COMMONWEALTH OF AUSTRALIA

POLICY INSTRUMENT

CATTLE WELFARE TRANSPARENCY AND PROTECTION POLICY 2026

CWE-P 2026/01

A closed gate is not a welfare standard. Size, ownership and commercial influence are not a defence. Marble score is not a licence.

Document type	Commonwealth policy — operative instrument
Status	Proposed for parliamentary consideration. Companion principal Act already drafted.
Classification	OFFICIAL
Portfolio	Agriculture, Fisheries and Forestry, with the Attorney-General and ACCC consumer-protection functions
Document number	CWE-P 2026/01 (revised 19 September 2026 to match the consolidated Act)
Related Bill	Cattle Welfare Transparency and Protection Bill 2026
Superseded Bills	Cattle Welfare Transparency and Equal Enforcement Bill 2026; High-Marbled Cattle Protection Bill 2026; Wagyu Cattle Welfare and Meat Integrity Bill 2026 — source archives only
Effective date	On commencement of the companion Act
Review date	Statutory review to begin within three years of commencement
Date of issue	19 September 2026

1. Determination

This policy is a standalone national instrument. It is the single parent of the Cattle Welfare Transparency and Protection Bill 2026. That Bill consolidates three earlier drafts: the equal-enforcement Bill, the High-Marbled Cattle Protection Bill and the finishing and labelling clauses of the Wagyu Cattle Welfare and Meat Integrity Bill. Those three drafts remain on file as source archives. They are not to be introduced as separate Acts.

Animal welfare is principally a State and Territory subject. That fact has been used as a reason for the Commonwealth to look away from systems that exist only because cattle and beef move in interstate and export trade, are produced by constitutional corporations, and are sold on welfare and quality claims the buyer cannot test.

The determination is as follows. A legal barrier to seeing how high-value cattle are produced is not a welfare finding. A complaint referred from a charity inspectorate to the same department that promotes the livestock industry is not independent scrutiny. The absence of published weaning and calf-survival data by mustering method is not evidence that aerial mustering and ground mustering produce the same result. Grain feeding cattle already carrying excessive body condition is not made acceptable by the marble score it buys. Vitamin A restriction, restricted locomotion and a 300-day concentrate finish are not made acceptable by custom, luxury demand or an export specification.

Welfare standards are to be assessed equally for every livestock enterprise, regardless of size, ownership, location or commercial influence. Prohibited finishing practices are to be prohibited for every constitutional corporation, whether the cattle are described as Wagyu or not.

Operative rule
No livestock enterprise is entitled to a lower intensity of welfare investigation because it is large, remote, corporately owned, export-oriented or commercially influential. No person is to be treated as a criminal solely for recording or publishing evidence of a suspected breach of an animal-welfare statute. Outcome data that the public needs in order to judge competing production systems is to be collected and published. Cattle must not be finished by nutritional deficiency, restricted locomotion, induced obesity or an extreme concentrate program. High-marbled beef sold into Australian or export trade must say how it was produced.

2. Why the instruments are combined

Keeping a transparency Act and a finishing Act apart would have split the same corporation, the same feedlot and the same label across two statutes and two inspectors. The complaint that started this work was about Wagyu production, closed gates, helicopter mustering and the Queensland referral of large commercial-livestock complaints to the Department of Primary Industries. The High-Marbled and Wagyu Bills answered the finishing method. The equal-enforcement Bill answered the closed gate. One policy and one Act now answer both.

This revision does not dilute either limb. Equal enforcement is not a substitute for a vitamin A ban. A vitamin A ban is not a substitute for an Outcomes Statement.

3. Status and application

This instrument is operative policy of the Commonwealth. It is not an exposure draft. It is to be given effect by the Cattle Welfare Transparency and Protection Bill 2026 and, pending that Act, by conditions on export certification, government co-investment, official marketing claims and the exercise of Commonwealth consumer-protection powers.

The policy applies to:

- constitutional corporations that keep, feed, muster, transport, slaughter or market cattle;
- trade and commerce in cattle and beef among the States, with a Territory, or with other countries;
- claims made to Australian consumers about the welfare, origin, production method, marble-score program or integrity of beef;
- Commonwealth funding, co-investment, research grants and export certification touching commercial cattle production; and
- the national animal-welfare standards process in which the Commonwealth is a participant.

Nothing in this policy limits a more protective State or Territory animal-welfare law. Nothing in this policy authorises trespass for its own sake, interference with biosecurity, or harassment of stockpersons who are complying with the law. This policy does not ban Wagyu genetics, set a maximum marble score, prohibit aerial mustering, or require every property to become pasture-only.

4. The problem

4.1 The public cannot see the system

The public is increasingly shielded from seeing how some high-value cattle production systems operate. In many circumstances, obtaining footage from a commercial livestock facility without consent exposes a person to criminal or civil consequences under trespass, surveillance-device, biosecurity and so-called right-to-farm laws. Those laws have a legitimate core. That core has been allowed to become a smoke-screen. When the only lawful picture is the picture the operator consents to, welfare assessment becomes a private conversation between industry and the department that sponsors it.

4.2 Intensive finishing of already heavy cattle

A commercial market has developed for beef sold by reference to extreme intramuscular fat, including beef marketed as Wagyu. Some production systems pursue that fat by confining cattle for long periods on high-concentrate rations, restricting essential nutrients including vitamin A, limiting movement, and holding animals in a state of induced obesity. Ordinary Australian grain-fed specifications are commonly 70 to 100 days. Extreme Wagyu finishes of 300 days and more are the target of the 150-day cap. Premium marbling is a market attribute. It is not a licence to hold an animal in a metabolic state that impairs walking, thermoregulation, rumination or rest.

4.3 Aerial mustering without public outcome data

Helicopter and aircraft mustering are ordinary tools on large northern and western properties. They can be used well. They can also drive cattle hard, separate calves, run animals in heat, and substitute for the ground observation that tells a stockperson which cow is failing. Comparative weaning and calf-survival data by mustering method is not readily available to the public. That absence is treated as if it were a finding of equivalence. It is not.

4.4 Split enforcement that follows enterprise size

In Queensland, Biosecurity Queensland handles complaints about commercial livestock. RSPCA Queensland handles hobby farms and companion animals. That split is published. It is nonetheless a structural problem. The charity whose public reputation is built on animal-welfare investigation is directed to send concerns about the largest commercial enterprises to the department whose other functions include promoting those enterprises. Victoria operates a similar size-based referral. The enterprises with the most animals, the most capital and the most political weight are the least likely to be examined by an inspectorate the public trusts to be independent of the production department.

This instrument records advice given by RSPCA Queensland administration: for large-scale commercial livestock, contact the Department of Primary Industries at info@dpi.qld.gov.au or 13 25 23. The advice is consistent with the published Queensland arrangement. This policy treats the arrangement as inadequate for enterprises that sell into interstate and export markets.

4.5 Two management models, one untested claim of equal welfare

Large corporate cattle operations commonly depend on helicopters, aircraft, feedlots, automation and a low labour-to-stock ratio. Family-operated properties more often rely on direct observation, ground-based mustering and familiarity with individual animals. Whether those models produce different welfare outcomes is an empirical question. Automatic dismissal of the question is not an acceptable finding.

5. Objects

The objects of this policy, given effect by the companion Act, are to:

- require equal intensity of welfare assessment regardless of size, ownership or commercial influence;
- establish a Cattle Welfare Commissioner and concurrent complaint jurisdiction;
- prohibit exclusive diversion of commercial-livestock complaints away from a recognised inspectorate;
- require an annual Cattle Welfare Outcomes Statement;
- set minimum national rules for aerial and mechanical mustering;
- prohibit vitamin A restriction, extreme concentrate finishing beyond 150 consecutive days, induced obesity, restricted locomotion and extreme confinement used to buy marble score;
- require production-method labelling of high-marbled beef;
- protect recordings of welfare significance and internal whistleblowers; and
- make false or unsubstantiated cattle-welfare claims a consumer-protection matter.

6. Constitutional and intergovernmental basis

The companion Act rests on section 51(xx) of the Constitution (constitutional corporations), section 51(i) (interstate and overseas trade in cattle and beef), consumer-protection architecture under the Competition and Consumer Act 2010, conditions attached to export certification and co-investment, and matters incidental to those powers.

The Australian Animal Welfare Standards and Guidelines for Cattle remain the agreed floor. They are not a ceiling. They do not require public outcome reporting by mustering method or enterprise class, and they do not ban vitamin A restriction for marbling. This policy does.

7. Equal-enforcement rule

A person administering a Commonwealth animal-welfare, export, consumer-protection or co-investment function must not apply a lower investigative priority, a longer response time, a narrower inspection scope or a higher proof threshold to an enterprise because of head count, corporate or foreign ownership, export earnings, an industry quality-assurance program, remoteness (except for genuine logistics), or a request that the matter be left with the production department.

An industry quality-assurance program is evidence that a system exists on paper. It is not a finding that the system is being followed. The companion Act contains no size threshold at which the duty drops away. The mischief is the large enterprise, not the small one. Small enterprises remain fully subject to State law.

8. Complaint jurisdiction

A complaint about cattle kept by a constitutional corporation, or cattle moving in interstate or export trade, may be made to the State inspectorate, a recognised inspectorate including an RSPCA inspectorate where so appointed, or the Cattle Welfare Commissioner. The receiving body must record and assess it.

A recognised inspectorate must not be required, by funding agreement, memorandum of understanding or administrative instruction, to refer the complaint away from itself solely because the enterprise is commercial, large-scale or remote. Referral for operational assistance is permitted. Exclusive diversion is not.

A department whose functions include promoting livestock production is not to be the sole investigator of welfare complaints against the enterprises it promotes. A competent investigation is not a telephone call, a QA paperwork review, or an announced visit confined to the office and the nearest yard.

9. Public scrutiny and recordings of welfare significance

This policy does not authorise forced entry, damage to property, interference with livestock, or the reckless introduction of biosecurity risk. What it refuses is the conversion of that core into a rule that the only lawful image of a commercial livestock facility is the image the operator approves.

A recording of welfare significance is a record a reasonable person would consider capable of showing a suspected welfare offence, a suspected contravention of this policy's companion Act or the Cattle Standards as given force by law, a suspected false welfare claim, or conditions a reasonable person would regard as causing unnecessary harm.

The companion Act provides a public-interest defence for making, possessing or publishing such a recording where the person had a reasonable belief, published no more widely than reasonably necessary, and did not injure an animal, introduce a known material biosecurity risk, or use violence. Employees, contractors,

transporters, veterinarians and inspectors who are lawfully on the property, and persons who receive the recording from them, are within the defence. The defence is not a general licence to trespass.

A public-relations film, an industry-assurance audit video or a scheduled media day does not discharge the transparency duties in this policy.

10. Cattle Welfare Outcomes Statement

Within twelve months of the operative Parts commencing, and each year after that, the Secretary is to publish a Cattle Welfare Outcomes Statement compiled so that a reasonable reader can compare enterprise classes. It must include, nationally and by State, and where statistically valid by enterprise class:

- weaning rate and calf mortality to weaning;
- feedlot mortality, lameness, heat-stress incident, acidosis, liver-abscess and emergency-kill rates for long-fed cattle;
- dark-cutting or high-pH incidence for cattle from long-fed programs;
- the proportion of cattle mustered principally by helicopter or aircraft, by drone, by horse or dog, or by vehicle;
- a comparison of weaning and calf-survival outcomes between herds mustered principally by helicopter and herds mustered principally from the ground, using a method approved by an independent statistical adviser;
- commercial-livestock welfare complaints received, investigated, substantiated and prosecuted, by agency;
- export-listed establishments and constitutional corporations inspected without prior announcement; and
- the number of cattle recorded as kept on a concentrate ration for more than 150 consecutive days.

If a figure would identify a single property it may be aggregated. Aggregation is not a ground for omitting a whole class of data. If the data does not exist, that fact is to be stated and the data commissioned. Silence is not satisfactory performance.

Constitutional corporations must keep muster logs, mortality, weaning and finishing records, including any vitamin A restriction program, for three years. Non-provision is a ground to refuse or suspend export listing and Commonwealth co-investment.

11. Aerial and mechanical mustering

Helicopter, aircraft and drone mustering of cattle kept by a constitutional corporation, or mustered for interstate or export movement, is a welfare-relevant activity. It is not prohibited. A person conducting such a muster must not drive cattle to the point of collapse, use metal pellets to wound cattle as an aid to mustering, or conduct a sustained low-level pursuit of a cow-calf pair in a manner likely to leave a dependent calf behind. Aerial pressure must stop where cattle show heat exhaustion. A strenuous aerial muster must not start once temperature and humidity make heat stress reasonably likely. Incidents in which five or more cattle are found dead or recumbent in connection with the muster must be notified to the Commissioner within 48 hours. Muster logs are official records. Falsifying them is a contravention.

12. Prohibited finishing practices

The following practices, applied to cattle kept by a constitutional corporation or finished for interstate or export trade, are prohibited whether or not the cattle are described as Wagyu:

- vitamin A, beta-carotene or green-forage restriction for the purpose of increasing intramuscular fat, and any other nutrient restriction below the level necessary to maintain normal health for that purpose;

- keeping cattle on a concentrate ration for more than 150 consecutive days;
- a feeding regime designed to produce a body condition in which the animal cannot walk, rise, lie or thermoregulate without difficulty;
- restricted locomotion imposed to increase intramuscular fat or protect a marble score;
- a ration lacking sufficient effective fibre for normal rumination, abrupt introduction to high concentrate, or continuation of a practice associated with recurrent acidosis, bloat, laminitis or liver abscesses;
- confinement that prevents walking, turning, lying, rising, moving away from aggression, or access to food, water, shade and shelter without unreasonable competition;
- grain feeding of cattle already carrying excessive body condition solely to raise marble score where a competent veterinarian would regard the resulting state as causing metabolic disease, chronic lameness, heat intolerance or impaired locomotion.

Custom, luxury price, buyer specification and export preference are not defences. The Minister may shorten the 150-day cap by legislative instrument on competent veterinary advice. The Minister must not lengthen it.

13. Duties during finishing and slaughter

A person in charge of long-fed cattle must take reasonable steps to prevent acidosis, heat stress, lameness and metabolic disease. A constitutional corporation keeping 50 or more long-fed cattle at a place must have the finishing program reviewed at least every 90 days by a veterinarian who is not an employee of the corporation. In the 24 hours before slaughter, unfamiliar groups must not be mixed in a manner likely to cause fighting, water must not be withheld, and cattle must not be handled in a manner likely to deplete muscle glycogen so as to produce dark-cutting beef. Where cattle face immediate suffering, an inspector may direct treatment, removal from the finishing program, reduction of density, restoration of water, shade, feed or ventilation, suspension of transport or slaughter, or humane killing.

14. Labelling and consumer claims

High-marbled beef supplied in Australia or exported from Australia must carry a production-method statement stating whether the cattle were long-fed, the approximate days on a concentrate ration, whether vitamin A restriction was used, and whether the cattle were finished in a feedlot. Processing in Australia does not convert an overseas finishing system into an Australian one.

A person must not represent that cattle were raised or finished to a welfare standard without records sufficient to substantiate the claim. The following are taken to be misleading unless substantiated: high welfare; naturally raised, pasture finished or paddock to plate where a material part of the finish was an intensive grain program; family farmed where the cattle were finished in a corporate feedlot not under that family's day-to-day control; independently audited where the only audit is an industry program funded by the operator class; and claims that high-marbled beef comes from cattle that were massaged, given beer, kept as in a spa, or otherwise uniquely well treated, if the cattle were subject to extreme finishing, vitamin A restriction or restricted locomotion. Silence about those practices, combined with luxury imagery, may be a misleading representation.

The ACCC is the primary Commonwealth enforcement agency for this Part.

15. Measures

The following measures are operative and are drafted into the companion Act.

15.1 Equal-enforcement duty

Enact the rule in section 7 as a statutory duty. A breach is reportable to the Commonwealth Ombudsman and, for APS employees, treatable as a breach of the Code of Conduct.

15.2 Concurrent complaint pathway

Establish the Cattle Welfare Commissioner. Prohibit exclusive diversion of commercial-cattle complaints away from a recognised inspectorate solely because of enterprise size. Require quarterly publication of complaint numbers and outcomes.

15.3 Recordings of welfare significance

Enact the public-interest defence and whistleblower protection. Direct the CDPP, in any matter the Commonwealth controls, not to treat the recorder as the primary offender where the recording is the best available evidence of a welfare offence.

15.4 Outcomes Statement and records

Require the annual Statement in section 10. Make non-provision of required records a ground for refusing or suspending export listing and co-investment.

15.5 Aerial mustering

Give force to the minimum rules in section 11 as standards, not merely guidelines.

15.6 Finishing prohibitions

Give force to sections 12 and 13, including the 150-day cap, the vitamin A ban and the veterinary-review duty.

15.7 Labelling

Give force to section 14. Give the ACCC a published enforcement priority for unsubstantiated cattle-welfare claims.

15.8 Independent comparison study

Fund and table the enterprise-class comparison within 18 months of commencement.

15.9 Funding condition on States

New Commonwealth animal-welfare funding to a State is conditional on the State not requiring a recognised inspectorate to abandon commercial-livestock complaints solely because of enterprise size.

15.10 No size exemption

The companion Act is not to contain a threshold below which equal enforcement applies and above which it does not.

16. Legislative design

The companion Act is the Cattle Welfare Transparency and Protection Bill 2026, a principal Act of 71 sections and two Schedules. It is not a set of amendments scattered through the Export Control Act 2020, although consequential amendments to that Act will be required. Penalties are set so that non-compliance is more expensive than compliance for a large corporate operator. A penalty calibrated to a hobby farm is not a penalty for a feedlot of 20,000 head.

The three earlier Bills are not to be introduced. If any of them had already been introduced, it would be discharged upon introduction of the consolidated Act.

17. Administration

The Minister for Agriculture is the responsible Minister. The Cattle Welfare Commissioner is a statutory office, appointed for five years, and is not subject to direction as to the outcome of an individual investigation. Policy settings remain with the Minister. The Secretary remains responsible for the Outcomes Statement, export-listing conditions and the enterprise-class study. The ACCC remains responsible for welfare claims in trade or commerce.

18. Review

A statutory review is to begin within three years of commencement. The reviewer is to report on complaint volumes and substantiation rates, whether the Outcomes Statement is usable by a reasonable reader, whether aerial-mustering incident reports have been filed and acted on, whether the 150-day cap should be shortened, rates of acidosis, lameness, heat stress and dark-cutting in long-fed cattle, whether labelling is being followed, and whether any enterprise class has been de facto exempt.

19. Definitions

Terms used in this policy have the same meaning as in the companion Act. In particular: cattle includes a bovine marketed as Wagyu, fullblood, F1 or any other class; long-fed means kept on a concentrate ration for more than 100 consecutive days or finished to a marble-score program a reasonable industry participant would regard as a long-fed Wagyu or equivalent program; recognised inspectorate includes an RSPCA inspectorate appointed under State law; restricted locomotion means keeping cattle so they cannot walk freely for at least four hours in each 24-hour period; vitamin A restriction means withholding vitamin A, beta-carotene or green forage below nutritional requirement in order to increase intramuscular fat.

20. Source note

This instrument answers a public question put in September 2026: are welfare standards assessed equally for all livestock enterprises, regardless of size, ownership or commercial influence? The question arose from restricted public access to commercial livestock facilities, the absence of published mustering-outcome data, the intensive finishing of high-condition cattle including cattle marketed as Wagyu, and Queensland advice that complaints about large-scale commercial livestock should be sent to the Department of Primary Industries rather than investigated by RSPCA Queensland.

That advice, given by RSPCA Queensland administration, was: for large-scale commercial livestock, contact the Department of Primary Industries (DPI), via email info@dpi.qld.gov.au or by calling 13 25 23 during business hours. Kind regards, Imogen, RSPCA Administration.

The advice is consistent with the published Queensland complaint split. This policy does not accuse any named officer of bad faith. It treats the split itself as unfit for enterprises that sell cattle and beef into the rest of the country and the world.

This revision of 19 September 2026 combines what had been three companion drafts into one policy and one Bill. The High-Marbled statement of reasons is adopted: this policy does not ban Wagyu genetics. It bans the practices that treat the animal as a vessel for fat.

ENDS