionless process of converting Model Codes of Practice into Standards and Guidelines – a process that has been subject to inordinate delay (discussed further below, see "Industry control of the animal welfare standard-setting process").

Lack of compliance monitoring and enforcement

1.14. This conflict of interest is also evident in the Department of Agriculture's failure to properly monitor and enforce compliance with the live animal export regulatory framework.

1.15. In January 2015, the Department Of Agriculture issued a report on the Export Supply Chain Assurance Scheme (ESCAS) (**Report**).[xvii] In the period of ESCAS implementation between 2011 and November 2014, there were 59 incidents of non-compliance. The Report states that 47% of these incidents were detected by the Department of Agriculture, 31% were self-reported and 22% were reported by others.[xviii]

1.16. Although the Report suggests that the Department of Agriculture is responsible for detecting a high proportion of incidents, the nature of these incidents largely relate to auditing and administrative non-compliance, as opposed to animal welfare. It is calculated that a total of 22 incidents had a direct impact on animal welfare,[xix] a majority of which were reported by 'others'. In this instance, 'others' refers largely to Animals Australia. The investigative footage obtained by Animals Australia depicts shocking acts of animal cruelty, and has uncovered repeated, flagrant violations of animal welfare standards by a number of Australian exporters.

1.17. In relation to these 22 incidents, the Report says that "corrective action has been taken to mitigate against further incidents".[xx] The Report notes, however, that "to date, there have been no criminal prosecutions because of an exporter's failure to meet ESCAS requirements".[xxi] Instead of penalising exporters for serious, and sometimes repeated, breaches of animal welfare standards, the response from the Department of Agriculture has been to add further conditions onto exporter licences but otherwise permit the exporter to continue trading. Furthermore, although the Department of Agriculture, through the Australian Quarantine and Inspection Service, claims to provide full high mortality investigation reports on its website, it was revealed that it failed to publish the full reports and instead amended the reports to delete evidence of export licence breaches.[xxii]

1.18. The Federal Government's reluctance to prosecute exporters or suspend the live export trade on account of grievous animal cruelty displays an overt partiality for economic interests over animal protection. Indeed, the Australian Government continues to champion the trade and promote its extension to new markets. For example, on 20 July 2015, Federal Minister for

Agriculture Barnaby Joyce issued a media release celebrating plans to extend the live export trade to China, labelling the industry as "a real Australian success story". [xxiii]

Industry control of the animal welfare standard-setting process

1.19. Industry representatives have disproportionate influence over the animal welfare standard-setting process, resulting in welfare standards being established that fail to adequately protect animals and function to reinforce existing industry husbandry practices.[xxiv]

1.20. The Model Codes of Practice are presently being converted into Standards and Guidelines, a process which is substantively managed by Animal Health Australia (AHA). According to its website, AHA "is a not-for-profit public company established by the Australian, state and territory governments and major national livestock industry organisations."[xxv] AHA's stated vision is for "[a] robust national animal health system that maximises competitive advantage and preferred market access for Australia's livestock industries and contributes to the protection of human health, the environment and recreational activities."[xxvi] Animal welfare is not included in AHA's stated objectives, mission, vision or corporate values. AHA has 32 member organisations, none of which are animal protection organisations, and the majority of which are representatives of animal use industries.[xxvii]

1.21. AHA works with government and industry representatives to determine which industry or area of animal use it will focus on. AHA will then coordinate the drafting of the Standards and Guidelines, with no formal input from animal protection groups in the initial draft. While animal protection groups are given a chance to comment on these Standards and Guidelines at various stages of the consultation process, any input from these groups is largely outweighed by industry representatives. One-third of the funding for developing the Standards and Guidelines is contributed by industry, further exacerbating industry's influence over the process.[xxviii]

1.22. Standards and Guidelines have a direct impact on the way in which animals are treated and the conditions in which are they kept in animal use industries. While only a handful of Standards and Guidelines have been developed in the conversion process, industry control over the development process has resulted in these documents largely reflecting and reinforcing existing industry practices, rather than improving welfare standards.

Lack of independent animal welfare science

1.23. Animal welfare science and research in Australia is largely coordinated, commissioned and/or funded by representatives of animal use industries, resulting in a lack of independent Australian animal welfare science, and a reliance on industry-backed science in the animal welfare standard-setting process.

1.24. While the Department of Agriculture allocates substantial amounts of public funds to animal welfare science and research, the funds are allocated to statutory research and development corporations (RDCs) which are essentially representative bodies of animal use industries.[xxix] For

example, the major RDCs include Meat and Livestock Australia, Dairy Australia Ltd, LiveCorp, Australian Egg Corporation Limited, Australian Pork Limited and Australian Wool Innovation.[xxx] It is problematic that these RDCs are responsible for controlling the development of the bulk of animal welfare science in Australia, given these organisations have been established to promote and maximise the productivity and profitability of the animal use industries they represent.

1.25. Industry commissioned science is heavily relied upon in the standard-setting process, and due to the absence of independent research in the area, it is exceedingly difficult for animal protection advocates to point to contradictory Australian research as part of the public consultation process.

2. Why an Independent Office of Animal Welfare?

2.1. The aforementioned regulatory and governance issues have clear implications for the level of protection afforded to animals under Australian law. A lack of Federal Government leadership in animal welfare, a conflict of interest in the bodies responsible for promoting animal welfare, industry domination of the animal welfare standard-setting processes and a lack of independent animal welfare science have all resulted in an animal protection framework that falls well short of protecting animals.

2.2. These concerns have significant implications for the broader Australian public. Animal protection is a legitimate area of public and political concern, and one which continues to grow in importance with public awareness about animal protection issues.[xxxi] In failing to address these issues and protect animals, the Australian Government is also failing in its duty to meet community expectations. As discussed above, the Australian Government's continued support of the live export industry, which is largely opposed by the Australian community, is a clear example of this. A survey conducted in 2012 by World Animal Protection (formerly WSPA) found that 78 per cent of Australians believed live export was cruel and 74 per cent were more likely to vote for a political candidate who promised to end live animal export.[xxxii]

2.3. Further, these regulatory and governance deficiencies undermine the fundamental principles of equality and procedural fairness that underpin our liberal democracy. It is difficult to see how the Australian public could have confidence in an animal protection framework, or indeed a federal government, that is so heavily and disproportionately influenced by corporate stakeholders, almost to the complete exclusion of opposing voices. As noted previously, it is this lack of confidence which has resulted in, among other things, large public demonstrations and political opposition to animal cruelty and abuse,[xxxiii] and of greater concern, activists "taking matters into their own hand" through trespass and undercover surveillance activities.[xxxiv]

2.4. Establishing an Independent Office of Animal Welfare (**IOAW**) and Office of Animal Welfare Advisory Committee (**Advisory Committee**) as proposed by the Bill is an important step in resolving many of the problems outlined above. In particular, we note the following aspects of the proposed Bill:

2.4.1. Creating an IOAW that is solely devoted to promoting animal welfare will provide for legitimate federal governance and leadership on animal protection issues, whilst addressing some of the underlying conflicts of interest inherent in the role and function of the Department of Agriculture.

2.4.2. The CEO'S Livestock Standards Functions will provide for independent oversight of the live export regulatory framework and the Department of Agriculture's performance in monitoring and enforcing that framework, both of which have been deficient to date.[xxxv] The CEO's Department Review functions will provide further independent oversight of the Department of Agriculture's performance of its general duties under Commonwealth animal welfare laws.[xxxvi]

2.4.3. The CEO's Reporting Functions may help remedy the present lack of independent animal welfare science in Australia, as well as ensure government funds flagged for animal protection are more appropriately and objectively allocated to serving that purpose.[xxxvii]

2.4.4. The Reporting Functions would also enable independent review and oversight of the animal protection frameworks that operate at a federal, state and territory level, which may prove instrumental in influencing policy and law reform and promote the harmonisation of state and territory animal protection laws.[xxxviii] The requirement of the Minister to table reports in Parliament would provide much needed political representation for animals and facilitate political debate on animal protection issues.[xxxix]

2.4.5. The re-development of the Australian Animal Welfare Strategy by an independent body would revitalise and legitimise national strategic direction on animal protection issues, and again, would provide necessary federal leadership on animal protection issues.[xl]

2.4.6. Establishing an Advisory Committee would ensure the Office is advised by a panel of experts with a balanced view of opinions, and without undue influence from industry representatives.[xli]

3. Recommended amendments

3.1. Voiceless endorses the Bill as it is presently drafted, and makes the following additional recommendations to address some of the core issues highlighted in section 1 of this submission:

3.1.1. **CEO to report to Environment Minister or Attorney-General:** In order to be separated from the Department of Agriculture and to avoid any further conflict of interest, Voiceless recommends that it would be more appropriate for the IOAW and the CEO to report to either the Attorney-General's Department or the Department of the Environment. Under the current drafting of the Bill, the IOAW still reports to and

take direction from the Minister for Agriculture.

3.1.2. **Standard-setting functions:** The Bill should be amended to make clear that the IOAW and the Advisory Committee is responsible for the coordination and development of the animal protection standards, including facilitating the conversion process of the Model Codes of Practice to Standards and Guidelines. This will resolve the concerns around AHA continuing to control this process, and ensure appropriate minimum animal protection standards are set that accurately reflect community expectations.

3.1.3. **Commissioning scientific research:** As part of the Reporting Functions and Standard-setting functions (suggested above), the Bill should be amended to make clear that the IOAW and Advisory Committee also have responsibility for commissioning independent scientific research into specific animal protection areas. This will assist in remedying the lack of independent science and research in animal protection, and allow for independent science to be utilised in the standard-setting process.

3.1.4. **Facilitating State / Territory IOAW:** The Bill should be amended to give the IOAW powers to facilitate and coordinate the implementation of similar independent offices at the state and territory level. Without similar such offices being established, the underlying regulatory and governance issues will continue.

3.1.5. **Enforcement Functions:** Voiceless recommends that the IOAW should also have monitoring and enforcement functions with respect to Commonwealth animal protection laws (particularly in relation to live animal exports). In our view, it is insufficient to invest IOAW with responsibility for monitoring compliance of Commonwealth animal welfare[xlii] without powers of enforcement. As part of this arrangement, powers of monitoring and enforcement would therefore be removed from the Department of Agriculture.

4. Current problems with the regulation of the commercial kangaroo industry

4.1. We note section 9(3)(c)(iii) of the Bill, which gives the IOAW responsibility for reporting on the sustainability and animal welfare issues that arise in the commercial kangaroo industry. Voiceless commends Senator Rhiannon's focus on the commercial kangaroo industry, which is an industry that causes unreasonable, unnecessary and unjustifiable cruelty to kangaroos. The flaws in this industry may be addressed by the IOAW.

4.2. As the Senate Rural and Regional Affairs and Transport Committee may be unfamiliar with the sustainability and animal welfare issues associated with the commercial kangaroo industry, we have briefly outlined these issues below.

Animal welfare issues

4.3. Kangaroos are shot in the wild and at night, when they are most active. These hunting conditions affect the ability of shooters to aim precisely and to comply with the *National Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Commercial Purposes* (2008) (**the Code**) which requires an instantaneous death by head shot. Non-fatal body shots are a regular and unavoidable part of the industry, causing horrific injuries and painful prolonged deaths to kangaroos.[xliii]

4.4. Further, the Code allows the killing of both male and female kangaroos, treating their dependent young (joeys) as collateral damage of the slaughter. Under the Code, shooters are instructed to 'euthanise' the joeys of any slaughtered female with either a single blow to the head or a single shot to the brain or heart.[xliv] Critically, non-compliance with the Code with regard to shooting joeys was found to be high.[xlv] Those joeys who are not killed in accordance with the Code are highly likely to die as a result of starvation, exposure or predation without their mothers to teach them vital survival skills. It is estimated that a long-term average of 800,000 dependent young suffer an inhumane death in the wild each year.[xlvi]

4.5. Compounding the cruelty concerns are issues of enforcement. The government agencies at a state and territory level that are responsible for monitoring the industry and ensuring compliance with the Code are also responsible for promoting the industry. This is clearly a conflict of interest, whereby industry desires will likely be prioritised over animal welfare. With respect to this conflict, the slaughter of kangaroos is not monitored in the field and the Code is rarely enforced.[xlvii]

Sustainability issues

4.6. This cruelty is justified on the basis that certain kangaroo populations exist in plague proportions. The commercial industry promotes itself as sustainable by extracting a shooting quota of between 14% and 20% of population estimates. These estimates are conducted through surveying commercially shot species. The method and intent is similar to that which applies to fishing industries, with the use of maximum sustainable yields to prevent population decline. We raise the concern that shooting quotas exceed population growth rates across kangaroo species that average a maximum of 10% in good conditions,[xlviii] with up to 60% declines recorded during drought.[xlix]

4.7. Our issue is that the scientific foundations of sustainability lack robustness, credibility and transparency.[l] In a submission to the New South Wales Scientific Committee in 2011, evidence for serious methodological flaws in the surveys was documented and are yet to be adequately addressed.[li] It is very concerning that despite large areas of land no longer possessing kangaroos, a fact corroborated by government survey observations, these absences are subsequently ignored. The result is that population estimates are grossly inflated. Accessing information on surveys and their justification is prohibitively difficult.

4.8. Furthermore, government set shooting quotas are often double the scientifically observed population growth rates and have not been credibly justified within the scientific community.

When government issues shooters with tags (being the permitted number of kangaroos the shooters are able to kill), shooters target every individual at their chosen location every night. This systematically removes populations and replacement is either very slow or does not occur (as kangaroos generally have small home ranges and remain where they were born),[lii] completely subverting the principle of a sustainable harvest.

4.9. It is a clear breach of sustainable management principles to ignore the impact of habitat loss, fragmentation, and other sources of threats to kangaroos when authorising the commercial kangaroo industry. Landholders under licence to do harm to wildlife routinely kill kangaroos with those numbers not considered in the management of the commercial quota, and kangaroos are also accidentally killed in tens of thousands on roads every year.

Support for independent oversight of the commercial kangaroo industry

4.10. Accordingly, independent oversight of the commercial kangaroo industry is needed to: review the Code and determine whether it legitimately protects kangaroos, given the cruelty inherent in the commercial kangaroo industry outlined above; remedy the conflict of interest inherent in the role and function of agencies responsible for monitoring and enforcing compliance with the Code, and to ensure such monitoring and enforcement takes place; review the methodology of calculating kangaroo numbers, which according to ecologists, is scientifically and methodologically flawed, and given the animal protection and sustainability concerns, conduct an inquiry into the feasibility of the commercial kangaroo industry and whether it should continue.

5. Conclusion

5.1 For the foregoing reasons, Voiceless supports the establishment of the IOAW. We also support the Bill, with the recommended amendments as stated above. If required, Voiceless welcomes the opportunity to discuss this submission further.

References

[i] See, for example, *The Abbott Government & Animal Welfare – Glenys Oogjes & Dr Bidda Jones* (9 March 2014) Freedom of Species <https://theconversation.com/live-animal-export-rules-are-useless-without-enforcement-27278>; David Feeney MP, 'Abbott Government Scraps Australian Animals Welfare Advisory Committee' (8 November 2013) <http://davidfeeney.com.au/abbott-government-scraps-australian-animals-welfare-advisory-committee/>; Animals Australia, *Changing attitudes: Politicians on live export* (18 June 2013) Ban Live Export <http://www.banliveexport.com/features/changing-attitudes-politicians-on-live-export.php>; Gonzalo N Villaneuva, 'Mainstream crusade – how the animal rights movement boomed' (7 November 2012) *The Conversation* <https://theconversation.com/mainstream-crusade-how-the-animal-rights-movement-boomed-10087>.

[ii] See, for example, Craig Emerson, 'Animal welfare is right, and it's good business too' (2 June 2012) *The Australian* <http://www.theaustralian.com.au/national-affairs/opinion/animal-welfare-is-right-and-its-good-business-too/story-e6frgd0x-1226380669172>; Siobhan O'Sullivan, 'Australia increasingly uncomfortable with animal cruelty' (20 September 2011) *The Conversation* <https://theconversation.com/australia-increasingly-uncomfortable-with-animal-cruelty-3439>.

[iii] See, for example, 'Animal welfare group to monitor farms with drone' (31 March 2013) *ABC News* <http://www.abc.net.au/news/2013-03-31/animal-welfare-group-to-monitor-farms-with-drone/4602644>; Aussie Farms, *Piggeries across Australia: A snapshot of the industry* <http://www.aussiepigs.com/piggeries>.

[iv] Animals Australia, *Live Export Investigations* (2015) Ban Live Export, <http://www.banliveexport.com/investigations/>; Siobhan O'Sullivan, 'Live animal export rules are useless without enforcement' (30 May 2014) *The Conversation* <https://theconversation.com/live-animal-export-rules-are-useless-without-enforcement-27278>.

[v] Anna Vidot, 'Federal Government Scraps Welfare Advisory Group' (8 November 2013) *ABC Rural* <http://www.abc.net.au/news/2013-11-08/animal-welfare-committee-scrapped/5079284>.

[vi] Commonwealth of Australia, *Australian Animal Welfare Strategy Stakeholder Analysis Phases 1-4* (2006) <http://www.australiananimalwelfare.com.au/app/webroot/files/upload/files/AAWS%20Stakeholder%20Analysis%20Phases%201-4%20Final%2007%20Sept%2006.pdf>.

[vii] The Hon Joel Fitzgibbon MP, 'New Independent Inspector-General of Animal Welfare and Live Animal Exports' (Press release, 31 July 2013) <http://electionwatch.edu.au/sites/default/files/docs/Labor%20live%20animal%20exports.pdf>.

[viii] Rob Dossor, 'Cessation of the Improved Animal Welfare Programme', Budget Review 2014-15 (online), <http://www.aph.gov.au/about_parliament/parliamentary_departments/parliamentary_library/pubs/rp/budgetreview201415/animal>.

[ix] Department of Agriculture, *Budget 2015-16: Agriculture Portfolio* (2015) <http://www.agriculture.gov.au/SiteCollectionDocuments/about/budget/2015-16/2015-16-pbs-agriculture.pdf>.

[x] Department of Agriculture, *Meat, wool and dairy* (25 February 2015) <http://www.agriculture.gov.au/ag-farm-food/meat-wool-dairy>.

[xi] Ibid.

[xii] CSIRO, *Animal Health and Welfare* (2015) Animal Science <http://www.csiro.au/en/Research/AF/Areas/Animal-Science/Animal-Health-Welfare>; Goat Industry Council of Australia, *Animal Health and Welfare* (2015) *Projects & Policies* http://www.gica.com.au/projects-and-policies/animal-health-and-welfare; Roger Driscoll, *Animal Welfare and Livestock Handling in the Meat Industry* (ISS Fellowship Report, 2006) <http://c.ymcdn.com/sites/www.agrifoodskills.net.au/resource/resmgr/fellowship_reports/iss_report_r_driscoll_lo_res.pdf>.

[xiii] Jed Goodfellow and Peter Radan, 'Why Market Forces Don't Protect Animal Welfare' (1 July 2013) *The Conversation* <http://theconversation.com/why-market-forces-dont-protect-animal-welfare-15501>.

[xiv] John McInerney, 'Animal Welfare, economics and policy - Report on a study undertaken for the Farm & Animal Health Economics Division of Defra' (2004) <http://archive.defra.gov.uk/evidence/economics/foodfarm/reports/documents/animalwelfare.pdf>.

[xv] For example, the World Organisation for Animal Health defines "good animal welfare" as when an animal is "healthy, comfortable, well nourished, safe, able to express innate behavior, and if it is not suffering from unpleasant states such as pain, fear, and distress": World Organisation for Animal Health, *Chapter 7.1. Introduction to the Recommendations for Animal Welfare*, Terrestrial Animal Health Code 2010 <http://www.oie.int/index.php?id=169&L=0&htmfile=chapitre_1.7.1.htm>. This definition has been adopted by other well-known organisations such as the American Veterinary Medical Foundation: American Veterinary Medical Foundation, *Animal Welfare: What Is It?* (2015) Knowledge Base <https://www.avma.org/KB/Resources/Reference/AnimalWelfare/Pages/what-is-animal-welfare.aspx>.

[xvi] Mundt, A, 'Australia's Need for An Independent Office of Animal Welfare' (2015) 1 *Global Journal of Animal Law* 7.

[xvii] The Commonwealth of Australia, *Exporter Supply Chain Assurance System: Report* (January 2015) <http://www.agriculture.gov.au/SiteCollectionDocuments/biosecurity/export/live-animals/livestock/escas/escas-report.pdf>.

[xviii] Ibid, 23.

[xix] Ibid.

[xx] Ibid, 3.

[xxi] Ibid, 14.

[xxii] Mundt, A, 'Australia's Need for An Independent Office of Animal Welfare' (2015) 1 *Global Journal of Animal Law* 14.

[xxiii] Barnaby Joyce MP, 'China: new market for livestock export' (Media Release, 20 July 2015) <http://www.agriculturemeinister.gov.au/Pages/Media-Releases/china-new-market-for-livestock-exports.aspx>.

[xxiv] For a thorough discussion on this topic, see Jed Goodfellow, Animal Welfare Regulation in Australia and the Need for an Independent Office of Animal Welfare (PhD Draft Thesis, Macquarie University, 2012).

[xxv] Animal Health Australia, *Company Profile* <http://www.animalhealthaustralia.com.au/about-us/company-profile/>.

[xxvi] Ibid.

[xxvii] Animal Health Australia, *Members* <http://www.animalhealthaustralia.com.au/about-us/members/>.

[xxviii] Jed Goodfellow, Animal Welfare Regulation in Australia and the Need for an Independent Office of Animal Welfare (PhD Draft Thesis, Macquarie University, 2012) 13.

[xxix] Department of Agriculture, *Research and Development Corporations* <http://www.agriculture.gov.au/ag-farm-food/innovation/research_and_development_corporations_and_companies>.

[xxx] The Australian Government, *Rural R&D Corporations* (2011) <http://www.ruralrdc.com.au/Page/About/Rural+RDCs.aspx>.

[xxxi] Siobhan O'Sullivan, 'Australia increasingly uncomfortable with animal cruelty' (20 September 2011) *The Conversation* <https://theconversation.com/australia-increasingly-uncomfortable-with-animal-cruelty-3439>.

[xxxii] Stop Live Exports, '12.4 Million Australians Against Live Exports' (26 July 2012) <http://www.stopliveexports.org/stop-live-export-blog/entry/124-million-australians-against-live-exports>.

[xxxiii] Ibid, n 1.

[xxxiv] Ibid, n 3.

[xxxv] Section 9(2) of the Bill.

[xxxvi] Section 9(4) of the Bill.

[xxxvii] Section 9(3) of the Bill.

[xxxviii] Ibid.

[xxxix] Mundt, A, 'Australia's Need for An Independent Office of Animal Welfare' (2015) 1 *Global Journal of Animal Law* 18.

[xl] Ibid.

[xli] Part 4 of the Bill.

[xlii] As provided in section 9(4) of the Bill.

[xliii] In 2002, the RSPCA estimated that 120,000 kangaroos are 'body shot' each year (wounded but not killed instantaneously), but a lack of industry monitoring makes it difficult to establish more accurate figures. These animals are likely to suffer slow and incredibly painful deaths as a result of gunshot wounds: Boom, K and Ben-Ami, D, 'Shooting our wildlife: An analysis of the law and its animal welfare outcomes for kangaroos and wallabies' (2011) 5 Australian Animal Protection Law Journal 44, 4.

[xliv] The 'single forceful blow to the base of the skull' can be achieved with a blunt object such as a metal pipe or a car's tow bar: National Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Commercial Purposes (2008) s 5.1.

[xlv] Boom, K and Ben-Ami, D, 'Shooting our wildlife: An analysis of the law and its animal welfare outcomes for kangaroos and wallabies' (2011) 5 Australian Animal Protection Law Journal 44, 4.

[xlvi] Ben-Ami, D, Boom, K, Boronyak, L, Croft, D, Ramp, D, Townend, C, 'The ends and means of the commercial kangaroo industry: an ecological, legal and comparative analysis' (2011) THINKK, the Think Tank for Kangaroos, University of Technology Sydney, 3.

[xlvii] A fundamental problem is that government agencies do not inspect carcasses at the point of kill. Without inspections at the point of kill it is impossible for agencies to ensure compliance with the Code's conditions on killing dependent young and injured adult kangaroos: Boom, K, Ben-Ami, D and Boronyak, L, 'Kangaroo Court: Enforcement of the law governing commercial kangaroo killing' (2012) THINKK, the kangaroo Think Tank, University of Technology, Sydney.

[xlviii] Arnold, G, Grassia, A, Steven, D, Weeldenburg, J, 'Population ecology of western grey kangaroos in a remnant of Wandoo Woodland at Bakers Hill, southern Western Australia' (1991) 18(5) *Wildlife Research,* 561-575; Bilton, A, Croft, D, 'Lifetime reproductive success in a population of female red kangaroos M. rufus in the sheep rangelands of western NSW: environmental effects and population dynamics' (2004) 26 *Australian Mammalogy*, 45-60. The average across species is explained as follows: *"Given comparable ages to sexual maturity between species (for does), and assuming similar rates of juvenile mortality recorded by the available science applies to all species, a simplistic comparison of time-to-waring (from Dawson (1995)) has been used ... to suggest an Eastern Grey Kangaroo population growth rate [PGR] of 10%, a Red Kangaroo PGR of 13.5%, a Wallaroo PGR of 14% and a Euro PGR of 12%."* [average 10%]. See Mjadwesch, R, 'Nomination to list the large macropods as threatened species in New South Wales' (2011) <http://www.kangaroosatrisk.net/uploads/1/0/8/3/10831721/gipa_submission_collated.pdf>.

[xlix] Robertson, G, *The Mortality of Kangaroos in Drought* (1986) 13(3) *Australian Wildlife Research*, 349 – 354.

[l] Ramp, D, 'Bringing compassion to the killing of kangaroos for conservation' (2013) 10 *Journal of Bioethical Inquiry,* 267-272.

[li] Mjadwesch, R, 'Nomination to list the large macropods as threatened species in New South Wales' (2011) <http://www.kangaroosatrisk.net/uploads/1/0/8/3/10831721/gipa_submission_collated.pdf>.

[lii] Dawson, T, *Kangaroos* (CSIRO Publishing. 2nd edition, 2012).