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Industry and Co-regulation

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# Red Meat Industry

submission (part A)

to the

## Productivity Commission

first

## Annual Review of Regulatory Burdens on Business

Meat & Livestock Australia  
Cattle Council of Australia  
Sheepmeat Council of Australia  
Australian Lot Feeders' Association  
Livecorp  
Australian Meat Industry Council

8 June 2007

## Preface

The Presiding Commissioner  
 Review of Regulatory Burdens, primary  
 Productivity Commission  
 Belconnen ACT 2616

The Red Meat Industry, a major Australian major primary, manufacturing and export sector, welcomes the opportunity provided by these Annual Reviews of Regulatory Burdens to address issues with regulation. The Industry will make a series of inputs: -

**Submission 1A June 2007:** Overview of Red Meat Industry regulatory circumstances

**Submission 1B July 2007:** Deeper analysis of four key issue areas, each developed from a number of important perspectives and noting the Commission's Issues Paper:

- Road transport rules as applied to this Industry
- Animal Welfare rule systems
- Environmental Reporting
- Live Export regulation costs

**Submission 2 February 2008:** For the Manufacturing & Distributive Trades Review. This will cover regulation of meat processing to export. However, the red meat chain is vertically integrated so regulation of production and transport can have influence on processing, and the reverse, as indicated at points in Submissions 1A and 1B.

**As a widespread, multi-participant sector providing food for domestic and world markets** as its major output, the red meat industry expects and supports appropriate levels of regulation. Responsible, consistent and effective standards add stability to the industry and support ongoing operation in some marketplaces against strong competition. While acknowledging regulatory systems generally increase costs, this industry supports regulations and standards that show a net benefit to most industry participants in the production, processing, retail and export marketplaces.

Over the last decade, the Industry itself has supported some safety and traceability systems regulated by governments. The industry is conscious of cost and 'red tape' issues raised at times by primary sector producers, industry associated businesses and organisations, and notes the need to routinely review regulations, especially as circumstances change.

This submission firstly identifies mixes of rules impacting across the industry. The 'total weight' of regulation, with potential inefficiencies and demotivating effects, is an issue governments and industry should recognise in these reviews. An overview is provided and four key government rule systems have been identified as impacting on productivity.

**The Red Meat industry considers most of the onus for arguing to retain costly rules should rest with proponents of the regulations.** That said, the four key issues will be examined in some depth in Submission 1B, with the view to these being short-listed as priority areas for removal or reduction of regulatory burdens.<sup>1</sup>

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## 1. CONTEXT

Industries and businesses across Australia have been increasingly critical of growth of regulation in recent years. While there have been numerous reviews of regulation with moderate results in the past, Australian governments now appear concerned to actively address red tape impacts on businesses. These effects are increasingly felt as global competitive, productivity and environmental pressures grow.

**Statements by rural industry associations on burgeoning red tape are important context to this submission.** The Red Meat Industry understand realities behind these statements, but does not propose to cover general across-industry and regional issues.

The 2006 study, *Creating our Future: Report by the Agriculture and Food Policy Reference Group*, concluded that “the regulatory burden facing business must be reduced” and identified a set of broad issue areas.<sup>2</sup> These include: food regulations and systems, technical barriers to trade, biotechnology and GM crops, infrastructure including transport, and aspects of environmental management and water security.<sup>3</sup>

A submission by the Victorian Farmers’ Federation in 2004 to a State review distilled the concerns of many in farming and associated businesses in Victorian regions. Most farmers in Australia are involved to a great or lesser degree in the red meat industry.

“Regulations which have the effect of restricting growth and development in rural areas are escalating exponentially. The Victorian Farmers Federation is continuing to express concern about the growth of government regulation and its impact on farm businesses, small businesses and rural Victoria. In response to the increasing ire about the extent of government intrusion into the private business of rural Victorians, the theme of the [VFF] Annual Conference in July 2004 was ‘Red Tape and Taxes: Strangling Victorian Farmers’.

Regulations affecting native vegetation, farm management (right to farm), planning, industrial relations, farm safety, transport, water, health, animal welfare and indigenous affairs are having a significant negative impact on farmers, and on their ability to operate profitable farm business enterprises over the long-term. In recent times we have seen a tidal wave of rules, regulations, impositions, taxes and charges crushing our farmers and their businesses. ... ..

It is an issue which has impacted upon individuals and businesses across Victoria ...regulations do not only impact on regional economic development through the imposition of taxes and charges, or the enforcement procedures that underpin these things. Regulations also impact upon overall economic development by reducing the time producers can devote to normal farm business operations. ... the opportunity cost of complying with government regulations is that of effort diverted away from developing and expanding profitable farm businesses. This heavy cost has widespread ramifications for the regional community as the additional side-effects include the creation of fewer regional employment opportunities, reduced time for participation in local community activities and more work focussed lives. ... ..”. *VFF submission to VCEC 2004*<sup>4</sup>

Notably, the Victorian Competition & Efficiency Commission (VCEC) in 2005 and 2007 has substantially criticised the complexity and weight of regulation in Victoria.<sup>5</sup> Yet, Victoria is the State with the best (‘good’) regulation making processes in place, as assessed by a recent Business Council of Australia study.<sup>6</sup>

**The Red Meat Industry is conscious there are many ‘red tape’ review activities underway, and is taking into account the spirit and findings of these** in submission 1A and 1B. Reports, exercises and ongoing programs referenced include: -

- The 'Rethinking Regulation' report, January 2006 from the Regulation Taskforce led by the Productivity Commission Chair,<sup>7</sup> and Federal Government response August 2006 including endorsement of six principles of good regulatory process as recommended – in summary.
  - Establish a case for action
  - Examine alternatives to regulation
  - Adopt the option that generates the greatest net benefit to the community
  - Provide effective guidance to relevant regulators and affected stakeholders
  - Review regularly to ensure the regulation remains relevant and effective, and
  - Consult effectively with stakeholders at all stages of the regulatory cycle.
- COAG agreements in February and July 2006 and the 2007 National Reform Agenda,<sup>8</sup> including start of action in ten 'hot spots' where cross-jurisdictional overlap or burdensome regimes seem to be impeding economic growth: - product safety, rail safety regulation, occupational health and safety, national trade measurement; chemicals and plastics, development assessment, building regulation, environmental assessment and approvals processes, business name and related registration processes, and personal property securities.
- NSW Independent Pricing and Regulatory Tribunal (IPART) report, 2006 and response.<sup>9</sup>
- Productivity Commission (PC), *Standard Setting and Laboratory Accreditation*, 2006.<sup>10</sup>
- PC Office of Best Practice Regulation, *Benchmarking and User Guides to Regulation 2007*.<sup>11</sup>

**Of importance to industries and individual businesses is an emerging focus on more detailed levels of regulation impacting on business**, from statutory instruments including Orders, to Guides, to the writing and application of Standards (including Industry standards). Examples arising during preparation for this submission include:

- The Australian Maritime Safety Authority (AMSA) under the *Navigation Act 1912* makes Orders by signature of the AMSA CEO setting requirements for shipping in Australian waters. Marine Orders Part 43 Cargo and Cargo Handling Livestock, is a key regulation for this industry. Part 43 refers to 21 other Acts, Regulations, Codes, Conventions and Standards.
- South Australia's Primary Produce (Food Safety Schemes)(Meat Industry) Regulations 2006 (under the *Primary Produce (Food Safety Schemes) Act 2004*), Schedule 1 (Codes) attaches six Standards and one industry Guide, including: AS 4696:2002 Hygienic Production and Transportation of Meat and Meat Products for Human Consumption; Guidelines for the Safe Manufacture of Smallgoods published by Meat & Livestock Australia Ltd.

**Regulatory agencies, committees and panels have also multiplied** [see [Appendix](#)].

Consultation and co-ordination are vital in regulation but so many 'entities' raise costs of providing and arguing input, and beg questions about work-making and power factors possibly motivating regulatory processes – plus the issue of 'distance-from-user'.<sup>12</sup>

The Industry is also conscious of the reality that, after decades of Federal and State reviews and promises, red tape problems have not reduced. The National Competition Policy (NCP) process achieved a number of significant structural reforms,<sup>13</sup> but on balance the regulation climate for Australian businesses of all sizes has advanced little.

**A key NCP initiative (that should be continued resolutely) was that regulations were taken to be 'restrictive in principle'**. The onus was clearly placed on those wanting to retain a law or rule, to prove net public benefit.

If, on the balance of probabilities, net benefits of restrictions to competition are positive, NCP principles require further assessment to determine if the objective of the legislation can be achieved by more efficient, pro-competitive means. Only where better alternatives do not exist and there are net public benefits for the whole of Australia should legislation be retained.<sup>14</sup>

## 2. RED MEAT INDUSTRY – production sectors

The larger, corporate beef producing enterprises in Australia play an extremely important role in the industry. They are often early adopters of technology, large investors in stock and infrastructure as well as being regionally-significant users of labour. However, the family farm still accounts for the majority of the industry in terms of number of enterprises. *CCA Yearbook 05/06*

A successful agriculture and food sector needs innovative, well educated operators, willing to embrace change, new opportunities and circumstances, and who are prepared to become involved with supply chain management. Our sector is up to this challenge. *Corish report 2006*

Rural producers have little influence over the prices they receive, and little capacity to pass on increased charges. What they can influence is total amount of production and the underlying costs structure. *Queensland Farmers Federation 2005*<sup>15</sup>

### 2.1 Value, importance, performance

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**The red meat ‘primary sector’ includes production of beef, sheep and goat meat on-farm, in feed lots or sheds and live-animal trade within Australia through saleyards or direct, or for export, plus supply chain rules where these are significant to meat production decisions (eg. product features, transport, processing, retailing).**

**Red meat production, processing, local sale and export, is a longstanding major Australian industry, significant to the economy and vital to diverse regions.** Beef is now Australia’s ‘top agricultural commodity export and most common agricultural activity’.<sup>16</sup> The economic and social features of the red meat industry,<sup>17</sup> are important context for readers to the consideration of regulatory influences in sections below.

- In 2005–2006, the gross value of Australia’s sheepmeat and cattle production was around \$9.5 billion, near 1% Australian total GDP.
- Globally, Australia is the second largest exporter of beef and lamb, providing 4% of world beef supply and 7% of lamb supply. Within Australia, red meat is 55% of retail fresh meat purchases (mostly beef and lamb).

#### Beef sector

- Beef and veal production was valued over \$7.4 billion in 2005-06; 65% exported. Value of exports is expected to increase in 2006-07 even with lower volumes.
- Beef cattle is the most widespread Australian agricultural industry, with producers in high rainfall, wheat/sheep and pastoral zones. Beef production by State (approx) Queensland 51%, NSW 20%, Victoria 16%, WA 6%, SA 4%, Tas 1%, NT 0.1%.
- ABARE defines the beef industry as broadacre farms with income from agriculture over \$40000 and more than 50 head of cattle. Some 53% of broadacre cereal cropping and livestock grazing farms are in the beef industry. These carry around 96% of all beef cattle on broadacre farms. ‘Specialist beef producers’ earn more than 50% of receipts from beef cattle sales. Some 30% are ‘small beef specialists’ (less than 300 head) accounting for about 15% of the value of beef production. About 10% of the beef herd is located on dairy farms and an increasing number of small scale farms or specialist product enterprises.

- An estimated 200,000 people are employed in Australia's red meat industry, on farm, and in processing through to retail. Over 20% are employed on beef sector farms, generally on a year round basis. As in other rural industries the average age of beef producers is rising. Around 10% of owners/managers are under 35.<sup>18</sup>
- **Feedlotting** is a vital part of the production and supply chain. 34% of beef production is now supplied from feedlots. This is underpinned by solid export and domestic demand for the consistent quality beef that can be delivered from grain fed cattle. In addition, many cattle producers now access feedlots for drought management, productivity improvement and to stabilise prices by achieving more uniform product for their customers. 2.63 million head of cattle were turned off feedlots in 2006.
- *ABARE projections 2006-2007*: Beef farm incomes are projected to halve in southern Australia due to poor seasonal conditions, higher fodder costs and lower saleyard prices. A similar drop in average incomes for northern beef producers mostly reflects lower cattle prices, with southern Queensland also affected by drought. Drought has reduced the size of the breeding herd in south eastern Australia. However, most producers appear to be financially well positioned to manage recovery once seasonal conditions improve.

#### **Sheepmeat sector**

- Australia's sheep meat production (380 000 tonnes of lamb, 244 000 tonnes of mutton, plus live exports) was valued at \$2.1 billion in 2005-06. Lamb was \$1.4 billion, an increase of 88% (real) since 1995-1996.
- The lamb sector has been concentrated in high, consistent rainfall areas or irrigation regions, especially south east Australia and south west WA. In recent years, high lamb prices have altered relative returns for broadacre activities. Lamb production has spread into drier zones. Victoria and NSW produce about 62% of lamb and 61% of mutton.
- ABARE classifies farms as 'slaughter lamb producers' if they have more than 400 sheep and on average sell more than 100 lambs for slaughter. Those generating more than 20% of farm cash receipts from lamb sales are specialist slaughter lamb producers. In 2005-06 around 38,700 broadacre farms had more than 200 sheep of which 75% produced lambs for meat. These accounted for about 90% of all lambs slaughtered in Australia.
- Near 45% of lamb and 76% of mutton is exported. Domestic consumption of lamb fell from 1998 to 2005, although Australians continue to be high lamb consumers.
- *ABARE projections 2006-07*: With drought reducing productivity of crops and livestock, farm cash incomes are likely to halve in the lamb industry. Not all producers have been forced to destock. Some have purchased sheep and lambs for finishing or to grow flocks. The sector appears to be in a sound position to expand output once conditions improve.

#### **Live export**

- Exporting of live cattle and sheep is now a major revenue and structural component of the meat and livestock industry, with average annual earnings of \$830 million between 2001 and 2005.<sup>19</sup> In 2005, the 573,000 cattle exported live was 7% of total cattle turn-off, and the 4.2 million sheep exported live were 12% of the sheep and lamb turn-off. Availability of the live export pathway underpins domestic market prices. Most live cattle exports are to Indonesia (62%), the Middle East (15%) with a growing trade in dairy cows to China.

## 2.2 Factors in competitiveness, investment and return

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### **Australian meat industry products compete among themselves and with other foods domestically, and with other strong exporting nations in world markets.**<sup>20</sup>

Variation in farm performance (outputs, productivity, financial return) receives much comment across agricultural sectors,<sup>21</sup> although there has been a general increase in wealth with rising land values.<sup>22</sup> Various analysts have discerned pointers to performance, productivity and competitiveness that can indicate where regulations may become a burden to high-performance and/or average production enterprises.<sup>23</sup>

- Best performing producers in the slaughter lamb industry have achieved considerable growth in labour productivity including a steady increase in the average size of producers' farms, possibly enabling producers to optimise use of family labour and permanent employees.
- A combination of extra income, from more product per hectare, achieved at lower costs (especially labour and overheads) is behind the results of most profitable flocks.
- Over three decades the beef industry has significantly improved herd productivity through innovation and management, improved genetic characteristics of livestock, and improved pasture, herd and disease management, growth in the feedlot sector and live export.
- In export of live cattle, year to year returns are affected by Australian cattle prices, exchange rates, economic growth in importing countries and competition from other suppliers. For Indonesia, Australia's competitiveness is enhanced by short sea voyages, usually less than five days, and by availability of acclimatised cattle in the north.
- Australia's status as 'disease free' provides a crucial competitive advantage into high-value markets in Japan, USA and Korea (together near 90% of beef exports in 2005-06).

### **Alongside innovation and training to increase productivity, vigilance on costs at all stages of the supply chain and across enterprise operations is crucial.**

Sector-by-sector, farming is progressively being integrated into food and fibre chains, driven by the desire of major food and fibre processors and retailers to reduce chain costs and uncertainty, [and] by the desire of farmers to differentiate their produce and increase margins. ... successful farmers need to understand their own production system ... now also need to understand and be able to respond to changes in supply chains well beyond the farm gate. *Farm Institute 2005*<sup>24</sup>

**Location of manufactured food production is now less dependent on location of natural raw material inputs.** ABARE notes that 'trade related costs' are increasingly important, including transport charges, cost of coordinating deliveries and managing supply chains with multiple inputs, and communication and transactions costs (such as meeting legal and regulatory requirements). However 'Australia performs well compared with other trading nations given Australia's distance from its major trading partners'.<sup>25</sup>

The ACCC recently provided some assessments on cost and competitiveness of red meat and cost components of its 'long and complex domestic supply chain'.<sup>26</sup>

**General government regulations have substantial impacts on cost-structures and investment decisions** in the meat industry. This has been noted in a series of reviews:

- 1998: Many regulations were considered sensible but the total weight of rules was costly in time and money, and a deterrent to innovation and new investment.<sup>27</sup>
- 2001. The industry made a substantial submission to the PC Inquiry on Cost Recovery by Federal Agencies (a reconsideration of government charges to commercial entities for services). This had two parts: an argued case for reducing charges for inspection

particularly, calling on competition policy principles (if the laws exist a public benefit must have been shown) and analysis from the 1998 Rules review,<sup>28</sup> plus a study of meat inspection and other charges and competitiveness vis-à-vis the USA and New Zealand.<sup>29</sup> The industry achieved a major reduction in government inspection fees.

‘The US government at all levels is only lightly involved through cost and charges interventions in its beef and sheepmeat industries. In contrast, Australian and New Zealand governments intervene (negatively) much more – and thus damage the competitiveness of their industries. ... the US government is much more generously involved in dispensing subsidies and assistance.’

- National Competition Policy reviews were conducted over 1998 to 2004. A number involved review of Federal and State laws controlling meat processing and sale – many requiring change to reduce or remove regulatory effects with limited benefit. Findings of these, and reviews of trade regulation, will be considered in relation to processing.

**Overall impacts of regulations – red meat and other industries:** Findings of past and current investigations into agricultural and meat industry regulation (with some perceptions reinforced by PC guidance on *opportunity costs*<sup>30</sup> and *regulator behaviour*<sup>31</sup>) indicate effects of ‘red tape’ on meat industry businesses are similar to most sectors, ie:

- (i) *higher costs of running an enterprise* directly and/or by limiting choices, and
- (ii) *reduced scope and motivation for innovation, invention and investment.*

**Together these impair productivity and competitiveness** of the whole Australian meat supply chain, of industry sectors and of individual enterprises – compared to less-regulated environments at times experienced by competitor industries/nations.

**If a set of rules achieve measurably higher returns and/or significant public benefit**, there may not be a ‘regulatory burden’, but this circumstance can vary –

- i) *among businesses within an industry* – with small-medium-sized and innovative businesses often affected more negatively (shown in a number of general studies),
- ii) *when the competitive circumstances of an industry change*, especially as new suppliers gear-up to enter an apparently profitable marketplace, and/or
- iii) *as the cumulative weight of rules and costs build* to a ‘tipping point’.

This basic ‘impact’ and ‘burden’ framework sets the scene for the sections below.

### 3. LIVESTOCK feeding, management and sale

- 3.1 Food, processing and export rules
- 3.2 Breeding, farm production, livestock sale
- 3.3 Animal health, welfare and supply chain
- 3.4 Feedlot production
- 3.5 Live export
- 3.6 Business operations and development

#### Parts 3 and 4 of this Submission 1A, aim to

- to provide a summary of the current red meat industry regulatory environment, then
- outline concerns raised by industry participants and/or identified in research, and
- to explain the identification of four key issues being investigated for Submission 1B.

The following sections include lists of legislation, regulations, statutory instruments, codes, procedures and other rules that indicate the spread of different forms of regulation. These lists are not complete – there are many more rules. Most regulation regimes are repeated across jurisdictions, so each jurisdiction is not recorded here.

In addition, some rule sets are difficult to track in limited time. Many Acts allow for layers of subsidiary rulemaking including quasi-regulation, policies and guides. The importance of chemical rules notwithstanding, a useful example is provided by the NSW Government's own description of its Pesticides Law compendium [below].

Reading this also provides a feel of the day-to-day 'regulatory pictures' some farmers and service industry associates experience.

#### **Pesticides Act 1999 (NSW)**

This Act controls and regulates the use of pesticides in NSW. It is an offence under the Act: to use a pesticide in a manner that injures or is likely to injure another person (s10); to use a pesticide in a manner that damages or is likely to damage any property of another person (s10); to use a pesticide in a manner that harms any non-target animal or plant, or harms any animal or plant if there is no approved label or permit ... (s11); to wilfully or negligently use a pesticide in a manner that causes material harm to threatened species or protected animals (s9); to possess or use an unregistered pesticide without a permit (ss 12, 13); to fail to read an approved label or permit before using a registered pesticide (s14); to use a registered pesticide contrary to the approved label (s15); to keep registered pesticides in a container without an approved label (s16); to possess or use a restricted pesticide without being authorised by a certificate of competency or a pesticide control order (s17).

The EPA may make *pesticide control orders* under the Act which prohibit or control the use of pesticides, or which permit the use or possession of restricted pesticides. The Act gives a *Pesticides Implementation Committee* a role in matters relating to the implementation of the Act, for eg *formulating regulations, pesticide control orders and pesticide codes of practice dealing with issues such as training of pesticide users and record keeping*.

The Act provides that certain pesticides may only be used by a person who has obtained a certificate of competence authorising such use. There are also provisions to regulate food-stuffs that contain prohibited residues of pesticides, and to prescribe methods of controlling the application of pesticides from aircraft (with the EPA being required to licence pilots and aircraft operators aircraft operators that conduct aerial spraying).

[www.environment.nsw.gov.au/legal/summariesact.htm#ehc](http://www.environment.nsw.gov.au/legal/summariesact.htm#ehc)

## Legislation, regulation sets

### International

- World Trade Organisation (WTO) agreements involving Australia
- FAO-WHO - Codex Alimentarius Commission food standards, guidelines and codes of practice
- World Organisation for Animal Health (OIE) rules, standards

### Commonwealth - DAFF

- Australian Meat and Live-stock Industry Act 1997, and Regulations 2000
- Australian Meat and Live-stock Industry (Quotas) Act 1990
- Australian Meat and Live-stock Industry (High Quality Beef Exports to the EU) Order 2007, and USA Order 2006
- Australian Meat and Live-stock Industry (Sheepmeat and Goatmeat Export to EU Quota Year 2007) Order 2006
- Guidelines for EU New Entrant Quota - 2007/2008

### AQIS

- Export Control Act 1982, and EC (Orders) Regulations 1982
- EC (Animals) Order 2004
- ECI (Meat and Meat Products) Orders 2005;
- EC (Organic Produce Certification) Orders
- EC (Prescribed Goods - General) Order 2005
- Export Inspection and Meat Charges Collection Act 1985, and Regulations 1985
- Export Inspection (Establishment Registration Charges) Act 1985, and Regulations 1985
- Export Inspection (Service Charge) Act 1985, and Regulations
- Meat Inspection Act 1983; and MI (Modification) Regulations, and MI (Orders) Regulations
- Meat Inspection Arrangements Act 1964

### New South Wales

- Meat Industry Act 1987
- Food Production (Meat Food Safety Scheme) Regulation 2000

### Queensland, Victoria, WA ... ..

- Food Production (Safety) Act 2000 (Qld)
- Meat Industry Act 1993 (Vic) and Regulations 2005
- Meat Industries Act 1996 (NT) etc

## 3.1 Food, processing and export rules

**With food as the major output of Australia's red meat production industry, food safety expectations are crucial and recognised as so.** Industry participants overwhelmingly agree food requirements should guide their production systems. However, there can be debate about the extent of regulation, how rules should be framed (prescriptions or outcomes), extent of monetary benefit and whether enterprises, industry or authorities should be the managers.

**Over the last decade, a number of accreditation and reporting schemes have been established** in the cattle and sheep meat production sectors (aside from systemic and regulatory developments in processing, not considered here). Notable among these is the National Livestock Identification Scheme (NLIS) – the mandatory system for cattle and sheep identification and traceability.

NLIS commenced across Australia on 1 July 2005 on agreement by the States and Territories to regulate for a single national traceable identification system for each livestock species. Studies showed potential for significant producer, industry and public benefits.<sup>32</sup>

Industry-based standards and schemes include:

- Livestock Production Assurance (LPA) - an on-farm food safety certification program with Level 1 (Food Safety) and Level 2 (QA including Cattlecare, Flockcare)
- LPA includes use of National Vendor Declaration (NVD) – documentation underpinning Australia's food safety reputation for livestock. LPA is voluntary, but most processors will not accept livestock without and accompanying NVD.
- National Feedlot Accreditation Scheme (NFAS).

Generally industry standards are linked to food safety issues.

Industry supports appropriate regulations to control outbreaks of animal disease and ensure the safety of meat consumed. Immense damage can be inflicted on the industry as a whole through even minor outbreaks of some diseases or through product contaminated by chemicals or harmful bacteria.

Many of the programs are structured to include self-regulatory assessments based on achieving particular outcomes at key stages of the chain, and not always prescribing what various businesses must do.

## Legislation, regulation sets

### Commonwealth

- Gene Technology Act 2000

### New South Wales

- Stock Foods Act 1940
- Wild Dog Destruction Act 1921
- Exhibited Animals Protection Act 1986
- Non-Indigenous Animals Act 1987 and regulation 2006
- Animal Research Act 1985
- Gene Technology (GM Crop Moratorium) Act 2003
- Rural Lands Protection Act 1998
- Stock (Artificial Breeding) Act 1985
- Stock Diseases Amendment (Artificial Breeding) Act 2004

### Queensland, Victoria, WA ...

- Brands Act 1915 (Qld)
- Stock Act 1915 (Qld)
- Rural lands Protection Act 1985 (Qld)
- Stock (Cattle Tick) notice 1993 (Qld)
- Stock (Seller Liability and Declarations) Act 1993 (Vic)
- Stock (Identification And Movement) Act 1970 (WA)

### Government and Industry

NLIS was implemented through instruments such as:

- Animal Diseases Bill 2005 (ACT)
- Livestock Disease Control Regulations 2006 (Vic)

### Industry

- Livestock Production Assurance (LPA) level 1 rules and standards
- National Vendor Declarations & MLA Guide to the NVD Waybill
- The Australian Ruminant Feed Ban

## 3.2 Breeding, farm production, livestock sale

### Supply chain requirements, plus drought, have made feeding and managing livestock more challenging.

Science and rules are increasingly present. Arguably, rules do have heavier effects on SME businesses – farms, grain suppliers, service providers – than on larger firms.

Medium and larger enterprises are currently the backbone to the beef and sheep meat industries and impacts on their cost structures warrant ongoing monitoring. Demographics such as age profiles and likely capacities of the future general rural workforce may also be factors in workability of rules.

### Pastures and on-farm feeding

Technical, supply or regulatory issues can arise in relation to pastures [also 4.1] and plant species including Plant Breeders' Rights legislation. Issue areas raised by producers range from obtaining accurate records with bought feed through to industry access to genetically-modified plants or grain.

State regulations banning GMOs were strongly challenged in the Corish report: "Access to these technologies is essential for the agriculture and food sector's future competitiveness".

Policy decisions and regulations that distort the marketplace for grain feed supply are important (as considered in 3.4).

### 'Chain of responsibility'

*Chain of responsibility* is a concept of growing concern on and off-farm. It arises, in the view of industry participants, when a regulation or system requires an individual or business to 'enforce' a rule not being followed by second person. If not applied – or even if enforced in difficult circumstances – then the first person may become 'involved' if problems arise. This is especially an issue with transport involving multiple parties.<sup>33</sup>

### Transport, sale yards and sale systems

The farm-saleyard-feedlot-abattoir network relies greatly on cost and performance effective road transport. Movement of live animals within and across States is a vital issue for all red meat sectors. Industry R&D programs are identifying advantage in buying and transporting stock to optimise use of seasonal land resources across regions.

Industry participants have significant issue with current and likely future rules impacting on transport costs and operations.

A range of issues are being investigated for the Red Meat Industry Submission 1B including the three outlined below:

➤ **Vehicle loads: Harmonised national rules are essential.** Volumetric loading of livestock is used in QLD and Victoria with the NSW Government resisting requests for alignment.

Significant costs have been identified for transport within NSW and for transport between VIC and QLD of between \$4 and \$9 per head in additional freight and carcass value losses.

➤ **Driver fatigue:** a real conflict is emerging between driving times and best practices for animal welfare and quality.

➤ **Chain of Responsibility** when faced with realities of loading including in paddocks, truck conditions, off-load times etc.

#### Transport

- Interstate Road Transport Act 1985 (Cth), and Regulations
  - National Transport Commission (Model Legislation- Intelligent Access Program) Regulations 2006
  - NTC (Road Transport Legislation - Compliance And Enforcement Bill) Regulations 2006 (Model)
  - Road Transport (General) Act 2005 (NSW) and regulations
  - Road Transport (Safety and Traffic Management) Act 1999 (NSW), and Roads Act 1993
  - Road Transport (General) Amendment (Intelligent Access Program) Act 2006
  - Road Safety (Heavy Vehicle Safety) Act 2003 (Vic)
- Similarly across all jurisdictions

#### Sale and Saleyards (many rules)

- eg. Stock Act 1915 (Qld)
- eg. Western Australian Meat Industry Authority Regulations 1985
- eg. Singleton Regional Livestock Markets Rules of Operation 2007
- eg. WA NLIS- Requirements for Saleyards Operators
- National Standard for the Construction and Operation of Australian Saleyards
- Industry: National Saleyards Quality Assurance program NSQA

**Road laws:** Australia has been working towards uniform road regulations for 15 years through the National Transport Commission (NTC) under agreement of all governments. The NTC considers it has achieved safety, efficiency, compliance and environmental reforms [ntc.gov.au] including ‘uniform mass limits, uniform national heavy vehicle charges, and national standards for restricted access vehicles’.

NTC compliance reforms utilise the *Chain of Responsibility principle*, ie. that *all who exercise responsibility for actions or inactions that affect compliance with the relevant requirements should be held legally accountable if they fail to discharge that responsibility*. The aim is to promote improved compliance along the logistics chain and to enable *enforcement responses to focus on those who have actually caused or contributed to a particular breach*.

NTC reforms in progress include: review of heavy vehicle driver fatigue and safety; heavy vehicle compliance and enforcement (tougher laws for overloading, exceeding dimensions and poor load restraint); performance-based regulation of heavy vehicles. NTC website.

**Road Transport Rules as applied to the Meat Industry, will be a key issue examined in Submission 1.B.**

#### Legislation, regulation sets

- World Organisation for Animal Health (OIE) rules, standards

#### Commonwealth - National

- NRS Administration Act 1992 (National Residue Survey)
- Agricultural and Veterinary Chemicals Act 1994, and Code
- Exotic Animals Disease Control Act 1989
- Multiple Animal Welfare Codes

#### New South Wales

- Pesticides Act 1999 + regulations
- Environmentally Hazardous Chemicals Act 1985, regulations
- Agricultural and Veterinary Chemicals (NSW) Act 1994
- Stock Diseases Act 1923
- Stock (Chemical Residues) Act 1975, and regulation 1995
- Exotic Diseases of Animals Act 1991, and regulations
- Prevention of Cruelty to Animals Act 1979 + regulations
- Poisons and Therapeutic Goods Act 1966 and regulations
- Stock Medicines Act 1989
- Stock Diseases Act 1923
- Veterinary Practice Act 2003, and regulations 2006

#### Victoria

- Stock Diseases Act 1968
- Livestock Disease Control Act 1994, and regulations 2006
- Prevention of Cruelty to Animals Act 1986
- Agricultural and Veterinary Chemicals (Control of Use) Act 1992
- Agricultural and Veterinary Chemicals (Victoria) Act 1994

#### Queensland, WA, ACT ... ..

- Stock (Cattle Tick) notice 1993
- Chemical Usage (Agricultural & Veterinary) Control Regs 1989 (Old)
- Animals Protection Act 1925
- Exotic Diseases in Animals Act 1981 (WA)
- Animal Diseases Act 2005 (ACT)
- Prevention of Cruelty to Animals Act 1985 (SA)
- Animal Welfare Act 1993 (Tas)
- Animal Welfare Act 2001 (NT)

#### Industry - AgSafe Guardian

- National Johnes Disease rules
- Industry QA and welfare programs

### 3.3 Animal health, welfare and supply chain

#### Chemicals

**Controlling availability, use and transfer of agricultural-veterinary chemicals is big regulatory business.** The Product Safety and Integrity Committee (PSIC), reporting to the Primary Industries Ministerial Council (PIMC), co-ordinates advice on issues relating to safety and integrity of farm produce including safety and sustainability of production systems, and national approaches for managing potential risks to food safety, public/occupational health, environments and trade, from chemicals, fertilisers, feedstuffs and residues.

The Australian Pesticides and Veterinary Medicines Authority (APVMA) administers the National Registration Scheme for Agricultural and Veterinary Chemicals. State governments regulate use of agricultural and veterinary chemicals after sale. Industry (manufacturers) operate regulatory / education schemes (AgSafe, DrumMuster, ChemClear).<sup>34</sup> NLIS enables tracing of health or residue problems to businesses [3.2]. LPA and NVD aim to reduce chemical mis-use or risk. Issues raised:

➤ **Multiple costs to all of approvals paperwork** for chemical use certification and obtaining documents allowing usage.<sup>35</sup> Banning useful chemicals can also lift costs by requiring more expensive treatments.

➤ **Availability of registered chemical treatments for goats.**<sup>36</sup> NVD and LPA programs require producers to declare chemical usage. Each type of goat production system has specific needs for parasiticides at different stages. Anecdotal evidence indicates many parasiticides widely available for sheep and cattle are used on goats but are not registered for such use. Treatments approved for goats are not available because of high registration costs.

#### Animal Health and Welfare

Industry participants recognise that optimising animal health is the basis of sustainable animal production. There are ongoing concerns in rural industries about occupational licensing,<sup>37</sup> and availability of appropriate expertise. More particularly, there is concern about what animal welfare, detail and diversity of rules, and likely substantial increases in future impact of these rules. Points arising in first stage investigations include:

➤ distinct differences in application of 'standards' (companion animals, stock animals) across jurisdictions.

➤ concerns that the *Australian Animal Welfare Strategy* (AAWS) is taking a long time to achieve and then will not be implemented in a timely, uniform manner by the States.

**Animal Welfare Rule Systems will be a key issue examined in Red Meat Industry Submission 1.B.**

### Legislation, regulation sets

- in addition to regulations listed in other sections

#### New South Wales

- Environment Planning and Assessment Act 1979, and regulations including State Environmental Planning Policies  
eg. *SEPP 30 Intensive Agriculture* (feedlots > 50 head
- and LEPs (Local Environmental Plans)
- Environmental Protection (Waste Management) Regulation 2000

#### Victoria

- Victorian Code for cattle feedlots August 1995 (State Planning)

#### Industry – Government

- NFAS: National Feedlot Accreditation Scheme and associated Codes
- Guidelines for the Establishment and Operation of cattle feedlots in South Australia, 2<sup>nd</sup> edn, 2006
- Qld: Reference manual for the establishment and operation of beef cattle feedlots in Queensland
- Qld DPI&F Note: Feedlot waste management 10. Using weather conditions.

Copies of these major recent statements and their supporting reports are included with this Red Meat Industry Submission for review by the Productivity Commission.

## 3.4 Feedlot production

The feedlot industry is one of the most regulated sectors of the beef industry. In addition to government regulations, the industry has been proactive in establishing its own operating rules.<sup>38</sup>

The value-adding and strategic importance of feed lotting in Australia today is clear [2.1]. Although numbers of smaller feedlots provide local services for cattle and sheep, the mainstream sector has evolved in structure and lot size. ALFA is the peak council representing all accredited feedlots (650).

**The National Feedlot Accreditation Scheme (NFAS) has been a key to sector development.** NFAS is an industry co-regulation scheme managed by FLIAC, the Feedlot Industry Accreditation Committee. Under AQIS Meat Orders, NFAS is mandatory for feedlots producing grainfed beef for export. The scheme also links to State government feedlot approval and licensing legislation. AUS-MEAT audits compliance with NFAS. Debate surrounding introduction of NFAS has settled over a decade of its operation and with some sector rationalisation. Australian lot feeders now position themselves as among ‘the most innovative and professional agricultural producers in the world’. [feedlots.com.au]

Some issues identified by lot feeders affect the industry generally (road transport, see 3.2; environmental reporting and National Pollutant Inventory, 4.2; and OH&S, 3.6).

Specific issues impacting on the feedlot sector: -

#### ➤ Policy-regulatory distortions to domestic grain markets.

Feedlots are the largest domestic consumers of Australian grain. The industry’s overseas competitors have more flexible access to feed grains (as unprocessed imported grain cannot be moved inland in Australia). Policy distortions to market-based operation of domestic grain markets can reduce feeding viability. Current policy-regulatory problems include:

- **Wheat single desk:** ALFA opposed the single desk in a strong joint submission to the Wheat Export Marketing Consultative Committee.<sup>39</sup> A commissioned analysis confirms distortions are caused by a muffling effect of the pooled export price on domestic grain prices and that ‘abolition of the Single Desk will increase competition..., increase investment through the supply chain and improve the responsiveness of the grains industry in its interactions with its domestic customers’.
- **Ethanol from grain.** ALFA supports viable energy alternatives and does not oppose ethanol as a fuel. The sector strongly disagrees with government interventions such as mandating ethanol content in fuel (as in NSW May 2007) that distort grain markets with harm to efficient industries. Evidenced submissions have been made to inquiries.<sup>40</sup>

**Environmental Reporting will be a key issue examined in Red Meat Industry Submission 1.B.** [see 4.2]

The Industry also aims to provide further input on regulation of water supply and its security, if these issues are not well-covered in other submissions to this first Annual Review.

“... the large majority of feedlots believe that the discretionary approach is being used by regulators for their over-cautious purposes and feedlots would be greatly assisted by having guidelines and reporting parameters in black and white and which are prescriptive”.

*ALFA 2007*

➤ **Water licensing and access certainty.** Development of new and existing feedlots and sustainability of production depends on security of water access. Drinking water is essential for health and welfare of cattle and water is also essential to ensure feedlots can comply with environmental management rules on dilution of effluent and its distribution on pastures/crops. Supply security is the main issue, rather than cost or trading systems. Feedlots need certainty of licenses (while recognising supply variability can occur in dry times). Most feedlots are now efficient water users. Classification of feedlots as ‘industrial users’ is vital, as is compensation for production losses from losing water entitlements upon which business decisions were legally and prudently based.

The best pathways for action on this are not clear, as these are drought-induced policy decisions that may become regulatory. The ALFA survey provided three examples of the issue area:

- Feedlot A had an industrial licence which was rescinded through NSW policy with a loss of 67% of water entitlement. The feedlot was forced to purchase additional land with a water entitlement, at a cost of \$1.5 million. Compensation received was \$230,000, taxable.
- Feedlot B lost half of its water allocation entitlements for 2007 and has been required to spend \$842,000 for additional allocation water on a temporary transfer for a two year period.
- Feedlot C is in a private irrigation district scheme now 45 years old. The NSW Government is advocating closure without rights being recognised. This has stalled growing of crops to feed stock or to meet requirements for the feedlot and environmental management.

➤ **Variation and discretion in applying environment rules.**

Feedlot managers are observing increasing inconsistency in ways regulators are applying regulations and sub-requirements for annual environment reports and in environmental impact statements for proposed expansions or modifications.

The serious lack of harmonisation is suggested to ... relat[e] to a lack of experience and therefore technical or scientific expertise by the regulatory personnel. They appear to be adopting a precautionary principal approach to their work and effectively ‘lifting the bar to make sure of compliance’ ... [for example]... ‘the bar’ has been raised on an ongoing basis creating significant added capital costs during feedlot expansion. Costs of in excess of \$750,000 have been experienced in some feedlots during or after the development stage.

Problems appear greater in NSW and Queensland where Local Government officers have final consent and “due either to lack of technical ability or politics, have [set] ludicrous conditions for licence approval”. Allowing officer ‘discretion’ sounds flexible, but ...

Some managers advocate the Victorian model, which utilises agreed feedlot guidelines and codes of practice, accreditation and as well as stipulated buffer zones based on feedlot size.

**Animal export and trade****International**

- World Organisation for Animal Health (OIE) rules, standards

**AQIS, Live Export instruments**

- Australian Meat and Live-stock Industry Act 1997
- Australian Meat and Live-stock Industry (Export Licensing) Regulations 1998
- Australian Meat and Live-stock Industry Regulations 1998
- EC (Animal) Orders 2004
- Orders for export to Saudi Arabia 2005, Korea 2002.
- Australian Meat and Live-stock Industry (Standards) Order 2005
- Australian Standards for the Export of Livestock (ASEL v2.1)
  1. Sourcing and on-farm preparation of livestock
  2. Land transport of livestock for export
  3. Management of livestock in registered premises
  4. Vessel preparation and loading
  5. On-board management of livestock
  6. Air transport of livestock

**Shipping****International**

- International Maritime Law

**Federal**

- Dept of Transport and Regional Services (Maritime): international and domestic shipping policy, coastal trade permits
- Australian Transport Safety Bureau: Shipping incident investigations, safety promotion
- Australian Maritime Safety Authority (AMSA) - a largely self-funded agency regulating the Australian maritime industry and shipping in Australian waters.
- Australian Maritime Safety Authority Act 1990
- Marine Navigation Levy Act 1989
- Shipping Registration Act 1981
- Navigation Act 1912
- Navigations (Orders) Regulations 1980, and Marine Orders Part 43 - Cargo and cargo handling – livestock. Issue6, 2006.

### 3.5 Live Export

**The regulatory system for Australian live exports was restructured following the Livestock Export Review 2003** (Keniry report).<sup>41</sup> As recommended, regulation was moved from an industry quality assurance process (Livestock Export Accreditation Program initiated by the Australian Livestock Exporters Council and conducted by Livecorp and Aus-Meat).

Live export sector views aligned with the reforms,<sup>42</sup> although changes were contrary to trends to co-regulation, tended not to be outcomes based, and added to costs. Live delivery rates from 2003 have continued between 99%-99.5% for sheep, and over 99.7% for cattle [Livecorp].

Recent Australian benchmarking concluded that “there are no formal systems in place in other countries that would add significantly to the effectiveness of the Australian livestock export standards”, and that Australian standards “should be considered ‘high quality’ and not requiring immediate or drastic revision”,<sup>43</sup> ie. to tighten or increase requirements.

However, Australian producers, agents, shippers compete in the world arena to supply livestock to markets. The strategic importance of the trade is recognised [2.1]. A question arising is whether the standards and their application might be adding costs that are not being returned through higher animal welfare, delivery, and/or public support for the trade?

In addition to broaching this question, industry participants identified some particular issues with the current regulations.

➤ **Significant differences among States in animal welfare** code implementation and standards interpretation [refer 3.3].

➤ **Transport rules** differing across States especially NSW [3.2].

➤ **Shipping regulations and certification.** Increasing severity of rules is questioned, noting costs, benchmark world practices and ships trading as competitors. In 2006, Order No.43 was amended to require phase-out dates for older livestock ships, and more complex electrical power supply and animal effluent drainage arrangements for existing ships. AQIS is requiring a new heat stress risk assessment model in the industry developed ASEL (Australian Standards for Export of Livestock).

➤ **Escalating costs and charges in administration of the centralised regulatory standards** and inspection regimes plus usage of commercial penalties such as reduced loading.

**Live Export Regulation Costs will be a key issue examined in Red Meat Industry Submission 1.B.**

### Legislation, regulation sets

- innumerable rules impact on business operations including – employment (awards, contracts, recruiting migrants, OH&S, workcover, dismissal, equity, privacy, superannuation, training, accreditations); tax and financial (drought / emergency support...).

- this is an illustrative listing only with focus on employment.

#### Commonwealth

Workplace Relations Act 1996  
Formerly known as the Industrial Relations Act 1988; incorporates

- Workplace Relations Amendment (Work Choices) Act 2005, and Regulations 2006
- Australian Fair Pay & Conditions Standard (and Fairness Test)
- Australian Workplace Agreements (AWAs) ... *recent Safety Net Bill*
- Age Discrimination Act 2004
- Disability Discrimination Act 1992
- Human Rights and Equal Opportunity Commission Act 1986
- Race Discrimination Act 1975
- Sex Discrimination Act 1984  
- plus regulations with each
- Migration Act 1958  
- Migration Regulations
- Trade Practices Act 1974
- Previous Federal Pastoral Industry Award

#### New South Wales ( for example)

- Occupational Health and Safety Act 2000, and regulations 2001

Workcover Authority of NSW  
Workers Compensation Commission

- Workers Compensation Act 1987
- Workplace Injury Management and Workers Compensation Act 1998, WC Regulation 2003
- From November 2006, Workers Compensation Commission Rules 03 were replaced by the Workers Compensation Commission Rules 2006 with revised Forms, Practice Directions and Guidelines.
- Employment Protection Act 1982, and regulation 2001
- Industrial Relations (Child Employment) Act 2006, regulation
- Anti-Discrimination Act 1977, and regulation 2004
- Pastoral Employees Award

## 3.6 Business operation and development

**Producer business decisions are influenced daily by multiple rules. Many are sensible** and reflect marketplace expectations but the detail and concern about infringement build to a major load on medium-small enterprises.

A range of concerns identified in Industry discussions will be addressed by Farmers' Association inputs. Points include:

- Different licence conditions for L and P plates in NSW and Victoria. Difficult for young drivers on border properties.
- Tax compliance and record keeping as the single biggest regulatory burden on business; ATO, small business and ABS income thresholds should be set at the same levels.
- Shearers and shed hands should be re-classified as a trade; Trade recognition for farm-hands will fit into trade policies.

**The major employment regulation issue is Occupational Health & Safety and Worker Compensation (WC) rules:**

- Significant differences among States in WC costs deters investment and economies of scale. Indicative percentages of payroll: Qld 3.66, NSW 7.97, Vic 3.2, SA 6.9, WA 6.17.
- Individual enterprise (eg. feedlot) history of accidents or associated medical expenses and rehabilitation not taken into account when calculating their premiums.
- OH&S and WC regulations, particularly in NSW and Qld, are complex, burdensome and compliance is expensive. Need for OH&S regulations is understood but recent years have seen 'plethora of changes' to guidelines on machinery, general feedlot fixtures creating sizeable capital expenditure without justification other than a 'no risk accident policy'. Similarly 'ticketing' for machine operators is raising costs.
- Harmonisation needed among Federal and State principles.

**Future issues with rules.** Regulatory regimes can deter innovation and business development, for instance by limiting implementation and adoption of R&D. This could escalate with more complex research and technological advances over the next 5-10 years.

**Red Meat Industry Submission 1B will include reflection on Forward Issues.**

## 4. LAND use, productivity and environments

### Legislation, regulation sets

#### Commonwealth - National

- Environment Protection and Biodiversity Conservation Act 1999, EPBC Regulations 2000
- National Pollution Inventory

#### New South Wales

- Local Government Act 1993
- Environment Planning and Assessment Act 1979, regulations including State Environmental Planning Policies (SEPPs)
- National Parks and Wildlife Act 1974
- Native Title (NSW) Act 1994
- Western Lands Act 1901
- Biological Control Act 1985
- Native Vegetation Act 2003
- Native Vegetation Conservation Act 1997
- Noxious Weeds Act 1993
- Plant Diseases Act 1924
- Plantations and Reafforestation Act 1999
- Rural Lands Protection Act 1998
- Threatened Species Conservation Act 1995
- Wilderness Act 1987
- Catchment Management Authorities Act 2003
- Water Management Act 2000
- Farm Water Supplies Act 1946
- Irrigation Act 1912
- Rivers and Foreshores Improvement Act 1948
- Soil Conservation Act 1938
- Dividing Fences Act 1991
- Fertilisers Act 1985
- Rural Fires Act 1997

#### Queensland, WA ... ..

- Other jurisdictions have numerous Acts, regulations, quasi-regulations through to detailed statutory instruments. These are applied variously through agencies from Departments to Local Councils – for an example refer 3.4.

**On-farm change is more likely when innovations:** offer a relative advantage over existing systems or approaches; are not too complex; can be trialled, tested and evaluated (initially on a modest scale); ‘fit’ with the farmer’s outlook, capacity and farming systems; offer good returns within a reasonable time frame.

... many of the measures that we have advocated to farmers over the past 20 ... years are not sufficiently practical or profitable to be adopted by the majority. Secondly, the mix of incentives and disincentives, and the way they have been administered, has not been sufficiently influential, given the technical options on offer, to cause widespread behavioural change. *Land & Water Australia 2006*<sup>44</sup>

### 4.1 Land, vegetation, water

#### Concerns with changing rules impacting on productivity and usage of land are not unique to rural businesses.

However, major issues with land-based environmental and conservation laws and their implementation have characterised agricultural industry and government relations for a decade.

Concerns range across planning, land-use, ownership, zoning, pollution controls (air, water, noise, right-to-farm, reporting, 4.2); flora and fauna conservation, biodiversity, NRM, soils, weeds, landscapes, noxious animals; State/Council fees, and more recently water rights, security, allocation and value.

Red meat industry production businesses have issues similar to those of many broadacre farmers. Native Vegetation Laws and their application in States, as well as Federal biodiversity rules, have been subject to many submissions and reviews by producer groups to many agencies including the PC. Yet in the 2006 *Creating our Future* report, it was stressed that:

Governments, communities and landholders will need to recognise ... that farming systems are dynamic and closely linked to natural ecosystems [and] farmers are the nation’s frontline environmental managers and need tools to enable them to make the most of their properties in terms of both sustainable agricultural production and earnings from providing environmental services.

**Concerns of meat producers extend from blanket rules to using commonsense in their application.** For example, on trees near fencelines, Shire and environment groups required ‘a neighbour to zig-zag his fence around trees’.

The ‘regulate first – and hard’ mentality seems alive and well in both government and environmental circles... Governments (both State and Federal) presumably see regulations as a minimum-cost approach that appeases electorate concerns. Environmental groups pay lip-service to the need for a broader range of policies but seem fixated on measuring outcomes in terms of regulations in place and penalties levied, rather than ... the real environmental outcomes. *The Australian Farm Institute, 2005*<sup>45</sup>

#### Legislation, regulation sets

##### Commonwealth- National

- National Environment Protection Council (NEPC) of Ministers
- The National Pollutant Inventory (NPI) National Environment Protection Measure (NEPM), including draft clauses for a mandatory national greenhouse and energy reporting system.

##### New South Wales

- Department of Environment and Climate Change NSW *incorporating* Environment Protection Agency EPA
- Pesticides Act 1999 + regulation
- Environmentally Hazardous Chemicals Act 1985 + regulation
- Protection of the Environment Operations Act 1997 (PEEO Act)
- - associated regulations include
- PEO (Clean Air) Regulation 2002
- PEO (Noise Control) Reg'n 2000
- PEO (Waste) Regulation 2005

##### Queensland

- Environmental Protection Agency
- Environmental Protection Act 1994, and Regulation 1998
- Environmental Protection (Waste) Policy and Regulation 2000
- Environmental Protection (Interim Waste) Regulation 1996
- Environmental Protection Policies 1997: Water, Noise, Air.
- National Environment Protection Council (Queensland) Act 1994
- State Development and Public Works Organisation Act 1971

Similarly in other jurisdictions

### **Environmental Reporting will be a key issue examined in Red Meat Industry Submission 1.B.**

This is an across industry issue of immediate importance to feedlots.

## 4.2 Externalities – Noise, Air, Water, Waste

**State pollution control regulations are long-established in Australia.** Most industries that produce ‘externalities’, such as feedlots, are familiar with these rules and address them in QA programs. As well as the international, but still debated, *precautionary principle*, State governments apply measures such as the *polluter pays principle*, the *user pays principle* and the *product stewardship principle*. epa.qld.gov.au

### **Issues arise with interpretation of regulations and policies.**

Feedlots managers, for instance, are concerned by variation and discretion in applying environment rules [refer 3.4]. Feedlot operators are also concerned about increasing direct and indirect costs of reporting to a range of authorities, including growing demands from national programs – the National Pollutant Inventory and Greenhouse Gas monitoring.

The Inventory (the first National Environment Protection Measure) was agreed by all Australian governments in 1998. NPI aims to provide Australians with information on types and amounts of pollutants being emitted in their community.

NPI requirements affect feedlots that exceed threshold emission levels (about 105 head). State legislation sets the obligation to report. There are a number of active issues:

- NPI-NEPM requires individual feedlots to reporting covering a population of 1 million cattle in feedlots, whereas 26 million grazing cattle are aggregated as one group in each State.
- The regulations are costly and provide no outcomes for feedlots. ALFA providing emission information about the total feedlot numbers using ALFA/MLA Quarterly Surveys would ensure the sector’s total polluting emissions known.
- Facility details, names and locations are placed on the government website raising privacy and biosecurity/terrorism risks.

These concerns also apply to a forthcoming NEPM variation to include initial requirements for Greenhouse Gas Emission monitoring and reporting (agreed by Ministers in April 2007). Submissions have been made by ALFA stressing a growing regulatory burden on red meat businesses as well as:

- suspending greenhouse gas emission reporting by agricultural businesses until reliable and cost-effective mechanisms for recording and reporting are developed and available
- aligning reporting with industry and government programs and systems including QA, and benchmarking and reporting on a whole of industry basis, with reporting by individual enterprises on a voluntary basis
- need for balance and sensitivity to variation in key factors and circumstances at locations in assessing emissions.

## **Appendix. National agencies, regulators, influential organisations**

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At times, issues at interfaces of organisations, their leaders and officers, can be more impactful than inanimate regulations or industry rules. Power and position can be key dimensions of regulation regimes. A number of national committees, organisations and agencies influence red meat industry operations in all sub-sectors. Effects of these national organisations need to be considered with regard to the sweep of laws and rules across jurisdictions and the whole chain. *Information below is sourced from websites and industry. State regulators and groups are not covered.*

### ➤ **Ministerial Councils, Committees, Departments**

The **Primary Industries Ministerial Council (PIMC)** and **Natural Resource Management Ministerial Council (NRMMC)** were established in 2001 under agreement of Australian Federal, State and Territory Governments, and New Zealand. These Councils undertake the work of three former bodies: ARMCANZ (Agricultural and Resource Management Council of Australia and New Zealand), ANZECC (ANZ Environment and Conservation Council), and MCFFA (Ministerial Council on Forestry, Fisheries and Aquaculture).

PIMC is a meeting of Federal, State/Territory and NZ Ministers responsible for development of sustainable, innovative and profitable agriculture, fisheries /aquaculture, food and forestry industries. Council's main source of advice on codes, standards and similar is the **Primary Industries Standing Committee, PISC** (formerly SCARM). PISC can form sub-committees or taskforces. Other PIMC committees, usually of departmental and agency officials, include: -

– The **Primary Industries Health Committee (PIHC)** manages the primary industries health agenda including: forest, fish and animal health, agvet chemicals, animal industry public health, emergency animal diseases, exotic plant pests and diseases, Foot-and-Mouth Disease and BSE, veterinary issues, dioxins, natural toxins, uniform animal and plant health legislation, fruit fly, quarantine and biosecurity import risk assessments. PIHC supporting committees include – Product Safety and Integrity, Animal Health, Aquatic Animal Health, Plant Health.

– The **Product Safety and Integrity Committee (PSIC)** provides advice on issues relating to safety and integrity of produce before it leaves the farm, including safety and sustainability of agricultural production systems, and coordinates national approaches for managing potential risks to food safety, public and occupational health, trade or the environment from agricultural and veterinary chemicals including pesticides, fertilisers and animal feedstuffs, and residues.

– The **Animal Health Committee (AHC)** advises PIMC through PISC. It has its own groups (eg. SCEAD, Sub-committee on Emergency Animal Diseases), working parties and panels. AHC is the Chief Veterinary Officers of the Commonwealth, States, Territories and NZ, plus representative from CSIRO, Biosecurity Australia and Animal Health Australia.

There are suggestions of a new PIMC **Animal Welfare Committee** and a new **Biosecurity Committee**. There is currently an **Animal Welfare Working Group (AWWG)** that develops national guidelines and standards for animal welfare.

The NRMCC has a **Standing Committee (NRMSC)** and a sub-committee infrastructure. [<http://www.mincos.gov.au/>]. Notably, there is also an **Environment Protection and Heritage Council (EPHC)** and a National Environment Protection Council (NEPC) both involving environment ministers from governments in Australia, and each with sub-groups.

**Federally, PIMC, NRMMC and committees are co-ordinated by DAFF (Department of Agriculture, Forestry and Fisheries).** PISC is chaired by the Secretary of DAFF. NRMSC is jointly chaired by Secretary DAFF and Secretary, Department of Environment and Water Resources (DEWR). Decisions are implemented through regulatory powers of DAFF and other Federal Departments, and/or State Departments. A large number of Standards, Codes of Practices and Guides have been issued prepared, endorsed and issued through the PIMC and predecessors [refer above, and [www.publish.csiro.au/nid/22/sid/11.htm](http://www.publish.csiro.au/nid/22/sid/11.htm)].

**Units within DAFF** with regulatory power or influence in the red meat industry *include*:

- Rural Policy and Innovation Division: Rural R&D, Drought, Exceptional Circumstances; Meat, Wool and Dairy branch, including export quota administration; Food Policy and Safety branch; Technical and Market Access branch; Product Integrity, Animal and Plant Health division, with the National Residue Survey.
- **The Australian Quarantine and Inspection Service (AQIS)** provides quarantine inspection for international passengers, cargo, mail, animals, plants and animal or plant products arriving in Australia. Also inspect and certify a range of agricultural products exported from Australia.
- **Biosecurity Australia**, an independent prescribed agency within DAFF, provides science based quarantine assessments and policy advice to protect Australia's pest and disease status and enhance access to international animal and plant related markets.

**Within the Department of Environment and Water Resources** (formerly Environment and Heritage) Division of influence *include* the Approvals and Wildlife, Environment Quality, Policy Coordination (including National Pollutant Inventory), Natural Resource Management Programmes, Water Assets and Natural Resources, Water Resources, plus the **Australian Greenhouse Office** (delivers programs of the Australian Government climate change strategy).

**The Australia and New Zealand Food Regulation Ministerial Council** is a meeting of Health Ministers from States, Territories, the Australian Government and New Zealand, and Ministers from related portfolios (Primary Industries, Consumer Affairs etc). The **Food Regulation Standing Committee (FRSC)** is responsible for co-ordinating policy advice to the Council. The Implementation Sub-committee (ISC) develops a consistent approach across jurisdictions to implementation and enforcement of food regulations and standards, for food sourced from domestic producers, export-registered establishments or as imports. The **Department of Health and Ageing** includes a Food Policy Group (Food Policy, Food Safety and Surveillance, and the Food Regulation Secretariat).

➤ **Associated Australian agencies** (regulatory, quasi-regulatory, influential)

**The Australian Pesticides and Veterinary Medicines Authority (APVMA)** assesses and registers pesticides and veterinary medicines. It administers the National Registration Scheme for Agricultural and Veterinary Chemicals (NRS) in partnership with States and involvement of other agencies. APVMA independently evaluates safety and performance of chemical products intended for sale, to protect health and safety of people, animals and the environment. APVMA does not register products if use is likely to jeopardise trade or they do not work.

**Animal Health Australia (AHA)** is a not-for-profit company established by Australian, state and territory governments and major national livestock industry organisations. AHA's mission is to ensure the national animal health system delivers a competitive advantage and preferred market access for livestock industries. AHA manages programs to position Australia 'as a world leader in animal health status and systems', is involved in committees developing standards, guides and advice to Ministerial Councils, and uses standards developed through PIMC (eg. OJD, BJD). These plus funding and elements of surveillance may have statutory backing.

**Plant Health Australia (PHA)** works with industry, government and associate members to coordinate development of national plant health policy including a more effective plant health management system. PHA manages agreed national programs and services, and aims to be the key adviser to industry, governments and stakeholders on plant health policy.

**The Office of the Gene Technology Regulator (OGTR)** within Department of Health and Ageing supports the Gene Technology Regulator in the performance of functions under the *Gene Technology Act 2000*. This introduced a national scheme for the regulation of genetically modified organisms in Australia, in order to protect the health and safety of Australians and the Australian environment by identifying risks posed by or as a result of gene technology, and to manage those risks by regulating certain dealings with GMOs. The OGTR has developed regulatory processes, criteria and committee structures.

**Food Standards Australia New Zealand (FSANZ)** is an independent statutory agency (in Australia's Health and Ageing portfolio) established by the *Food Standards Australia New Zealand Act 1991*. FSANZ sets food standards for the two countries with the goal of 'A safe food supply and well-informed consumers'. FSANZ develops food standards, and joint codes of practice with industry (Standard Development Committees), covering the content and labelling of food sold in Australia and New Zealand, plus Australia-only food standards that address food safety issues – including requirements for primary production and maximum residue limits for agricultural and veterinary drug residues.

**Standards Australia (SA)** is a company 'recognised through a MoU with the Federal Government as the peak non-government standards development body in Australia'.

➤ **Red Meat Industry organisations** (regulatory, quasi-regulatory, influential)

**Safe Meat** is a partnership body established by the Australian Government to ensure red meat products achieve the highest standards of safety and hygiene from farm to consumer and to provide strategic direction and policy advice to the red meat industry. All sectors are represented on Safe Meat, which has a consensus regulatory role through development of and approval of various instruments. eg. NLIS, and Standards appended to Export Meat Orders.

**Meat & Livestock Australia Limited (MLA)** is a producer-owned company that provides services to producers, processors, exporters, food service operators and retailers. Around 44,000 livestock producer members have stakeholder entitlements arising from statutory levy payment. Activities include market access and marketing, research and development, and market intelligence. The prior Australian Meat & Livestock Corporation (AMLC) held regulatory roles. MLA is not intended to be a policy or regulatory body. However, MLA publications are sometimes utilised in laws or standards.

**Australian Meat Processor Corporation (AMPC)** represents all firms active in the red meat processing industry. AMPC aims to promote, protect and further the interests of its members, especially in markets and R&D. A statutory levy is being introduced.

**Livecorp** is an industry body owned and funded through a statutory levy by livestock exporters. Livecorp manages technical, R&D, education and communications programs.

**AUS-MEAT Limited**, 'incorporating AUS-MEAT Standards and AUS-MEAT Commercial Services, is responsible for establishing and maintaining National Industry Standards for Meat Production and Processing' [ausmeat.com.au]. AUS-MEAT is owned by MLA and AMPC. Activities include accreditation for registration/licensing under Cattlecare, Flockcare, the National Feedlot Accreditation Scheme (NFAS), National Saleyards Quality Assurance Programme, and Livestock Production Assurance (LPA). Aspects of these are backed by regulations or orders, so AUS-MEAT is a direct regulator in areas, indirect in others.

**Industry Representative Associations:** Peak and national sector councils include the Cattle Council of Australia (CCA), Sheepmeat Council of Australia (SMCA), Australian Lot Feeders' Association (ALFA), the Australian Meat Industry Council (AMIC), Australian Livestock Exporters Council (ALEC), and LiveShip representing live animal ship operators.

## Notes and References

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- <sup>1</sup> Red Meat Industry Submission 1B will apply measures and tests set out in the Productivity Commission (PC) Issues Paper April 2007, including costings if possible and assessments on 'unnecessarily burdensome, complex or redundant'. Practicalities of rules and their application at local to global levels will be considered.
- <sup>2</sup> *Creating our Future*: Report by the Agriculture and Food Policy Reference Group to the Minister for Agriculture, Fisheries and Forestry, 2006 (the Corish report).
- <sup>3</sup> National Farmers Federation (NFF) submission to Regulations Taskforce 2005 listed: native vegetation laws; agricultural and veterinary chemical regulations, fertiliser regulations, occupational health and safety standards, food safety standards; transport infrastructure; Native Title, CGT, OH&S rules on farms, and harmonisation of regulatory processes and requirements across States.
- <sup>4</sup> Victorian Farmers' Federation submission to VCEC Review of Regulation in Regions, 2004.
- <sup>5</sup> VCEC (2005) *Regulation and Regional Victoria: Challenges and Opportunities*. Victorian Competition and Efficiency Commission. June. VCEC (2007) *The Victorian Regulatory System*. Victorian Competition and Efficiency Commission, April.
- <sup>6</sup> Business Council of Australia (BCA) *A Scorecard of State Red Tape Reform*, May 2007. See also: BCA (2006) *Benchmarking Reform Action + Budget Submission 2006-07*, BCA (2007) *Policy that Counts: Reform standards for the 2007 Federal Election*, March.
- <sup>7</sup> Regulation Taskforce (2006) *Rethinking Regulation: Report of the Taskforce on Reducing Regulatory Burdens on Business*. Report to the Prime Minister and the Treasurer, Canberra, Jan. and the Australian Government (2006) *Report of the Taskforce on Reducing Regulatory Burdens on Business - Final Government Response*. Canberra, August.
- <sup>8</sup> COAG National Reform Agenda, *COAG Regulatory Reform Plan*, April 2007.
- <sup>9</sup> NSW (2007) *Final Government Response to IPART's Investigation into the Burden of Regulation and Improving Regulatory Efficiency*. Feb.
- <sup>10</sup> PC (2006) *Standard Setting and Laboratory Accreditation, Research Report*. Nov.
- <sup>11</sup> Office of Best Practice Regulation, *Performance Benchmarking of Australian Business Regulation, Handbook, User's Guide and Quickstart to Regulatory Impact Analysis*, 2006.
- <sup>12</sup> "In its inquiry, the Taskforce became convinced that the problems we observed and that were brought to our attention, were not *aberrations*, but the inevitable outcome of how regulations were being made and administered. They included regulations that were (among other things) overly prescriptive, poorly targeted, duplicative, mutually inconsistent, excessive in their coverage of firms and unduly onerous in the reporting and other obligations on the firms affected." Banks (2006) *Tackling the underlying causes of over-regulation: an update*. [pc.gov.au/speeches/](http://pc.gov.au/speeches/)
- <sup>13</sup> NCP actions contributed to Australia's productivity surge (growth over 1995-1999 highest for 40 years), directly reduced prices of some goods and services such as electricity and milk, stimulated business innovation and expanded product ranges, and helped some environmental and social goals: PC (2005) *Review of National Competition Policy Reforms*. Report 33. February.
- <sup>14</sup> NCC (1999) *Guidelines for NCP Legislation Reviews*. National Competition Council and CIE.
- <sup>15</sup> Queensland Farmers' Federation submission to Regulations Taskforce, Nov 2005.
- <sup>16</sup> Cattle Council of Australia, Industry Statistics, *Yearbook 2005-2006*.
- <sup>17</sup> Sources: MLA 2006, Australia's beef industry fast facts, and sheep meat industry, fast facts. ABARE: Australian beef industry: financial performance to 2005-06; Australian Beef Financial performance and production to 2006-07; Australian Lamb Financial performance of the slaughter lamb industry 2006-07; Australian commodities Mar 07 outlook; Benefits of adjustment in Australia's sheep industry. ABS 7111.0 - Principal Agricultural Commodities, Australia, 2005-06.
- <sup>18</sup> Cattle Council (2005) Submission to HoR Inquiry into Rural Skills, Training and Research.
- <sup>19</sup> Hassall Assoc (2006) *The Live Export Industry: Value, Outlook and Contribution to the Economy*.
- <sup>20</sup> Prime market beef demand is projected to remain strong or increase even with return of US exports to Japan and Korea. ABARE 2007: Outlook for beef and veal, sheep meat, pigs, poultry to 2011-12. Australian Commodities 14:1. However, demand is also affected by price in these markets, with flow-on effects on returns and cost coverage along the supply chain in Australia. 'Korea balks at pricey beef', *The Land* May 3, 2007: 'the fall-out so far has included at least one Australian processor renegeing on cattle contracts with producers ...'.

- <sup>21</sup> ABARE notes 'considerable interest in productivity and profitability trends' alongside a 'wide range of financial performance in most industries and ...year to year variability'. Australian Lamb 07.2 *Financial performance of the slaughter lamb industry 2006-07*.
- <sup>22</sup> Carlson W, NAB, *Working With the Farm Sector*, ABARE Outlook conference 2007.
- <sup>23</sup> Sources: ABARE: Australian Beef Industry - Financial performance to 2005-06.; ABARE 2007: Live cattle export trade - importance to northern and southern Australian beef industries; Holmes Sackett Associates (2003) *Economic & Situation Analysis of the Australian Sheep Industry*, for AWI.
- <sup>24</sup> Keogh M, Australian Farm Institute, *Farm Policy Journal* Vol. 2 No. 1 2005
- <sup>25</sup> ABARE 2007 *Australian Food Industry, performance and competitiveness*, 14:1.
- <sup>26</sup> ACCC (2007) *Examination of the prices paid to farmers for livestock and the prices paid by Australian consumers for red meat* - A report to Minister for Agriculture, Fisheries and Forestry.
- <sup>27</sup> Welsman SJ (1998) *Rules Impacting on the Red Meat Industry - Principles for Reform and a Reference Tool for the Industry*. For the Meat Industry Council.
- <sup>28</sup> RMAC to Productivity Commission, *Inquiry into Cost recovery by Government Agencies*.
- <sup>29</sup> SG Heilbron Consulting (2001) *Study on the impact of Government on Industry Competitiveness*.
- <sup>30</sup> "Opportunity costs can pose a significant compliance cost. Opportunity costs often result from regulation-induced changes in prices and resource allocation, trade effects and delays in the introduction of new products and services. Regulations can change the incentives facing businesses in ways that lead them to change the characteristics of their products or even to change what they are producing." PC *Issues paper*, April 2007.
- <sup>31</sup> PC 2007: "The Regulation Taskforce report noted the views of some business groups that 'the behaviour of regulators can be just as problematic as the regulations themselves' (p7, s7.3). Examples cited included 'heavy-handedness and undue legalism; failure to use risk assessment when determining how stringently or widely to enforce a regulation; poor and ineffective communication; and a lack of certainty and guidance to business about compliance requirements'. Sometimes the same regulation will be interpreted and enforced differently in different jurisdictions."
- <sup>32</sup> Synergies (2004) *The implications for the Queensland beef industry from NLIS implementation*. Report to Queensland DPIF.
- <sup>33</sup> A simple instance, the Guide to the NVD Waybill p19. How to meet LPA Level 1 requirements, says 'When transporting, inspect the vehicle for cleanliness and ensure the construction of multi-level trucks minimises soiling of livestock on the lower deck'.
- <sup>34</sup> Overview - National System for Managing [Ag-Vet] Chemicals, PISC at 5.2007.
- <sup>35</sup> For instance, 'approximately 110 individual regulations directly affect a business selling commercial quantities of agricultural chemical and or animal health products in NSW', plus national regimes, Australian Standards etc. AgSafe to Regulations Taskforce 2005
- <sup>36</sup> Almost all regulations applying to sheep enterprise in a particular region, also apply to the goat sector including NLIS Sheep & Goats (in each State)]. Some specific rules are found within Acts and there are Goat regulatory Codes and Guides. The sector includes harvesting bush (rangeland) goats in pastoral areas, farming Boer goats for meat production in higher rainfall regions and running Cashmere and Angora goats for fibre. There are few large scale producers. Bush goats are important as supplementary income in pastoral areas. Goatmeat and live exports were valued at \$87.7 million in 2005-06 (ABS). Most exports are frozen. Australia supplies most of the high value US goatmeat market. Current exports: Qld 36%, Vic 30%, WA 24%, SA 8%, NSW 2%.
- <sup>37</sup> RIRDC-Cutbush (2000) *Professional regulation: its impact on rural Australia*.
- <sup>38</sup> Feedlot Approval Process. *Fitzroy Industry & Infrastructure Study – Agricultural Corridor*, Queensland Government March 2007.
- <sup>39</sup> ALFA , APL submission to Wheat Export Marketing Consultation Committee 2.07 with ACIL Tasman report, *Domestic feed grains market and wheat exports*, 2007.
- <sup>40</sup> CIE (2006) *Australia's future oil supply and alternative transport fuels*. For Senate Inquiry.
- <sup>41</sup> *Livestock Export Review 2003* (Keniry report) To Minister for Agriculture, Fisheries and Forestry.
- <sup>42</sup> Livestock Export Industry Submission to the Livestock Export Review, 2003.
- <sup>43</sup> Alliance Resource Economics (2006) *World Livestock Export Standards - A comparison of development processes, systems and outcomes achieved*. MLA.
- <sup>44</sup> Andrew Campbell, MD Land & Water Australia (2006) *Thinking Bush... 10 years on*.
- <sup>45</sup> Mick Keogh (2005), Australian Farm Institute, *Farm Policy Journal* 2 : 3.