

25 November 2018

STAGE 2 ISSUES PAPER

OBJECTIVE OF THE INQUIRY

Stage 2 is only one step in the broader process.

The overriding objective of the Inquiry is for the Australian Parliament to be able to prove to the public that the live export trade is compatible with our expectations and superior to alternatives.

Clearly whatever has been tried before, has badly failed the public test.

This is why we have yet another Inquiry. The first was in the 1980's.

The lack of trust, transparency and credibility and the dark history of live exports is the challenge that confronts this Inquiry.

The Minister is the person who is entrusted with the responsibility and he/she must ensure compliance with the regulations.

The specifics of this Inquiry are about setting the guidelines that the Minister must implement, monitor and take action for breaches where necessary.

The final judgment will come from an unbelieving public.

Our elected Representatives are the ones who are accountable to the people. We expect Governments to be able to handle issues like live exports.

My view is there are big hurdles and that there are no acceptable procedures that justify the continuation of the live export trade.

The alternatives are so much better

- chilled and frozen meat exports
- Australian jobs
- peace of mind for the Australian public and
- continue to wean overseas countries off live animal exports and on to chilled meat

It begs the question of why are we even investigating ways to perpetuate a risky trade when Australia will benefit much more from the alternatives.

The live export trade will always be cruel. Systemic cruelty underpins the profits.

The alternatives have positive outcomes and especially for rural and remote areas.

Quote

Ethical considerations are important in determining the acceptability of welfare standards, but it is critical that views about animal welfare are based on credible science. People may perceive a practice to be cruel because they do not understand the actual welfare outcomes for an animal. [...]And **most people accept that there can be tradeoffs between standards and the costs and practicality of achieving them.** For that reason, it is important that factual (scientific and economic) considerations are separated from judgements about what is appropriate (ethics). (2016, p. 202-205)

Further,

‘An important policy question is whether regulatory arrangements can effectively manage the welfare of Australian live exports without imposing costs that lead to **a substitution to exports from other countries.**’ (2016, p. 247)

Unquote

My view is the statement ..”*most people accept that there can be tradeoffs between standards and the costs and practicality of achieving them*” is an erroneous base for the outcome of this Review.

The Review is being done because *most people DO NOT accept there can be tradeoffs.*

On face value, the Commonwealth is trying to calculate and put a commercial \$ value to systemic cruelty.

This premise then flows into the statement about “*substitution to exports from other countries.*”

Does the Commonwealth argue that we must continue with systemic cruelty because another country might beat us to it?

This is an indefensible position to put to the Australian people.

This type of thinking is behind the decades of cruelty and Reviews that have not addressed the issues to the satisfaction of the public.

New Zealand stopped live exports when Australian cruelty was exposed.

AUSTRALIAN GOVERNMENT CAN TAKE CREDIT IF IT BANS LIVE EXPORTS

The commercial reality is that if Australia provides meat products at a competitive price and quality to overseas customers then the market available for the “*other countries*” will shrink.

Product substitution should be the Australian marketing strategy.

The marketers of chilled meat have done an excellent job over the last 10 years to convert the importing countries from the live export trade to buying the finished product.

This puts profits for Australians before profits for live exporters. This is a worthy and defensible goal.

The Commonwealth needs to be proactive and support the efforts of the chilled meat marketers.

Product substitution is the only “**substitution**” we should be interested in.

The Australian Government will reduce the size of the meat market in those overseas countries, by product substitution.

The flow on effect for animals in the predatory “other” countries is that far fewer of the animals would be needed simply because Australia has converted buyers from the live animal trade onto the chilled meat trade.

The Australian Government strategy could rightly take credit for this.

And over time, the market size will become uneconomic for those exporters from “other” countries.

So it is Win / Win for the Australian Government, the Australian public and animals in the *other countries*.

An analogy with product substitution is the former giant company, Kodak. It went from domination to extinction.

Digital cameras erased their market.

Why would any Australian Government want to perpetuate, or protect the live export trade when an Australian product innovation (chilled meat) stands ready to take up and re-shape the market.

MY RECOMMENDATIONS FOR STAGE 2

I made a submission to Stage 1.

However for Stage 2, the changes I recommend are limited to just extreme weather and inspection.

My recommendations address two (2) actions:

- OCEAN CONDITIONS ASSESSMENT and
- CCTV

Extract from Stage 2 - Issues Paper. Page 8

2.1 What is the problem we are trying to solve?

The Australian Standards for the Export of Livestock (ASEL) have not been updated since 2011. Whilst a review of the standards took place over 2012-13 following the Farmer Review, it was not finalised. In the meantime, animal science and industry practices have evolved meaning that the requirements in the standards are not necessarily fit-for-purpose. This review aims to address concerns that:

- *The standards do not deliver acceptable animal welfare outcomes for exported livestock within a viable industry.*
- *The standards do not meet community expectations for the welfare of animals.*
- *The standards are not based on the best available scientific evidence.*

It is important that national minimum standards are set for livestock exports that ensure consistent welfare outcomes across the industry, and which provide industry participants with clear criteria for demonstrably meeting their duty of care to the animals they manage along the export supply chain. As the standards are mandated by law in Australia they must, to the maximum extent possible, be evidence-based, supported by contemporary science relevant to Australian systems and the conditions faced during voyages from Australia. Additionally, the standards need to be sufficiently flexible to accommodate newly developed animal management and transport systems, hence be outcomes-based where possible rather than overly prescriptive.

The standards and this review use the World Organisation for Animal Health (OIE) definition of animal welfare, which means:

... how an animal is coping with the conditions in which it lives. An animal is in a good state of welfare if (as indicated by scientific evidence) it is healthy, comfortable, well nourished, safe, able to express innate behaviour, and if it is not suffering from unpleasant states such as pain, fear, and distress. Good animal welfare requires disease prevention and appropriate veterinary treatment, shelter, management and nutrition, humane handling and humane slaughter or killing. Animal welfare refers to the state of the animal; the treatment that an animal receives is covered by other terms such as animal care, animal husbandry, and humane treatment. (OIE 2016c, p. 1)

My submission is relevant to key words or phrases in the Issues Paper 2.1. **What is the problem are we trying to solve?**

The key words or phrases for me, include:

Item # 1: *“provide industry participants with clear criteria for demonstrably meeting their duty of care to the animals they manage along the export supply chain.”*

Relevance : Ocean conditions assessment.
CCTV with audio

Item # 2: *“As the standards are mandated by law in Australia they must, to the maximum extent possible, be*

- *evidence-based*
- *supported by contemporary science relevant to Australian systems and*
- *the conditions faced during voyages from Australia.”*

Relevance : Ocean conditions assessment.
CCTV with audio

Item # 3: *“An animal is in a good state of welfare if (as indicated by scientific evidence) it is..*

- *healthy*
- *comfortable*
- *safe,*
- *able to express innate behaviour, and*
- *if it is not suffering from unpleasant states such as pain, fear, and distress.”*

Relevance : Ocean conditions assessment.
CCTV with audio

Item # 4: “Good animal welfare requires

- appropriate veterinary treatment
- shelter and
- humane handling

Item # 5: *Animal welfare refers to the state of the animal.*”

Relevance : Ocean conditions assessment.
CCTV with audio

Item # 6: 2.1 Para 3.

“As the standards are mandated by law in Australia they must, to the maximum extent possible, be evidence-based, supported by contemporary science relevant to Australian systems and the conditions faced during voyages from Australia.”

My submission in part, draws on the Australian Animal Welfare Standards and Guidelines for Cattle. Edition One, Version One Endorsed January 2016. Animal Health Australia.

An extract is:

3 Risk management of extreme weather, natural disasters, disease, injury and predation

Objective

Cattle are managed to minimise the impact of threats to their welfare including, extremes of weather, natural disasters, disease, injury and predation.

Standards

- | | |
|------|---|
| S3.1 | A person in charge must take reasonable actions to ensure the welfare of cattle from threats, including extremes of weather , drought , fires, floods, disease, injury and predation. |
| S3.2 | A person in charge must ensure the inspection of cattle at intervals, and at a level appropriate to the production system and the risk to the welfare of cattle . |

S3.1 My view is that an ***ocean conditions assessment*** comes within a definition of extreme weather “mandated by law in Australia”. It is a criteria that parallels the critical Heat Stress Risk Assessment and is done prior to voyages.

S3.2 My view is that the reference to “*inspection of cattle at intervals*” and at the level appropriate to “*...the risk to the welfare of cattle*” is where **CCTV** is probably the only effective and credible means of proactive inspection and monitoring.

CCTV meets the criteria for information set out in Section 3.1 Para 3, namely

- *to the maximum extent possible*
- *be evidence-based, and*
- *is supported by contemporary science relevant to Australian systems and the conditions faced during voyages from Australia.”*

My submission now addresses the questions outlined in Stage 2.

Item 3.2.4 – Stage 1 - 2018 Review Page 16

Questions about voyage reporting

Note: Please provide rationale and evidence to support your position.

1) What further changes, if any, do you think are necessary to the voyage reporting requirements of the standards?

The two (2) further changes I recommend are CCTV and an ocean conditions assessment. I will address these in alphabetical order as each is an equally critical criteria.

Part A. Closed Circuit TV

In essence the advantage of CCTV is that it is a serious deterrent to person(s) or companies to break the law or breach regulations. They will be caught out with CCTV.

CCTV cameras on vessels will detect and capture on video anyone engaged in inhumane activities, be they either deliberate, due to negligence or another reason.

There is no defence against breaches caught on CCTV. The individual can be identified and if applicable, also can lead to any person who gave instructions to perform those activities.

CCTV

- monitors activities live
- collects evidence for courts or investigations by the relevant Department
- assists decision making during the voyage, e.g Commonwealth Department of Agriculture or a Commonwealth Animal Welfare representative can advise the Captain.
- it is a way to keep records and
- the public can view the videos in the event an incident becomes public.

CCTV covers the whole of the voyage.

The Voyage, for Australian CCTV coverage, is reasonably defined as all the events in points 1 through 7.

CCTV coverage

1. Starts with the unloading of the animals from the trucks at the Departure port
2. Every activity / incident on the ramp and on the ship during loading
3. Conditions in the penned areas prior to loading and also during the voyage
4. Feed
5. Effect of ocean conditions on the animals
6. Shows how animals are injured and any deaths of animals and
7. Finishes with recording how the animals are taken off the ship and the loading procedure on to road transport at the Receiving port.

The Australian public will be better informed. Seeing is believing.

It eliminates alleged attempts by persons to cover up activities as per the investigation established by the Minister.

So the voyage ought to then be defined as terminating when each of the animals has been loaded onto trucks operated by the authorised receiving transport company at the Receiving port.

This final step is to be described in the licence for the voyage as the completion of the voyage.

This procedure eliminates Australian animals being

- badly treated during unloading from the ship at a foreign port, or
- filtered off the vessel and never making it on to authorised carrier's truck.

Many of these Australian animals being taken for religious sacrifices.

The Australian public will then be able to see what happens to the animals right up to the truck driving away.

There is still uncertainty and lack of trust in the public's mind. Seeing is believing.

CCTV delivers all this. Nothing else comes near it.

NO REASONABLE OBJECTION TO CCTV BY THE MAJOR LIVE EXPORTERS

The four (4) major live exporters are to my knowledge:

- Ms Gina Reinhart
 - Mr Andrew Forrest
 - Mr Kerry Stokes and the
 - Commonwealth Government. (Commonwealth owns the Stations that are leased to the Northern Land Council operate with oversight from a Commonwealth Manager as I understand)
1. CCTV is used in the major mining Iron Ore operations in the Pilbara owned by Ms Reinhart [Roy Hill] and Mr Forrest [FMG] respectively.
 2. The media businesses of Mr Stokes would almost certainly use CCTV
 3. CCTV is widely used by the Commonwealth Government.

And Live Corp is on the public record for endorsing the use of CCTV in the live export trade.

Live CCTV in abattoirs in Asia was supported by LiveCorp as I understand, and Elders also supported CCTV in a report I read.

- LiveCorp is on record as supporting live CCTV in monitoring activities in live exports in the past. The link below is for Vietnam abattoirs. Dated 2015. However a year later there were video images of cattle being sledgehammered to death. CCTV had not been installed. This barbaric practice only became public knowledge due to actions by Animals Australia.

The Live Corp commitment would have eliminated this cruel method of slaughter.

<http://www.abc.net.au/news/rural/2015-04-17/cctv-cameras-in-vietnamese-abattoirs-and-feedlots/6397306>

Extracts

"Ms Alison Penfold, from the Australian Livestock Exporters Council (ALEC), said the rollout of cameras was a world first for the live export industry."

"We will be putting CCTVs into every feedlot and abattoir in every Vietnamese ESCAS supply chain," she said.

"We've already got about 35 cameras operating in the Vietnamese market already. Around 80 facilities will be added."

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"We've already got about 35 cameras operating in the Vietnamese market already. Around 80 facilities will be added."

"When asked who would monitor the CCTV footage from abattoirs and feedlots, Ms Penfold said that would be decided in the "planning process currently taking place"

This report was dated April 2015. The planning process would reasonably be completed by now.

Part B Ocean Conditions Assessment

OCEAN CONDITIONS - THE MISSING REGULATORY REQUIREMENT

My view is that ocean conditions are a major regulatory requirement that is missing in the review of voyages. And I ask if the Committee give serious consideration to this factor.

The Keniry Review [2004] recommended that exports be banned in circumstances where high mortality rates could be predicted and risks to animal welfare were the greatest.

Keniry mentioned rough conditions at sea as one of these circumstances.

In my view the continued omission of ocean conditions is a serious deficiency in a revised ASEL document.

I take this view on the basis that violent movements of the vessel could very likely cause:

- Animals to lose their footing
- The fallen animals to have the effect of a bowling ball and cause other animals to lose their footing
- Injuries to the animals
- vomiting
- animals being trampled on by others
- puncture wounds and of course,
- deaths

Animals hooves on floors in rough ocean conditions combined with a layer of sewage and water is a recipe for extreme and prolonged cruelty to animals.

I could not find reference in any AESL document for a pre-voyage assessment of ocean conditions to be submitted prior to a licence being approved.

The original licence for a voyage might be given perhaps two (2) months in advance of the proposed sailing date.

A lot can happen with weather during that period. So the licence to sail should be predicated on the latest forecasts for ocean conditions known on the day of sailing. Some voyages would likely be delayed.

This is the commercial risk the exporters take and need to factor in to their business model.

The cyclone and typhoon seasons introduce higher risk for the animals.

Cattle exports to Vietnam and China are two (2) obvious regions for consideration.

The Australian Government should seek advice to predict limits on wave conditions to protect animals during the voyage.

I expect the height of decks will be a factor for this forecasting model. The amplitude of swaying must be accounted for.

Waves in the order of ten (10) or more metres are mentioned in some categories of cyclones and typhoons.

The obvious action is to not take ships with live animals into these extreme weather conditions. The pre-sailing Ocean Conditions Assessment must be approved before the ship leaves port.

CCTV live monitoring will identify the consequences for animals if they are ever caught in these conditions.

https://www.washingtonpost.com/weather/2018/09/19/typhoon-mangkhut-was-strongest-storm-this-year-it-ravaged-hong-kong-philippines/?utm_term=.266435929698

The report mentions that “*Waves just offshore towered up to 45 feet.*”

One can imagine the trauma, injuries and deaths for animals caught in these conditions.

I can picture animals being flung around with the wild movements of the ship.

It would be useful to compare the end of voyage reports of deaths and injuries of live export ships that travel through the extreme weather events and high seas.

Question: Is the Department aware of how live exporters manage the voyage when rough ocean conditions are forecast, or develop en route at short notice.

If so, what actions have been taken in the past to address the issue.

2) Should the voyage reporting changes recommended by the McCarthy Review and then instituted by the Department be applied more broadly?

The changes should be applied more broadly and take in the whole voyage.

- a) This starts with licence for a voyage being issued subject to a favourable forecast for ocean conditions for the whole of the journey.
- b) Approval on the day of sailing is subject to
 - the latest ocean conditions forecast through the voyage and
 - verification the CCTV system has been tested and the Department reviews the vision from each of the cameras.
- c) Daily reporting on ocean conditions should be included in the changes. The report will be enhanced by CCTV video of ocean conditions and what is happening to the animals on board.

3) Some stakeholders would like voyage reports to be publicly available, while others argue that this approach may limit candour. What is the best approach to **balance** public transparency with frankness in reporting?

There is no need to look for “balance”.

Balance suggests a trade-off.

Seeking a balance benefits no one.

The only goal is for all stakeholders to be open, honest and accountable.

CCTV eliminates negative outcomes. The bad stuff will be there to see. It will soon put a stop to it happening again.

Examples of what happens when one seeks “balance” is that the actions of some stakeholders are then not transparent and we get situations developing like

- Some of the findings in the Moss Report and
- the Minister’s recent launch of an investigation into an alleged cover up

CCTV eliminates trying to “**balance**” things. CCTV means everyone sees things as they are.

And fortunately, there is now an economic alternative that removes the temptation to use live exports. This is the chilled and frozen meat export business.

CCTV would likely reveal some chilling vision that would leave little need for balancing publicly available information and candour.

4) Should there be on board real-time monitoring of animals and vessel conditions? If so, what should these be and what would be the cost?

This question has only one answer. Absolutely yes.

CCTV is the answer in my view. For example it shows how vessel conditions change with rough seas.

The cost for CCTV is borne by the owner of the ship.

Many ships engaged in other trade or ocean work have CCTV. We saw examples with vision of a container ship losing containers off the coast of Newcastle earlier this year.

CCTV is a normal cost of doing business in Australia for many onshore businesses.

It is standard practice in areas where compliance with certain regulations is required, for example monitoring activities to maintain safety in public areas.

Mining is another example where CCTV is used for safety, security and simply seeing how specific parts of the business are operating, for example conveyor belts or shiploading.

The owners of assets are responsible for the installation and maintenance of the CCTV systems they need.

The live export trade is high risk and it has always taken place out of the eye of a doubting public.

Live export of animals has a dark history and there are now reports of alleged cover ups.

The public is entitled to see what happens.

The ship owner can withdraw from the live export trade if they choose not to install and operate a CCTV system.

5) Should there be specific recording and reporting of additional environmental parameters on vessels during voyages? What might these be, and can or should reportable 'trigger' levels be set?

Zero harm is the best environmental parameter. How do we achieve this?
We stop live animal exports and substitute it with chilled and frozen meat exports.

Ocean conditions are another "*additional environmental parameter*" on vessels during voyages." The parameters need to establish how animals cope with rough ocean conditions.

CCTV will provide the evidence. It goes far beyond written reports. However written reports must remain as the supplementary and long term source of information.

CCTV will act as verification of the information in the written reports.

CCTV supports environmental objectives as it provides proof of the location, time and the quantity of waste dumped into the ocean. There are prescribed places where waste can be discharged into the ocean.

Of course, the ocean is the big environmental winner with substitution by chilled meat. Dumping sewage and other animal waste will cease. There have been many thousands of tonnes over the years. And perhaps into the million tonnes category.

And of course, throwing the carcasses of thousands of dead and maybe live animals into the ocean is the other environmental hazard that ceases when the live export trade stops.

6) Should there be specific recording and reporting of animal welfare indicators during, and at the conclusion of a voyage? If so, what might these welfare indicators be, how frequently should they be measured and can/should reportable trigger levels for these measures be established?

Whichever animal welfare indicators are included in the final report, CCTV will have a vital role in verifying much of the information.

And it will be done 24/7.

I have no veterinary background and will leave the trigger levels to those who are qualified.

Some welfare indicators I would like to see reported on, are

1. Ambient temperatures and humidity in the penned areas
2. Animals panting
3. Restlessness
4. Animals going berserk
5. Signs of heat stress
6. Vomiting with sea sickness
7. How close to death are they when they arrive at the unloading port
8. Noises of distress
9. How long are they distressed
10. When do the noises of distress start
11. Are they keeping their feet in rough seas
12. Are they in pens with sewage under foot
13. How do they get back on their feet in pens with sewage on the floor and unfavourable ocean conditions
14. How do they sleep
15. Do they sleep in sewage
16. Is feed and water maintained
17. How are their pens kept clean
18. What happens when they get injured
19. Are live but sick animals thrown overboard to drown
20. How often do crew members check the animals
21. How often do vets check them
22. What medicines are given to the animals

The whole scenario is just disgusting for Australians to accept.

Trade is a description suited for benign products like wheat, iron ore, cars and the like.

Live exports trade is a misnomer. Animals are not like iron ore.

Live exports is unbecoming for a country like Australia.

7) If reporting requirements are increased, what might be this cost and who would pay?

In Australia, business pays for statutory reporting requirements.

The cost is irrelevant.

If Government determines something is statutory, then the company complies and pays the cost.

Statutory requirements exist for a reason.

Companies for example may be required to establish

- environmental departments
- legal departments
- quality control equipment
- financial departments
- CCTV security or
- quarantine systems, etc.

The flow on effects of statutory requirements are marketing decisions that determine how much of the costs will be recovered in the prices they sell their products for.

For live exporters it is the same. Some of their choices are

- increase the price to the customer (makes chilled meat more attractive)
- absorb the cost and make lower profits or
- use existing customer contacts and convert to chilled meat exports. One Australian company live exporter is already doing this.

Companies in the supply of chilled meat operate in the Australian business regime. They already have statutory costs.

The live exporters may have been making extra profit because of ineffective and weaker Australian Government requirements compared with the chilled meat exporters.

This unfair advantage needs to be addressed if this is what is happening.

Each and every live exporting vessel servicing the live export trade will have to comply with statutory requirements.

For example, if the Australian Government agrees the animal welfare and public concerns justify the introduction of CCTV systems then each vessel will need to be fitted out.

Strict time schedules should be set to complete the installations given the consequences of what is happening now. Time is of the essence.

The number of animals exported should be reduced as an incentive to get CCTV installed as soon as possible.

A reduction of at least 25% in the animals exported annually until the exporters complete 75% of their vessels, is reasonable in the circumstances.

EXTRACTS FROM AESL DOCUMENT

I recommend the Inquiry make changes to the relevant Section of the AESL document – and be amended to include the words in **red**.

Extreme weather

*Temperature and climatic conditions (e.g. **cyclones, typhoons, tropical storms, rough seas, rain, hail, snow, wind, humidity and heat**) that either individually or in combination, is likely to expose livestock to heat or cold stress, significantly increased risk of injury or even the direct cause of death.*

Sea Load Plan

A valid Load Plan for export by sea must be compliant with relevant ship safety standards and submitted to, and authorised by the State or Territory department, before the vessel can depart and include details of:

The valid Sea Load Plan must also give due consideration to:

- *the requirements of Marine Orders 43, in particular Part 33 (hospital pens) Part 8 (Restrictions on carriage of livestock)*
- *differences in handling, holding and husbandry needs of each livestock species, number of animals, sex, class, reproductive status, weight, breed, origin, preparation and transport history*
- *pen layout, available pen area for the particular consignment, ventilation, vessel characteristics, port rotation, discharge sequence and stability*
- *contingency for failure of the ventilation system during loading*
- *ensuring the livestock are Appropriately Segregated on-board*
- *separation of cattle or buffalo from other species by a passageway, an empty pen or an effective impermeable barrier, to the satisfaction of an accredited stock person or accredited veterinarian*
- *location of livestock in relation to health and welfare (there must be no penning or location of livestock on or in any part of a vessel where the livestock, livestock fittings, livestock equipment or carrying arrangements could substantially compromise the animal's health and/or welfare)*
- *any relevant HSRA stocking density outputs*
- **CCTV monitoring is operational**
- *contingency plans and*
- **Ocean conditions assessment meets standards.**

WHEN CAN OCEAN CONDITIONS BE EXTREME OR DANGEROUS FOR ANIMALS

Cyclone season (South of the Equator) starts 1st November and will end on 30 April next year.

Typhoon season. (North of the Equator) While the majority of typhoons reliably develop between May and October, typhoons can occur any time of the year. While the majority of typhoons reliably develop between May and October, typhoons can occur any time of the year.

So here we have it, extreme ocean conditions with rough seas can occur all year round in the various live export sectors.

The inclusion of Ocean conditions assessment is something I ask the Committee to consider and accept.

CONCLUSION

I thank you for the opportunity to make a submission. The live animal export trade is something that concerns me deeply.

I live in Perth. So I see the trucks loaded with sheep and cattle heading along Roe Highway to Fremantle.

The feeling of helplessness sickens me.

I cannot sit idly by knowing what confronts those animals, and all in the name of so called trade.

I just know it is wrong. And there are thousands like me in Australia.

Yours sincerely