

SUBMISSION SUMMARY

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SUBMISSION

Background

I grew up on a dairy/beef farm. My family have been farmers for many generations.

In December 2010, I saw yet again that the live export trade and the government had let Australia down. The ABC's *7.30 Report* showed monstrous cruelty to sheep imported from Australia associated with the 'Festival of Sacrifice' in Kuwait. It led me to begin reading, researching and collecting information about Australia's history of live exports. After 'A Bloody Business' on *Four Corners* on 30 May 2011, I was convinced that the live export industry had abrogated all responsibility.

- *Senate Select Committee of Inquiry into Animal Welfare in 'Australia Export of Live Sheep from Australia', 1985*

My research found that 26 years ago in 1985 the Senate Select Committee of Inquiry into Animal Welfare in Australia had concluded in its report, *Export of Live Sheep from Australia*, that:

... if a decision were to be made on the future of the trade purely on animal welfare grounds, there is enough evidence to stop the trade. The trade is ... inimical to good animal welfare, and it is not in the interests of the animal to be transported to the Middle East for slaughter. (p.xiii)

... reforms will help to reduce but not eliminate stress, suffering and risk ... Therefore a long-term solution must be sought. The substitution of the refrigerated sheepmeat trade for the live export trade offers such a solution. The federal government should promote and encourage the expansion of the refrigerated sheepmeat trade to the Middle East and other countries, with the aim of eventually substituting it for the live sheep trade.

If the government of the day had responded to that conclusion, millions of Australian animals would not have suffered unconscionable cruelty. I beg the committee, in the name of decency, to urge the current government to phase out this shameful trade.

- *Previous investigations*

I also discovered that since 2003 Animals Australia had conducted eight investigations and that successive governments, the live export industry and the producers who sell their animals to this trade had for nearly 30 years turned a blind eye to the evidence of the abuse animals suffer both en route and after disembarkation. As long as Australia exports live animals, atrocities will continue. That is the tragic pattern. And the people of Australia have had enough.

New export conditions since resumption of live trade

Cattle shipments should not have been resumed before this Senate committee completed its deliberations and reported. And live exports should certainly not have resumed before Indonesia agreed to allow Australian inspectors access to its abattoirs.

The new export order has no meaning: those who breach it will not be punished. There is no liability and it is unenforceable. If animal welfare standards fail, the exporter can say it is not his fault.

Moreover, the independent audits of the supply chain are to be conducted by companies employed by the exporters rather than the government. This is unacceptable to the community as self-regulation by industry has failed and has led to widespread animal abuse.

The OIE standard is not sufficient to meet Australian community standards and expectations. It allows roping of legs to pull animals down and does not require stunning. Animals will be fully conscious when slaughtered. That is not permitted in Australian abattoirs. (The argument by those who say that some Australian abattoirs have equally bad practices is not valid here. Australia has laws and prison sentences to punish cruelty. So that is no excuse or justification.)

Australia is actively undermining the work of the OIE in developing countries by trading with nations which are OIE signatories but which are failing to meet OIE guidelines on the treatment of animals. By not exporting animals we send a very strong message, as evidenced by the recent suspension to Indonesia.

Term of reference 1. (a) (i) (ii) and (iii)

- *Marketing and PR versus animal welfare*

The MLA and LiveCorp actively market and promote the export industry to producers. I have no faith in the MLA or LiveCorp. Their web sites show 'posed' photographs of sheep in the backs of utes complete with shade cloth. Their aim is gloss and spin; their motive is profit. In contrast the only motive of Animals Australia, the RSPCA and others is protecting animals. Its photos are anything but posed. In fact, many of its photographs and footage are considered too horrific to show on television! If the MLA were fair dinkum about how good animal welfare is in the Middle East and elsewhere, it would have animal welfare agencies auditing and monitoring what goes on.

I would have liked to have given the producers who sell animals for live export the benefit of the doubt. However, since 2003 there have been documented cases of the most hideous abuse of exported animals. As someone from a farming background, I cannot comprehend how producers would not have questioned the MLA or sought to see for themselves what was happening to their animals.

The hundred or so Mark 1 restraining boxes installed by the MLA in Indonesia have added to the inhumane slaughter. Temple Grandin, the leading expert on livestock handling and slaughter, said they 'breached every humane standard anywhere in the world' and were 'unacceptable and absolutely atrocious'.

The MLA knew the restraining boxes were a problem but did nothing. A report in the *Australian* of 16 June 2011 headed 'Cattle welfare ignored as meat body spends big on marketing' states:

In a 2004 MLA report into the development of pre-slaughter restraining boxes for the Asian and Middle Eastern markets, the authors write that "on some occasions when an animal is released from the restraint box, and on tripping, it will crash its head to the concrete plinth".

In an MLA report from last year, [the] author ... writes following a visit to Indonesia: "Animals are leaving the box, falling down hard on to a 45-degree concrete slab and in isolated instances breaking jaws."

Other reports have referred to "unacceptable methods" such as eye-gouging, tendon-cutting and the hoisting of live animals.

The industry has failed in its responsibility for improving animal welfare. The newspaper said that reports on the MLA website show that in 2010-11 it intended to spend \$23 million on marketing and only \$3.4 million on improving animal welfare. This is despite its recognising the need to improve

livestock welfare as far back as the year 2000, because chemical changes in the animals associated with stress during slaughter were discounting the price of cattle. (Profit over ethics again.)

I visited the MLA website on 12 July to see for myself. The MLA said that over the last five years it had invested \$12 million in animal welfare. After the cruelty that has been documented, I think that was a waste of money. The MLA lets itself off the hook by stating that 'MLA does not have power to enforce animal welfare standards in any country'.

- *Comments of Indonesian government on lifting of suspension*

Footage of cruelty over many years has shown that the industry cannot be trusted with the welfare of animals. Yet the Indonesian Trade Minister says it is 'up to the industry'. I refer to the *Weekend Australian* (9-10 July 2011) which reported, following the lifting of the suspension:

Indonesian Trade Minister Mari Pangestu raised doubts about whether the government would mandate the changes and the use of stunners.

'That's up to the industry,' Dr Pangestu said. 'That's really an industry-to-industry arrangement, not government.'

Australians have no guarantee that OIE standards will be enforced in importing countries. They have not been enforced in the past, despite Indonesia being a signatory. AsiaOne news of 8.7.11 reported Indonesian Coordinating Minister for Economics Hatta Rajasa as saying:

"Indonesia already has animal welfare regulations which refer to the international standards. Our importers have to meet our standards and our regulations adhere to an international standard and Islam's halal regulations."

Australia should not accept these assurances. Despite the diplomatic niceties, it is not possible that a diverse, heavily populated archipelago like Indonesia could have done anything in the last month towards rectifying its horrific record on animal welfare. (As a once-regular tourist to Bali, I have witnessed animal abuse and, on reporting it to local authorities, nothing was ever done. Bali is no longer a travel destination for me).

The position paper accompanying the ASEL standard states that the government of the importing country sets its own requirements in regard to the import of livestock

This is what makes live export ethically and morally wrong. There is no protection for animals once they leave Australia. They are at the mercy of the importing country. Nothing has changed in that regard, and it never will. The animals have guiding principles and standards for their welfare only in Australia – and even then abuse of animals in trucks and on board ships has been well documented.

- *Monitoring*

Any monitoring of slaughtering should be done by accredited representatives of Australian animal welfare organisations. They are motivated by morality and ethics rather than the balance sheet.

Monitoring needs to ensure that animals are not on sold from feedlots to smaller operators like the ones on *Four Corners*. The Australian community needs to know who is doing the monitoring and auditing. Audits should be conducted regularly, at random, anonymously and with no advance warning.

Self-regulation by the industry has led to atrocities and abuse. Any regulatory monitoring by vested interests is unacceptable; there have been too many breaches of the community's trust over the last 30 years.

For example, as recently as 13 July 2011, the *Australian* newspaper's website reported allegations that a vet working on a live export ship had been instructed by the exporter to reduce goat mortality figures down from 18 to 11 in his report for AQIS. Although the vet refused to do so, it was alleged the exporter sent AQIS a copy of the vet's report on his letterhead declaring that only 11 goats had died. For three years the vet has been trying to raise the matter with the relevant government departments.

- *The myth that says by exporting live animals we can improve animal welfare in developing countries*

Page 14 of the ASEL position paper states:

Livestock industry organisations are also responsible for ... promoting a culture of sustainable improvement in animal health and welfare outcomes.

The live export industry claims that by exporting animals to developing countries it can educate those countries about improving animal welfare. That is not so. By continuing to send animals to countries with no standards, we are sending the wrong message. We are showing that we condone the abuse, and that makes us complicit. I do not want the MLA spending my taxes that way. That claim has been clever PR spin by the industry. Some producers have fallen for it too. After the suspension of trade to Indonesia, many cattle producers used this spiel as though it were justification for the cruelty.

Successive governments have fallen for the MLA spin even to the extent that it has been included in the ASEL position paper that accompanies the standards. It talks about the need to be sensitive to cultural differences when trying to influence changes to improve animal welfare.

Whenever I see live exporters or regulators describe developing countries as having 'cultural differences' or 'complex political systems' I consider it to be a euphemism for those countries wanting to impose ritual slaughter without stunning and the fact that corruption in those regions is a way of life. It is a fact of life that cannot be whitewashed with mere words on a page. The opportunity to influence change and improve animal welfare conditions has yet to be realised (after 30 years) judging by the regular TV footage showing abuse. Time has run out for this industry. Sending animals on a cruel sea voyage to be slaughtered while still conscious in foreign lands teaches nothing and never will. By exporting animals live, Australia is teaching that they are the same as coal or iron ore and not sentient beings. Australia is stooping to their level by willingly supplying animals.

These populous developing countries have culture and religion embedded with their animal husbandry that goes back thousands of years. They may listen politely to our suggestions about improving animal welfare, but on my travels I have seen for myself the way they mistreat animals. We can only suggest; we cannot enforce. If these claims about education and training were correct, we would not still be seeing – after 30 years of live exports – horrific and regular revelations of atrocities on TV.

One action the MLA took ostensibly to improve welfare was its Mark 1 restraining box. The evidence of its failure has been well documented. It forces animals to fall onto concrete and causes panic, stress, broken legs and smashed jaws. Tragically the Indonesians have created their own version in some abattoirs that are probably still being used in their ghastly night-time slaughtering.

Term of reference (b) (i) and (ii)

- *Australia has no jurisdiction over animals in other countries*

There are no formal processes for addressing poor animal welfare practices. The ASEL position paper clearly states that the Australian government's jurisdiction over the animals ceases when they leave the ship. After that the health and welfare of the animals are the responsibility of the importer, under the authority of the importing country.

The simple fact is that Australia has no jurisdiction in foreign abattoirs. As the MLA said, it has no licensing there and no authority; it is there purely at the 'invitation' of the supply chain. (*Australian* 25-26 June, 2011).

- *Electronic tagging system*

The electronic tagging system has problems. The *Sydney Morning Herald* of 21 June, 2011 reports:

The Australian Beef Association ... said an independent audit into the mandatory [electronic] tagging system two years ago found that 34 per cent of 57 000 cattle audited could still not be traced through the system ...

The article further states:

A NSW stock and station agent, whose company is in partnership with MLA, said an expansion into Indonesia of livestock identification would do little to guarantee the humane slaughter of beasts because non-compliance was widespread.

Australia has no way of enforcing compliance with or punishing breaches of tagging systems in other countries. The main problem is tracking individual cattle to a particular abattoir once they have left the feedlot, and that is critical to monitoring the treatment of Australian animals. To argue that some abattoirs have acceptable standards and therefore should be able to slaughter animals, does not prevent some animals finding their way to sub-standard facilities like the ones depicted on *Four Corners*.

- *Memoranda of Understanding (MoU)*

The ASEL position paper refers to memoranda of understanding (MoUs). Although the government has signed a MoU with Kuwait clearly it is ineffective, judging by the *7.30 Report* in December 2010 where more atrocities occurred. The TV footage from Kuwait showed Australian sheep being onsold from feedlots to private individuals who bundled them into car boots and trussed them up on car roofs. They were destined for gruesome backyard slaughter without stunning or supervision of any kind. So much for the OIE standards being applied, let alone enforced. MoUs 'agreeing' to conditions, have been shown to be ineffective, and they provide no safeguards. **There is no protection once the animals leave Australia.** This does not reflect Australian community expectations.

Term of reference 2. (a) and (c)

- *Impact on Australian meat industry's reputation – international and domestic*

The ASEL position paper refers to Australia's reputation. It states that exporters must have plans to deal with incidents that may adversely affect the industry or Australia's international reputation.

Aside from its growing concern about animal welfare, 'reputation' was a principal reason why the New Zealand government decided in 2003 to stop exporting live sheep to the Middle East. It feared the continual bad publicity about animal welfare atrocities (in this case the *Cormo Express* fiasco) and the associated stigma would damage its international reputation and put its other substantial income-producing agricultural exports at risk of consumer backlash in major overseas markets. Similarly by

continuing to encourage the less valuable live export industry, Australia is putting at risk the producers of other agricultural export products which are worth billions of dollars more.

After *Four Corners* people inundated ‘paddock to plate’ organic producers with inquiries about how cattle were being treated prior to slaughter. It was reported that meat sales at an organic butcher in Brisbane rose by 10 per cent. However, other butchers across the nation reported their beef sales suddenly dropping. This reflects how the community’s lack of trust in the live export trade has tainted the entire meat industry, including processors in Australia. It has put consumers off buying meat.

The government department is well aware of the potential for backlash. The *Australian* newspaper web site reported on 13 July that Minister Ludwig was warned in a departmental briefing when he took office that the long-term viability of livestock industries would be threatened if the sector failed to effectively address the public’s concerns about animal welfare. The department warned that the industry’s standing in the community, its products and its acceptance by the public were threatened.

- *Value adding and jobs*

A study by SG Heilbron Economic and Policy Consulting showed that in 2008-09 the live trade cost Queensland 1200 jobs and \$140 million in lost income. The study also found that the live trade was propped up by subsidies and overseas protection. The government should work with importing countries to remove these subsidies so that chilled and refrigerated meat is on a level playing field with live exports.

The abattoir manager at Teys is reported to have said that the live trade had caused abattoirs to be mothballed at Cairns, Mt Isa, Innisfail and Townsville in north Queensland; at Katherine, Tennant Creek, Darwin and Batchelor in NT; and at Broome and Wyndham in WA.

In an interview with Geraldine Doogue on ABC radio Saturday Extra on 18 June, Jim Anderton, the former Deputy Prime Minister of New Zealand who stopped live exports from that country, was scathing about the trade. He said:

It is the lowest level of commodity export you can possibly make. You are exporting jobs at the same time. And you are doing away with any possibility of high added value processing.

He said it was a ‘no-brainer’ for his country to stop the trade.

If the Australian live trade were phased out and the industry were restructured to resurrect meat processing jobs in Australia, the livestock feeders, drovers, musterers and transporters would still have their jobs. And there would be a lot more jobs in meat processing.

- *Meat processing prospects in northern Australia*

Some Australian producers are looking for new meat processing opportunities in Australia. This will be good news for the meat processing unions who have been blaming live exports for the loss of thousands of their members’ jobs.

The NorthBeef grazer group is looking at establishing a new meatworks in north Queensland in a quest for more reliable markets.

Queensland state Agriculture and Food Minister, Tim Mulherin, has announced he is developing a business case to examine the commercial viability of beef processing capacity in the Far North to lessen producer reliance on live exports and introduce more competition in meat processing.

- *Indonesia's aim to be self-sufficient in cattle by 2014*

These developments are timely in view of Indonesia's well publicised aim to be self-sufficient in cattle by 2014. AAP reports that the latest census reveals Indonesia's plan is more advanced than previously thought because the country has increased its stocks of cattle available for slaughter to well in excess of the 14.2 million the government believes it needs to become self-sufficient.

Term of reference 3. Other related matters

- *Shipboard standards and regulations*

Many animal welfare advocates have documented the cruelty that occurs on live export ships. Tragically the *Cormo Express* fiasco in 2003 was one of many. The websites of Animals Australia and other animal welfare organisations document numerous instances of animal mistreatment on ships. The list of investigations on the Animals Australia web site should be mandatory reading for all members of Parliament, Senators, policy-makers and regulators. Clearly the Australian standards are ineffective in protecting animals en route to importing countries.

I read an ABC article in which a farm manager and experienced stockman said he was traumatised by his 13 long-haul voyages shipping Australian cattle to the Middle East and China. He had photographed the cruelty he saw on many sea voyages, ports and abattoirs. In Kuwait he saw similar abuse in abattoirs to that shown on *Four Corners*. Although he reported what he saw to authorities, nothing was ever done. He was also critical of the low levels of staffing and the treatment of cattle on ships leaving Australia.

- *Australian community expectations shattered – and the public reaction*

The community has demanded that this trade be banned by sending petitions containing hundreds of thousands of signatures, and there have been thousands of emails and letters documenting cruelty over many years. Politicians have received more complaints from the community on this issue than any other. The Prime Minister and the Leader of the Opposition should allow MPs a conscience vote on Mr Wilkie's bill to phase out live exports. Surely there are other members of the major parties (besides the ones in the Labor Party who have spoken out) who would like to show their constituents that they have integrity on this moral and ethical question. Why else do the major parties think so many Independents and Greens are being elected? It is because, as individuals, they let voters know what they stand for.

Immediately after *Four Corners* the websites of the RSPCA, Animals Australia and GetUp crashed because of the overwhelming community response to the latest horror. To this day, the petitioning, emailing and letter writing continues. Only six months earlier in November 2010, Minister Ludwig received tens of thousands of complaints after the ABC footage showing cruelty to Australian sheep in Kuwait. I, along with many others, am angry that nothing has been done to stop this trade.

The abuse that occurs to animals on Indonesian or Middle Eastern soil does not line up with Australian community expectations – as the immediate and prolonged reaction by the community to the *Four Corners* footage is demonstrating. Even if one believes the reports that some abattoirs have acceptable standards, the fact that atrocities are regularly filmed and animals are on sold from feedlots to small operators and individuals makes it unconscionable to keep sending animals to this fate.

The **ONLY** reason the Senate committee received this reference was because the public outcry was so intense. I have no doubt that the abuse is still be going on under the watch of the livestock export industry, the government and the department. They have failed in their duty of care and they have failed according to their responsibilities outlined in the ASEL standards and position paper.

- *'Social Licence', Ethics and Morality*

In the Senate, in answer to a question without notice, Senator Ludwig is reported as having said:

This industry is at risk if it cannot quickly and deftly move to ensure animal welfare outcomes, because it is an industry that has lost its social licence. Without a social licence, the community will not support the industry in its current form. The industry has not heard that message loudly or clearly enough to date. (*Hansard Proof* 14 June 2011)

A social licence equates with community trust. After so many breaches over many years that trust has now been extinguished. The community does not support this industry.

In October 2010 the World Society for the Protection of Animals-commissioned Galaxy poll revealed an overwhelming 79 per cent of Australians believe live sheep exports are cruel, while 86 per cent want it phased out if there is an alternative that saves jobs.

Conclusion

The standards and regulatory arrangements are inadequate and ineffective; they are meaningless words in the face of the atrocities the community has to witness so often on their TV screens. To date Indonesia has not allowed Australian veterinary inspectors access to its abattoirs. But as the standards state, Australia has no jurisdiction over the treatment of animals in Indonesia or any other country anyway. Australia abandons its responsibility for the animals once they leave its shores.

On ethical and moral grounds it is unacceptable to continue live exports when we know that we cannot provide the animals with the standard of protection they receive in Australia.

I trust that members of this committee will make unannounced and anonymous inspections of all facets of the live export supply chain to see for themselves.

Live animal exports should be phased out. Australia cannot protect animals from abuse, and the situation is getting worse. As long as this trade continues, I am ashamed to call myself an Australian. I do not think I am alone in that view.

Jan Kendall (Victoria)