



# **Inspector-General of Live Animal Exports Amendment (Animal Welfare) Act 2023**

**No. 108, 2023**

***An Act to amend the *Inspector-General of Live  
Animal Exports Act 2019*, and for related purposes***

Note: An electronic version of this Act is available on the Federal Register of Legislation  
(<https://www.legislation.gov.au/>)



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***An Act to amend the *Inspector-General of Live Animal Exports Act 2019*, and for related purposes***

*[Assented to 4 December 2023]*

The Parliament of Australia enacts:

## **1 Short title**

This Act is the *Inspector-General of Live Animal Exports Amendment (Animal Welfare) Act 2023*.

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*No. 108, 2023*

*Inspector-General of Live Animal Exports Amendment (Animal Welfare) Act 2023*

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## 2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions</b>	<b>Commencement</b>	<b>Date/Details</b>
1. The whole of this Act	The day after this Act receives the Royal Assent.	5 December 2023

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

## 3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

## 4 Review of operation of amendments

- (1) The Minister must cause a review to be conducted of the operation of the amendments made by this Act.
- (2) The review must start no later than 3 years after this section commences.
- (3) The persons who conduct the review must give the Minister a written report of the review within 12 months of the commencement of the review.

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- (4) The Minister must cause a copy of the report of the review to be tabled in each House of the Parliament within 15 sitting days of that House after the Minister receives the report.

## Schedule 1—Amendments

### Part 1—Main amendments

#### *Inspector-General of Live Animal Exports Act 2019*

##### 1 Title

Omit “**Inspector-General of Live Animal Exports**”, substitute  
“**Inspector-General of Animal Welfare and Live Animal Exports**”.

##### 2 Section 1

Omit “*Inspector-General of Live Animal Exports*”, substitute  
“*Inspector-General of Animal Welfare and Live Animal Exports*”.

Note: This item amends the short title of the Act. If another amendment of the Act is described by reference to the Act’s previous short title, that other amendment has effect after the commencement of this item as an amendment of the Act under its amended short title (see section 10 of the *Acts Interpretation Act 1901*).

##### 3 Sections 3 and 4

Repeal the sections, substitute:

##### 3 Objects of this Act

- (1) The objects of this Act are as follows:
  - (a) to enable monitoring, investigation and reporting on the implementation, by the Commonwealth Government, of the animal welfare and live animal export legislation and standards in relation to the export of livestock, and the outcomes of such implementation, and, in doing so:
    - (i) to increase accountability for, and the transparency of, compliance with such legislation and standards; and
    - (ii) to increase accountability for those outcomes;
  - (b) to promote continual improvements in the regulatory practice, performance and culture of the Department in its role as the regulator of Australia’s livestock exports, including improvements in the development of the ASEL;
  - (c) to provide an additional layer of accountability and assurance over the regulation of Australia’s livestock exports;



- (d) to ensure that livestock export officials, in performing functions and exercising powers, consider the welfare of animals in Australia's livestock exports.
- (2) The objects mentioned in subsection (1) are to be achieved with a view to ensuring that the animal welfare and live animal export legislation and standards in relation to the export of livestock are complied with.

#### **4 Simplified outline of this Act**

The Inspector-General of Animal Welfare and Live Animal Exports has the role of monitoring, investigating and reporting on the implementation, by the Commonwealth Government, of the animal welfare and live animal export legislation and standards in relation to the export of livestock, and the outcomes of such implementation.

This Act establishes the office of the Inspector-General, sets out the Inspector-General's functions and powers and deals with other matters relating to the role of the Inspector-General (including administrative matters and the management of information obtained under this Act).

The Inspector-General is independent from other persons and entities with responsibilities under the animal welfare and live animal exports legislation and standards. This supports the Inspector-General's effective, impartial and transparent review of the way in which those persons and entities exercise such responsibilities.

The main function of the Inspector-General is to review the conduct of government livestock export officials in relation to the export of livestock.

The Inspector-General may also review the effectiveness of Commonwealth administrative systems, and the effectiveness of Commonwealth reporting, relating to animal welfare and livestock exports.

The Inspector-General is required to report any misconduct by a livestock export official, and to publish the following:

- (a) a report on each review;
- (b) a work plan for each financial year;
- (c) an annual report.

#### 4 Section 5

Insert:

*animal welfare and live animal export legislation and standards* means the following:

- (a) the *Export Control Act 2020*;
- (b) any instrument made under that Act;
- (c) the ASEL.

*ASEL* means the document titled *Australian Standards for the Export of Livestock* published by the Department, as it exists from time to time.

Note: The *Australian Standards for the Export of Livestock* (version 3.2) could in 2023 be viewed on the Department's website ([www.agriculture.gov.au](http://www.agriculture.gov.au)).

#### 5 Part 2

Repeal the heading, substitute:

### **Part 2—Inspector-General of Animal Welfare and Live Animal Exports**

#### **Division 1—Simplified outline**

#### 6 Section 8

Repeal the section, substitute:

## **8 Simplified outline of this Part**

This Part establishes an independent office of the Inspector-General of Animal Welfare and Live Animal Exports, and sets out the Inspector-General's functions and powers.

The functions of the Inspector-General are to conduct reviews of the effectiveness of the following:

- (a) the activities of livestock export officials under the animal welfare and live animal export legislation and standards;
- (b) Commonwealth systems for the administration of livestock exports under such legislation and standards;
- (c) the ASEL, as part of such systems;
- (d) Commonwealth reporting relating to various matters relating to animal welfare and livestock exports.

Reviews may be initiated by the Inspector-General or directed by the Minister. They may also be conducted at the request of the Secretary, or another relevant Minister.

The Inspector-General may require the production of information or documents relevant to any review, and must publish a report on each review.

The Inspector-General must also prepare an annual work plan for each financial year, in consultation with the Minister and other persons. Annual work plans (and variations) must be published on the Inspector-General's website.

## **Division 2—Inspector-General of Animal Welfare and Live Animal Exports: establishment, functions and powers**

### **7 Section 9 (heading)**

Repeal the heading, substitute:

## 9 Inspector-General of Animal Welfare and Live Animal Exports

### 8 Section 9

Omit “Inspector-General of Live Animal Exports”, substitute  
“Inspector-General of Animal Welfare and Live Animal Exports”.

### 9 At the end of section 9

Add:

Note: The name of this office was altered by the *Inspector-General of Live Animal Exports Amendment (Animal Welfare) Act 2023*. However, the office, as it existed before that name change, continues in existence under the new name so that its identity is not affected: see paragraph 25B(1)(a) of the *Acts Interpretation Act 1901*.

### 10 Section 10 (heading)

Repeal the heading, substitute:

## 10 Functions of the Inspector-General

### 11 Subsection 10(1)

Repeal the subsection, substitute:

#### *Functions*

- (1) The functions of the Inspector-General are to conduct reviews of the following matters:
  - (a) the performance of functions, or exercise of powers, by livestock export officials under the animal welfare and live animal export legislation and standards in relation to the export of livestock;
  - (b) the effectiveness of Commonwealth systems for the administration of livestock exports under the animal welfare and live animal export legislation and standards for maintaining and enhancing the welfare of exported livestock;
  - (c) the effectiveness of the ASEL, as a part of such systems;
  - (d) the effectiveness of Commonwealth reporting of any or all of the following:
    - (i) the welfare of exported livestock;

- (ii) livestock export investigations related to animal welfare;
- (iii) non-compliance with the animal welfare and live animal export legislation and standards in relation to the export of livestock;
- (iv) the information covered by section 424 of the *Export Control Act 2020* (report to Parliament about export of livestock);
- (v) potential non-compliance with State and Territory laws relating to animal welfare, as reported to State and Territory Governments.

Note: Reports under section 424 of the *Export Control Act 2020* are based on reporting by the masters of vessels engaged in the export of livestock.

## **12 After subsection 10(2)**

Insert:

### *Ancillary powers*

- (2A) The Inspector-General has power to do all things necessary or convenient to be done for, or in connection with, the performance of the Inspector-General's functions.

## **13 After section 10**

Insert:

### **10A Persons assisting the Inspector-General**

- (1) The Inspector-General may be assisted by officers and employees of Agencies (within the meaning of the *Public Service Act 1999*), and of authorities of the Commonwealth, whose services are made available to the Inspector-General in connection with the performance of any of the Inspector-General's functions.
- (2) When performing services for the Inspector-General under this section, a person is subject to the directions of the Inspector-General.

### **10B Consultants**

- (1) The Inspector-General may, on behalf of the Commonwealth, engage consultants to assist in the performance of the Inspector-General's functions.
- (2) The consultants are to be engaged on the terms and conditions that the Inspector-General determines in writing.

### **10C Independence of Inspector-General**

- (1) Subject to this Act and to other laws of the Commonwealth, the Inspector-General:
  - (a) has complete discretion in the performance of the Inspector-General's functions and the exercise of the Inspector-General's powers; and
  - (b) is not subject to direction by any person in relation to the performance or exercise of those functions or powers.

Note: However, the Minister may direct the Inspector-General to conduct a review: see subsection 10D(2).

- (2) In particular, the Inspector-General is not subject to direction in relation to:
  - (a) whether or not a particular outcome or priority is to be included in a work plan for a financial year; or
  - (b) the conduct of a review, including:
    - (i) the terms of reference for a review; and
    - (ii) how a review is to be conducted; and
    - (iii) the timing of a review; and
    - (iv) the priority to be given to a review; or
  - (c) the content of a report under this Act.

Note: However, the Inspector-General must consult with the Minister in relation to the terms of reference and priority of directed reviews under section 10: see subsection 10D(5).

## **Division 3—Conduct of reviews**

### **10D How reviews are started**

*Inspector-General may conduct review on own initiative*

- (1) The Inspector-General may, on the Inspector-General's own initiative, conduct a review under section 10.

*Minister may direct Inspector-General to conduct review*

- (2) The Minister may, in writing, direct the Inspector-General to conduct a particular review (a **directed review**) under section 10.
- (3) In considering whether to give a direction under subsection (2) to conduct a directed review, the Minister must have regard to:
  - (a) the objects of this Act; and
  - (b) the functions of the Inspector-General; and
  - (c) the work plan for the financial year in which the directed review is to be conducted; and
  - (d) whether the Inspector-General has sufficient resources to conduct the directed review.
- (4) The Inspector-General must comply with a direction given under subsection (2).
- (5) The Inspector-General must consult the Minister in determining:
  - (a) the terms of reference for a directed review; and
  - (b) the priority to be given to a directed review.

Note: The Inspector-General is not subject to direction by the Minister in relation to these matters: see section 10C (independence of Inspector-General).

- (6) A direction given under subsection (2) is not a legislative instrument.

*Inspector-General may conduct review on request*

- (7) The Inspector-General may conduct a particular review under section 10 if requested in writing to do so by:
  - (a) the Secretary; or

- (b) a Minister (other than the Minister administering this Act) that administers a law relating to the export of livestock.
- (8) The Inspector-General is not required to comply with a request under subsection (7).

## **14 At the end of Part 2**

Add:

### **Division 4—Annual work plans**

#### **11A Inspector-General must prepare annual work plan**

- (1) The Inspector-General must prepare a work plan, in writing, for each financial year.
- (2) The work plan for a financial year must set out the key outcomes and priorities for the Inspector-General for the financial year, including:
  - (a) the reviews that the Inspector-General intends to conduct under section 10 during the financial year; and
  - (b) details of each review, including when each review will be conducted.
- (3) The Inspector-General must consult the Minister in preparing a work plan for a financial year. The Inspector-General may also consult any other person the Inspector-General considers appropriate.

Note: The Inspector-General is not subject to direction by the Minister in relation to these matters: see section 10C (independence of Inspector-General).
- (4) The Inspector-General must publish the work plan for a financial year on the Inspector-General's website as soon as practicable after it has been finalised.
- (5) A work plan prepared under subsection (1) is not a legislative instrument.



**11B Variation of annual work plan**

- (1) The Inspector-General may vary a work plan for a financial year if the Inspector-General is satisfied that it is reasonable and appropriate to do so.
- (2) The Inspector-General must publish the work plan, as varied, on the Inspector-General's website as soon as practicable after the work plan has been varied.
- (3) A varied work plan is not a legislative instrument.

## Part 2—Other amendments

### Division 1—Amendment of the Inspector-General of Live Animal Exports Act 2019

#### *Inspector-General of Live Animal Exports Act 2019*

##### **15 Section 5 (definition of *Inspector-General*)**

Repeal the definition, substitute:

*Inspector-General* means the Inspector-General of Animal Welfare and Live Animal Exports referred to in section 9.

##### **16 Section 5 (definition of *live-stock*)**

Repeal the definition.

##### **17 Section 5**

Insert:

*livestock* means any of the following:

- (a) cattle, sheep, goats, deer, buffalo, camelids;
- (b) any other animal prescribed by rules made for the purposes of this definition;
- (c) the young of an animal mentioned in paragraph (a) or (b).

##### **18 Section 5 (definition of *live-stock export official*)**

Repeal the definition.

##### **19 Section 5**

Insert:

*livestock export official* means any of the following:

- (a) an authorised officer within the meaning of the *Export Control Act 2020*;
- (b) an accredited veterinarian within the meaning of the *Export Control Act 2020*;
- (c) the Secretary or a delegate of the Secretary.

**20 Subsections 10(1A) and (2)**

Omit “live-stock” (wherever occurring), substitute “livestock”.

**21 Subsection 17(3)**

Omit “of Live Animal Exports” (wherever occurring).

**22 Section 37 (heading)**

Omit “live-stock”, substitute “livestock”.

**23 Paragraphs 37(a) and (c)**

Omit “live-stock”, substitute “livestock”.

**Division 2—Amendment of the National Anti-Corruption  
Commission Act 2022**

*National Anti-Corruption Commission Act 2022*

**24 Section 7**

Insert:

*Inspector-General of Animal Welfare and Live Animal Exports*  
means the Inspector-General of Animal Welfare and Live Animal  
Exports referred to in section 9 of the *Inspector-General of Animal  
Welfare and Live Animal Exports Act 2019*.

**25 Section 7 (definition of *Inspector-General of Live Animal  
Exports*)**

Repeal the definition.

**26 Subsection 11(1) (after table item 7)**

Insert:

7A	The Inspector-General of Animal Welfare and Live Animal Exports	The Inspector-General of Animal Welfare and Live Animal Exports
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**27 Subsection 11(1) (table item 10)**

Repeal the item.

**28 After paragraph 11(2)(b)**

Insert:

(ba) the Inspector-General of Animal Welfare and Live Animal Exports;

**29 Paragraph 11(2)(e)**

Repeal the paragraph.

**30 Subsection 12(2) (after table item 2)**

Insert:

2A	The Inspector-General of Animal Welfare and Live Animal Exports	An individual acting under the authority of the Inspector-General of Animal Welfare and Live Animal Exports
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**31 Subsection 12(2) (table item 4)**

Repeal the item.

**32 After paragraph 15(l)**

Insert:

(la) the Inspector-General of Animal Welfare and Live Animal Exports;

**33 Paragraph 15(n)**

Repeal the paragraph.

## **Part 3—Saving, application and transitional provisions**

### **34 Definition**

In this Part:

*commencement day* means the day this Act commences.

### **35 Saving—Inspector-General and reviews**

- (1) A person holding office as the Inspector-General of Live Animal Exports immediately before the commencement day continues, on and after that day, to hold that office under the title of Inspector-General of Animal Welfare and Live Animal Exports.
- (2) The person holds that office (under that new title), on and after the commencement day:
  - (a) on the terms and conditions that were applicable to the person immediately before that day; and
  - (b) for the balance of the person's term of appointment that remained immediately before that day.
- (3) The *Inspector-General of Live Animal Exports Act 2019*, as in force immediately before the commencement day, continues to apply on and after that day in relation to:
  - (a) a review started under section 10 of that Act before that day; and
  - (b) anything done or required for the purposes of such a review, whether before, on or after that day.

### **36 Application—work plans**

Sections 11A (Inspector-General must prepare annual work plan) and 11B (variation of annual work plan) of the *Inspector-General of Animal Welfare and Live Animal Exports Act 2019* (as amended by this Act) apply in relation to the first financial year starting after the commencement day, and each subsequent financial year.

### 37 Transitional—protected information

- (1) Protected information obtained before the commencement day may be used or disclosed under, and in accordance with, Part 4 of the *Inspector-General of Animal Welfare and Live Animal Exports Act 2019* (information management) on or after the commencement day for the purposes of that Act as amended by this Act.
- (2) Subitem (1) does not limit Part 4 of the *Inspector-General of Animal Welfare and Live Animal Exports Act 2019*.

Note: **Protected information** is information obtained under, or in accordance with, the *Inspector-General of Animal Welfare and Live Animal Exports Act 2019* (see section 5 of that Act).

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[Minister's second reading speech made in—  
House of Representatives on 24 May 2023  
Senate on 13 June 2023]

(63/23)

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