



Public Interest Law Clearing House



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Committee Secretary

Senate Standing Committees on Rural Affairs and Transport

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Australia



Submission on Live Export

The Pro Bono Animal Law Service (**PALS@PILCH**) wish to make a brief submissions to the Senate Standing Committees on Rural Affairs and Transport on the issue of Animal Welfare Standards in Australia's Live Export Markets (in relation to both the Reference Inquiry and the Inquiry into the Related Private Senator's Bills).

Pro Bono Animal Law Service

The Pro Bono Animal Law Service (**PALS@PILCH**) is a project of the Public Interest Law Clearing House (PILCH) NSW and PILCH Victoria. **PALS@PILCH** is a national legal referral service that puts not for profit animal protection organisations in contact with lawyers able to provide pro bono legal advice and assistance. Our members include prominent Australian law firms, barristers and universities. In addition to our referral service, **PALS@PILCH** is also committed to addressing significant animal welfare issues.

The Live Export Industry

The Australian live export industry involves the sale and export of millions of live animals (mainly cattle and sheep, but also smaller numbers of goats and buffalo) to various countries around the world, including a large number of Middle Eastern nations, Indonesia and Malaysia. Australia's largest live export market is Indonesia¹. The unacceptable and unnecessary levels of cruelty endured by live export animals processed in overseas slaughterhouses was witnessed by the Australian public as a result of the recent airing of the joint RSPCA/Animals Australia investigation by the Four Corners into the slaughterhouses of Indonesia.

¹ RSPCA, <http://www.banliveexport.com/documents/FactSheet-Overview.pdf>.

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Submissions

PALS@PILCH are grateful for the opportunity to provide brief submissions on live export in general. The submissions set out take into account the three main areas of the live export trade that we believe require immediate and independent review. These are:

- Domestic transport to Australian ports;
- Transport en-route to receiving countries via sea; and
- Treatment of animals in receiving countries.

Submission One: Independent Review to commence with a review of the Australian Welfare Standards

PALS@PILCH submit that any inquiry into, and report on, the Australian live export industry must commence with a review of the Australian welfare standards relating to the treatment of livestock.

a) Land Transport

Australian livestock animals destined to be exported for slaughter overseas are transported domestically hundreds of kilometres by road in inadequate conditions.

These concerns predominately relate to animals from cattle stations in Northern Australia that are transported to ports such as Darwin, Broome, Wyndham, Townsville and Karumba en route to Indonesia².

The animals are transported in vehicles which provide limited access to food and water and no room to turn, sit or lie down. The domestic transportation of these animals is governed by various Federal and State legislatures and voluntary industry Codes of Practice.

PALS@PILCH submit that this system of regulation is inadequate for the following reasons:

- Animal welfare legislation and voluntary codes of practice are ambiguous and unenforceable and do not adequately ensure the prevention of suffering;

² RSPCA, <http://www.banliveexport.com/documents/FactSheet-Overview.pdf> .

- There is insufficient monitoring of animal welfare compliance during domestic transport. We note that the majority of both short and long distance transports are undertaken without inspections or independent audits; and
- The Australian Animal Welfare Standards and Guidelines for the Land Transport of Livestock, both existing and proposed, lack substance and are unenforceable .

Submission Two: Independent Review to include a review of the Welfare of Animals en-route to Importing Countries

PALS@PILCH submit that any inquiry into and report on the Australian live export industry must include a review of the conditions faced by live export animals during sea passage to importing countries. The transport of cattle via sea to Indonesia is typically a five to ten day journey and most animals are on ships with 2,000-3,000 capacity³. On average, between one to five animals die during each shipment to Indonesia from injury, stress and illness⁴.

Animals, namely sheep, en route to predominately Middle Eastern countries endure longer journeys, taking up to one month. The mortality rate for these animals during sea passage is high as a result of: overcrowding; heat stress; exposure to extreme weather conditions; diarrhea; disease; dehydration and failure to adapt to unfamiliar feed lots. During 2010, 1,192 cattle and 26,825 sheep died during their export voyages⁵.

A number of incidents of animal deaths have occurred, mainly in relation to animals being shipped to Middle Eastern countries, for example:

- The drowning of 1,592 cattle in 1996 when the *Guernsey Express* sank en route to Osaka;
- The death of approximately 70,000 sheep in 1996 aboard the *Uniceb* in the Indian Ocean;
- The death of 570 cattle (half of those on board) in 1998 on board the *Charolais Express*;

³ RSPCA, <http://www.banliveexport.com/documents/FactSheet-Overview.pdf> .

⁴ <http://www.daff.gov.au/animal-plant-health/welfare/export-trade/mortalities>

⁵ <http://www.daff.gov.au/animal-plant-health/welfare/export-trade/mortalities>

- The suffocation and death of over 800 cattle in 1999 aboard the *Temburong* when ventilation failed;
- The death of over 880 cattle and 1,400 sheep in 2002 when the *Becrux* overheated; and
- The death of over 5,500 sheep aboard the *Cormo Express* in 2003 when the Saudi Arabian importer rejected the shiplot of 57,000 sheep due to an infestation of scabby mouth⁶.

In 2003, following the *Cormo Express* disaster, the Australian Federal Government commissioned the the Keniry Report⁷ into live export, which criticised the self-regulatory nature of the live export industry. In 2004, the Australian Federal Government responded to some of the recommendations of the Keniry Report by passing the *Agriculture, Fisheries and Forestry Legislation Amendment (Export Control) Act 2004* (Cth) ("the 2004 amendments"). The second reading speech suggests that the Bill aimed to improve animal welfare⁸.

The Keniry Report's first recommendation was that the new national standards for live animal export be developed and implemented by the end of 2004, and that those standards be referenced in the *Australian Meat and Live-stock Industry Act 1997* (AMLI Act) and *Export Control Act 1982* (EC Act).

This recommendation was not adopted, and instead an industry-dominated committee was established to develop *Australian Standards for the Export of Livestock* (Standards). These Standards, drafted by the very industry they purport to regulate, are not directly referenced in either the AMLI or EC Acts, and are not subject to parliamentary scrutiny. Further, the Standards specify a number of requirements that do not adequately take account of the live export process. For example, the Standards specify that:

animals demonstrating symptoms of inanition (not eating), lameness, profuse diarrhoea, blindness, pinkeye and respiratory distress must not be exported; the exporter must arrange for animals to be inspected for health prior to loading; and animals on board vessels must be systematically inspected during the voyage to assess their health and welfare.

⁶ Sankoff & White, p155.

⁷ Keniry Report.

⁸ House of Representatives, *Hansard* 2 June 2004, 29821.

PALS@PILCH submit that breaches of the Standards are commonplace⁹ and breaches by the Australian Quarantine Inspection Service (AQIS) appear to be rarely, if ever, enforced¹⁰ and therefore require further independent review.

Submission Three: Independent review to include a review of the Treatment of Animals in Importing Countries

PALS@PILCH submit that the treatment of animals exported from Australia must be the subject of an independent review. Once animals leave the Australian jurisdiction, they are subject to the laws and standards of the receiving country, where Australian laws are no longer enforceable and indeed, the current Australian Standards for the Export of Livestock are often ignored or unenforced¹¹. For example, in the Middle East, repeated investigations by animal welfare agencies such as Animals Australia have evidenced that the treatment of sheep continues to be unnecessarily cruel and harsh with animals being tied, dragged, on-sold to private buyers with no training in humane slaughter, and being killed within the sight and sound of other sheep.¹²

In relation to cattle transported to Indonesia, PALS@PILCH note that on 6th July 2011, the Australian Federal Government announced new 'supply chain assurances' (Assurances) and simultaneously lifted a six month ban on exports to Indonesia. For the following reasons PALS@PILCH submit that these assurances, and similar Memoranda of Understanding between the Government and other recipient nations, are inadequate:

⁹ www.AnimalsAustralia.org/media/foi/>, discussed in Sankoff P and White S (Eds), *Animal Law in Australasia*, Federation Press, 2009, p164 (herein Sankoff and White), based on an analysis of AQIS reports of 'high mortality voyages', obtained by Animals Australia under Freedom of Information legislation.

¹⁰ Sankoff & White, p164.

¹¹ See the Keniry Report – *Live Stock Export Review – A Report for the Minister of Agriculture, Fisheries and Forestry* (2003) (accessible at http://www.daff.gov.au/data/assets/pdf_file/0008/146708/keniry_review_jan_04.pdf) (herein referred to as the Keniry Report)

¹² See for example the 2010 Animals Australia Investigation into the treatment of Australian sheep imported to Kuwait <http://www.animalsaustralia.org/investigations/live-export-investigation-2010.php>

The arrangements do not guarantee the humane treatment of Australian cattle. The standards fall well below those required in Australia. The standards do not require stunning prior to slaughter and are unenforceable as they are not Australian law; The Australian Government is unable to appropriately and adequately oversee the functioning of over 100 abattoirs in Indonesia (or any other international abattoir) which receive Australian livestock for slaughter;

The Australian Government has no binding power to enforce animal welfare standards or humane slaughter guidelines in other sovereign states. Once Australian animals have been sold and delivered to an importing country, they are subject to the customs and practices of that country and the international agreements on slaughtering practices.

Conclusion

PALS@PILCH submit that animal welfare abuses are inherent in the live export industry and must be the subject of a thorough independent review. PALS@PILCH also submit that the considerations raised above must be considered in any inquiry into the Related Private Senators' Bills, namely the Live Animal Export (Slaughter) Prohibition Bill 2011 [No.2] and the Live Animal Export Restriction and Prohibition Bill 2011 [No. 2].

Accordingly, PALS@PILCH call on the Australian Federal Government to take these submissions into consideration during the inquiry and report and to take immediate action in accordance with the Related Private Senator's Bills.

Yours faithfully

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