



*Submission on the draft Animal Care and Protection Bill*  
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### 1. About AMIC

The Australian Meat Industry Council (AMIC) is the peak body representing the post-farm gate meat industry. AMIC members include businesses processing livestock for domestic and export consumption, smallgoods manufacturers, boning rooms, cold stores, wholesalers and distributors, through to exporters and independent retail butchers. AMIC has over 320 members with small, medium and large businesses in Victoria.

The Australian meat and livestock industry prides itself on maintaining high animal welfare standards. The humane treatment of animals is not only the right thing to do, but also critical for maintaining consumer trust, access to global markets, and for producing a high-quality and wholesome product.

Animal husbandry practises and the slaughter of livestock are inescapable truths in the production of meat for human consumption. The regulation of animal welfare must be cognisant of and accommodate science-based industry practises, underpinned by a suite of minimum standards and as part of a culture of continuous improvement.

AMIC considers the application of sound animal welfare practices at processing establishments to be vital to the sustainable operation of the industry and our members are committed to proper, stringent, and accountable animal welfare through the supply chain. Furthermore, it is AMIC's principal belief that all animals must be treated humanely without suffering, pain or distress.

This commitment to animal welfare, and the humane treatment of livestock from receipt to processing, led to the development of the *Australian Livestock Processing Industry Animal Welfare Certification System* (AAWCS) in 2013. AAWCS underpins high levels of animal welfare management at livestock processing establishments across Australia and ensures that the livestock processing industry continues to meet community and consumer expectations. AAWCS covers over 80% of livestock processed in Australia and is independently managed and audited by AUS-MEAT.

## 2. Executive Summary

The Australian meat supply chain makes a substantial contribution to the national economy and is a key employer, especially in remote and regional communities. The Australian red meat (beef, sheepmeat, goatmeat) contributed \$22.5 billion<sup>1</sup> in 2021–22 and the pork industry contributed \$6 billion<sup>2</sup> in 2022-23 to the national economy.

Victoria is a major contributor to the production and processing of meat in Australia. In 2023, Victoria produced 433,000 tonnes of beef (or 20% of the national total), 313,000 tonnes of lamb (52%), 85,000 tonnes of mutton (34%), 105,000 tonnes of pork (20%) and 17,000 tonnes of goatmeat (46%). The Victorian meat industry plays a critical role in feeding Australians and consumers around the world with healthy and wholesome products.

While Victoria is a major player in the Australian meat and livestock industry, its strength and future prosperity stems from it being integrated within a national system. To the extent that it is possible, the regulation of animal welfare in Victoria must be harmonised and underpinned by consistent standards across national jurisdictions. If Victoria were to become unaligned with other Australian jurisdictions in how it regulates animal welfare, it could create an unequal playing field, add unnecessary complexity and cost to doing business, and make explaining our system to overseas markets problematic. The design of the *draft Animal Care and Protection Bill* (hereafter referred to as the *draft Bill*) and the yet to be developed Regulations must draw from and align with the Australian Animal Welfare Strategy currently under development.

Taken to the extreme, if Victoria were to create an unworkable regulatory regime, as part of changes within the draft Bill and subsequent Regulations, it could drive meat production interstate and/or overseas at the expense of tens of thousands of Victorian jobs, the economic prosperity of the regions, and state's ability to produce food for Victorians.

AMIC does not take issue with the objectives of the draft Bill: to promote an understanding that people have a duty to care for animals they own or control; to promote responsible and acceptable treatment of animals and deter unacceptable treatment of animals; and, to promote community awareness about the care and protection of animals.

However, this submission serves to raise major concerns and questions from AMIC's review of the draft Bill and how it, and the yet to be written Regulations, will apply to livestock processing in Victoria.

We welcome the opportunity to discuss these issues in further detail and ensure that Victoria continues to be the home of a thriving and world leading meat industry. AMIC has previously provided submissions to the *Directions Paper* and *Plan for Victoria's New Animal Care and Protection Laws*.

AMIC holds considerable concerns regarding the draft Bill. Specifically, this submission expands on the following:

- a) **Removal of the exemption for slaughter and introduction of specified classes of conduct** – the lack of exemption within the draft Bill for the slaughter of livestock, as is currently the case with slaughter covered solely by the *Meat Industry Act 1993*, means generic animal welfare legislation is being applied to the unique conditions of livestock processing. Given the very act of humane livestock slaughter to produce meat for human consumption is at odds with the principles of animal welfare legislation, this exemption is appropriate. This is

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<sup>1</sup> MLA (Meat & Livestock Australia) (2023) [State of the Industry Report](#)

<sup>2</sup> APL (Australian Pork Limited) (2023) Australian pork industry state of play snapshot, APL

particularly problematic as industry is still waiting on the development and finalisation of the *Australian Animal Welfare Standards and Guidelines (AAWSG) for Livestock Processing Establishments* to clearly articulate requirements at the point of slaughter within the Regulations. The removal of the exemption may put the draft Bill at odds with the *Meat Industry Act 1993*.

- b) **Regulations are not yet available** – the draft Bill references Regulations that have not yet been developed, making it not possible to fully comprehend the wider implications for industry.
- c) **Regulator at the point of slaughter** – it is unclear how the Act and subsequent Regulations will be enforced and who the regulator will be at livestock processing establishments, especially the role of and the interaction between the current regulators, PrimeSafe and the Commonwealth Department of Agriculture, Fisheries and Forestry (DAFF).
- d) **Introduction of *Intensive Environments*** – the scope of the term *intensive environments* is not fully defined within the Bill and it's unclear if livestock processing establishments (i.e. lairage pens) could be captured under the Regulations, and the repercussions for additional licensing and audit requirements on top of existing arrangements.
- e) **Animal care requirements** – these requirements need to ensure they are suitable for various livestock species and appropriate in the context of livestock processing establishments. AMIC is concerned that without the *AAWSG for Livestock Processing Establishments* finalised, terms like '*appropriate care requirements*' are ambiguous and open to interpretation.
- f) **Electric shock devices** – without the Regulations it is unclear what the potential impacts of the new requirements for electric shock devices will be in the context of livestock processing.
- g) **Licensee requirements** – additional tests, training and qualifications required of licensees indicated, but not detailed, in the draft Bill need to be suitable and fit for purpose to the context and variety of livestock processing establishments.
- h) **Entry without consent by Authorised Officers** – industry needs assurances to ensure that entry without consent cannot be permitted based off erroneous or spurious claims.

### 3. Concerns with draft Bill

#### a. Removal of the exemption for slaughter and introduction of specified classes of conduct

The draft Bill introduces a new specified class for the '*killing, wounding or capturing*' of animals, which encompasses the livestock processing industry. This specified class replaces the current exemption for slaughter within the *Prevention of Cruelty to Animals Act 1986* (POCTA Act) which provides the *Meat Industry Act 1993* sole coverage of welfare at the point of slaughter.

In a prior submission, AMIC emphasised that the animal welfare requirements for the humane slaughter of animals should not be included in general animal welfare legislation, as in the draft Bill, as it is still likely to conflict with the wider principles of the animal welfare legislation. Livestock processing should have individualised and appropriate legislation that is specific to the industry and not at odds with the humane slaughter of livestock.

The more appropriate means by which to bolster animal welfare enforcement and oversight in Victoria would be to maintain the exemption and pursue the development and adoption of *AAWSG for Livestock Processing Establishments*, which could then be utilised by the existing regulator, PrimeSafe, as an enhanced tool by which to license establishments and audit against. This will ensure that

regulatory responsibility will be clearly defined and remain with the authority that has specialised experience in regulating livestock processing facilities. We believe this approach will achieve the same desired outcomes of the *draft Bill* but also ensure effective and efficient regulation. An expanded scope for PrimeSafe to enforce animal welfare requirements at domestic establishments should also be accompanied by increased resourcing.

AMIC also notes that as a requirement of *Division 1 (Killing, wounding or capturing an animal)* in the draft Bill, a regulation will be formed for the livestock processing sector. In other sectors, there may already be pre-existing AAWSG to serve as a reference document, but to date the *AAWSG for Livestock Processing Establishments* have not yet been completed. The process to develop the *AAWSG for Livestock Processing Establishments* has been protracted, and there is no guarantee that it will be finalised and ready for adoption into a Victorian regulation within the two-year timeframe. As a backstop, AMIC is willing to engage Agriculture Victoria and PrimeSafe to discuss how the industry AAWCS best-practice standards or alternative standards could be fully or partially utilised as a suitable regulatory tool.

**Recommendation:** AMIC strongly recommends that the exemption for slaughter remains in the new *Animal Care and Protection Act* as the activity of slaughter to produce meat for human consumption needs individualised, specific legislation. The development and utilisation of *AAWSG for Livestock Processing Establishment* is critical to underpin welfare, whether under the current *Meat Industry Act 1993 (and the existing exemption to the POCTA Act)* or as indicated in the draft Bill. AMIC is concerned what will be utilised to stipulate animal welfare requirements for processing livestock within the Regulations if the *AAWSG for Livestock Processing Establishment* are not yet complete. The Victorian Government should work closely with AMIC to design a backstop if the *AAWSG for Livestock Processing Establishment* are not finalised within a timely manner.

#### b. Regulations are not yet available

The current consultation round only includes the draft Bill, and the associated Regulations have not yet been written and made available. It is impossible for industry to provide clear and complete feedback to the Victorian Government on the draft Bill, as there are numerous references to requirements in regulations that have yet to be written, let alone viewed. This makes it difficult to understand the potential implications for our membership and creates risk of unintended consequences not in line with the intent of the Victorian Government.

**Recommendation:** Due to the openness of the Bill and the inability to refer to regulations, the Victorian Government must ensure there is adequate industry consultation and time to develop the Regulations before the Bill becomes legislation.

#### c. Regulator at the point of slaughter

As the regulations for the draft Bill have not yet been written, including the specific regulations for livestock processing establishments as required under the *Division 1* specified classes of conduct, it is unclear how any of the Regulations will be enforced and by whom.

Currently, PrimeSafe is the regulator for the Victorian livestock processing industry, under the *Meat Industry Act 1993*. Slaughter that complies with the *Meat Industry Act 1993* is exempt under the current POCTA legislation and, instead, PrimeSafe licenses and audits domestic processing facilities against the animal welfare requirements of the Australian Standard for the *Hygienic production and transportation of meat and meat products for human consumption* (AS4696). The Commonwealth DAFF regulates export accredited establishments against AS4696 under a formal arrangement with

PrimeSafe. With the removal of the slaughter exemption in the draft Bill, it is unclear who will be responsible for ensuring compliance with the animal welfare regulations for the livestock processing industry, and whether PrimeSafe (and, by extension, DAFF with regards to export establishments) can continue to be the sole regulator responsible for licensing and auditing.

Licensing and auditing of establishments for animal welfare and food safety must remain the responsibility of one regulator to avoid unnecessary and duplicative costs being borne by industry and to ensure clear delineations of who has regulatory responsibility.

Ideally, this can be managed by maintaining the pre-existing exemption for slaughter within the new Act. This will avoid potential duplication of regulation for slaughter and any conflict with the current method of food safety regulation.

**Recommendation:** The Victorian Government confirms that regulatory oversight (for food safety and animal welfare) at the point of slaughter will remain with PrimeSafe (for domestic) and DAFF (for export) and that a dual-regulator system will not be imposed upon industry.

#### d. Introduction of *intensive environments*

Although not explicitly listed, due to the broad definition of *intensive environments* in the draft Bill it may potentially encompass livestock processing establishment lairage pens. The draft Bill notes that the industries listed in this class of intensive environments will be required to follow specific regulations and may need to obtain additional licenses.

It is unclear how the yet to be written regulations that cover industries identified as *intensive environments* interact with other regulations associated with this draft Bill. For example, is there a requirement to comply with regulations and be licensed separately for both *intensive environments* and those under *Division 1*?

As livestock processing establishments will already be captured under separate licensing arrangements, they must not fall within this additional class of *intensive environments* when the subsequent regulations are developed. Licensing regimes must be streamlined.

**Recommendation:** The Victorian Government clarifies that enforcement requirements applied to *intensive environments* will not be duplicated within other classes of activities in separate Regulations, creating multiple licensing, auditing and compliance regimes. In addition, if encompassing of livestock processing establishment lairage areas, any additional regulatory requirements on *intensive environments* must be harmonized within existing arrangements and managed by the current regulators (PrimeSafe and DAFF).

#### e. Animal care requirements

AMIC notes that there are new animal care requirements in the draft Bill. AMIC is concerned by the language used in these requirements. Words such as *'appropriate'* are ambiguous and interpretation may vary based on both the species in question and the individual(s) enforcing the legislation.

Whilst the Victorian Government has suggested that the regulations and what is *appropriate* will be based off the AAWSGs and existing *Codes of Practice*, the regulations are yet to be drafted and the AAWSG for *Livestock Processing Establishments* are yet to be completed. If the AAWSG for *Livestock Processing Establishments* are not finalised by the time the legislation is passed, the ambiguity with regards to animal care requirements in the bill will be particularly problematic.

**Recommendation:** The Victorian Government considers existing industry standards and practices that are based on science and evidence when writing any regulations, in the absence of any national standards. AMIC, as the owner of AAWCS, is the most appropriate body to advise on animal care requirements and their practical application at livestock processing establishments in the absence of the *AAWSG for Livestock Processing Establishments*.

#### f. Electric shock devices - introduction of licensing

The draft Bill introduces new requirements for electric shock devices. According to the new definition, electric shock devices could include both goads and electrical stunning devices. There is no current indication on what devices will be permitted, regulated, and prohibited. AMIC understands that this will be written into the Regulations, however it is unclear what the basis of these regulations will be.

**Recommendation:** The Victorian Government clarifies what electric stunning devices and electric goads will be permitted and if/what additional licensing will be required to use these devices. AMIC urges the Victorian Government to adequately consult industry to ensure that any additional restrictions on the use of electric shock devices are practicable to implement and regulate.

#### g. Licensee requirements

Under the draft legislation, there are multiple areas where the processing industry may need to apply for additional licenses. As per the draft, there are a number of requirements that will need to be complied with including:

*“... (i) that person is a fit and proper person to hold the licence; and (ii) that person has any prescribed qualifications, training or experience for any activity that person carries out or is to carry out under the licence; ...”*

Without the regulations to refer to, AMIC is concerned that prescriptive training or qualifications may be required for those in the livestock processing sector that are not suitable or required to achieve the desired animal welfare outcomes.

**Recommendation:** The Victorian Government clarifies what it deems as a *fit and proper person* and what qualifications, training or experience may be required under various activities and licences.

#### h. Entry without consent by Authorised Officers

AMIC has interpreted the draft Bill as including an allowance for an authorised officer to inspect a processing establishment without consent if they suspect there is an offence being committed. On a detailed analysis of the POCTA legislation, a similar clause could not be identified.

AMIC is very concerned that this allowance could permit either members of the public, or authorised officers themselves, to make erroneous or spurious claims of an offence, to justify the entry onto premises without consent/warrant. If abused by those wishing to disrupt and harass livestock processing, this part of the draft Bill could adversely affect processing establishments required to regularly respond to the entry onto their premises by Authorised Officers. Furthermore, if the establishment is forced to stop processing in response to erroneous claims and demonstrate to an Authorised Officer no offense has been committed, the animal welfare of those livestock already in lairage could be detrimentally impacted.



**Recommendation:** The Victorian Government clarifies this new clause and provides assurances that guardrails will prevent it being abused by those making erroneous or spurious claims of an offense to disrupt livestock processing.

## 4. Conclusion

The Victorian meat industry employs tens of thousands of people and nourishes millions of consumers in Australia and overseas with wholesome food every day. AMIC and the livestock processing industry is commitment to humane animal welfare practises, evident by the widely adopted and independently audited industry best practise animal welfare scheme, AAWCS.

Industry supports the Victorian Government’s goal to bolster animal welfare across the state but is cautious about what the changes within the draft Bill will mean and whether new requirements will appropriately balance enhanced regulation with the practical environment and diversity of processing facilities. Victoria is a leader in Australia and globally in the production of high-quality and sustainable meat – the Victorian Government must not compromise this capability by adopting legislation and regulation that is not appropriate to the context of processing livestock.

AMIC would like to thank you for the opportunity to provide a response to the draft Bill. AMIC would appreciate the opportunity to discuss the draft Bill and how concerns raised in this submission can be addressed in the draft Bill and Regulations to be developed.