



**Animal Defenders Office**  
*Using the law to protect animals*

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The Animal Defenders Office Inc. is accredited by the National Association of Community Legal Centres.

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Mr Steve McCutcheon  
Chair, Technical Advisory Committee  
Review of the Australian Standards for the Export of Livestock

By email: [TACsecretariat@agriculture.gov.au](mailto:TACsecretariat@agriculture.gov.au)

Dear Mr McCutcheon

**Submission from the Animal Defenders Office: Review of the Australian Standards for the Export of Livestock (ASEL)**

Thank you for the opportunity to provide a submission responding to the Stage 2: Draft Report of the Review of the Australian Standards for the Export of Livestock (hereinafter “Stage 2: Draft Report”).

About the Animal Defenders Office

The Animal Defenders Office (hereinafter “ADO”) is a non-profit community legal centre that specialises in animal law. The ADO provides pro bono advice and representation services, produces information to raise community awareness about animal protection issues, and works to advance animal interests through law reform.

The ADO is a member of the National Association of Community Legal Centres Inc.

Our submissions in response to the Stage 2: Draft Report are set out below.

**Introduction**

Australians continue to witness the failure of the live export industry to protect the welfare and interests of Australian animals on board live export ships.<sup>1</sup>

Basic animal welfare requirements such as access to food and water are denied these animals during a voyage. This type of treatment would constitute animal cruelty under Australia’s domestic animal welfare laws.<sup>2</sup>

The ADO submits that the proposed revised ASEL Standards (“the draft revised Standards”) will not improve animal welfare in the live export industry due to several fundamental failings: they are weaker than our domestic animal welfare laws and standards, they are administered by a regulator with an inherent conflict of interest<sup>3</sup>, and they are not enforced.

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<sup>1</sup> The World Organisation for Animal Health (OIE)’s definition of *animal welfare* states that:

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. (*Stage 2 Issues Paper* p8; available at: <https://haveyoursay.agriculture.gov.au/33007/documents/85569>.)

<sup>2</sup> See for example section 8 ‘Animals to be provided with food, drink or shelter’, *Prevention of Cruelty to Animals Act 1979* (NSW).

<sup>3</sup> *Stage 2 Issues Paper* p8; available at: <https://haveyoursay.agriculture.gov.au/33007/documents/85569>.

Mindful of these limitations, the ADO makes the following specific submissions on key welfare issues within the Stage 2: Draft Report and the draft revised Standards.

### **Space allowance for sheep and cattle (Chapter 3)**

The ADO submits that the space allowances recommended in the Stage 2: Draft Report are too small. For example, they will not ensure all animals in a group in registered premises or on-board a ship are able to lie down comfortably at the same time and easily access feed and water. These are minimum welfare standards that the Australian community would expect would apply to animals kept in Australia.

The proposed space allowances will therefore not lead to noticeable improvements in animal welfare in the live export industry.

### **Voyage reporting (Chapter 5)**

The ADO submits that the recommendations in the Stage 2: Draft Report will not lead to improved animal welfare standards or increased public confidence in the ability of the live export industry to protect animal welfare because:

- daily reporting is not required for voyages of fewer than 10 days;
- monitored pens are not chosen independently of exporters to ensure transparency and accuracy;
- voyage reports are not made publicly available to keep the Australian community informed as to the animal welfare standards on board export voyages.

### *Reportable mortality*

As noted in the Stage 2: Draft Report, commentators have agreed ‘that a set of animal welfare indicators should be developed in addition to the current mortality indicator[;] however industry work in this area is still some time away from completion’ (p39).

The ADO submits that, while the live export industry exists in Australia:

- alternative animal welfare indicators should be investigated as a matter of urgency;
- the draft revised Standards should mandate independent reporting to ensure against underreporting of true mortality figures;
- the draft revised Standards should mandate reporting of all mortalities as this gives a more accurate record for animal welfare purposes;
- the draft revised Standards’ approach of ‘welfare by numbers’ should be rejected because animal cruelty offences in all animal welfare laws in Australian jurisdictions apply to single animals. This approach should be adopted for Australian animals for as long as they are exported live from this country.

The ADO also notes that there is no guarantee that recommended levels for reportable mortalities will be enforced or that exporters will be sanctioned if the levels are exceeded. This means that the unacceptable (from an animal welfare perspective) status quo will continue.

### **Onboard personnel (Chapter 7)**

The ADO disagrees with draft recommendation 4.3 in the Stage 2: Draft Report which retains departmental discretion as to whether an Australian Government Accredited Veterinarian (AAV) should accompany export consignments.

The failure to mandate a qualified AAV to be on board every live export voyage, for supervision and monitoring, as well as an independent auditor with ultimate responsibility for reporting requirements, is another reason why the draft revised Standards will not lead to any tangible improvements in animal welfare for live export animals.

### **Species permitted to be exported (Chapter 8)**

The ADO submits that the failure of the draft revised Standards to ban wild animals<sup>4</sup> from being exported on the grounds that they are unused to human contact and do not tolerate handling and transport without serious welfare compromise, is another reason why the draft revised Standards will not lead to improved animal welfare.

### **Conclusion**

The ADO submits that the live export industry is inherently incapable of providing an acceptable standard of animal welfare,<sup>5</sup> and that the draft revised Standards will not alter this. We submit that a complete review of the viability of the industry should be undertaken, and that animal welfare be prioritised over profitability. Only then will there be a just outcome for animals.

The ADO submits that it may not be possible to deliver acceptable animal welfare standards for exported livestock within an industry that is also viable, ethical and acceptable to the community. The welfare and interests of animals should have priority over other factors when considering compliance costs and sustainability of the trade. Meeting community expectations for the welfare of animals should also be a priority. There is strong community support for the cessation of the live export trade. The ADO also supports the cessation of the industry as soon as possible.

Tara Ward and Mary Ann Gourlay  
**Animal Defenders Office**

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<sup>4</sup> For example, live wild buffalo, goats, camels, and deer.

<sup>5</sup> The Productivity Commission has highlighted that market forces will not allow good animal welfare outcomes in the live export industry: *Regulation of Australian Agriculture*. No. 79, 15 November 2016, 199.