

CHAPTER 16

FUTURE OF THE TRADE

General Conclusions

16.1 The live sheep trade transfers the place of slaughter of six or seven million sheep a year from Australia to the Middle East, which necessitates the transportation of those sheep at least 10 000 kilometres. The AVA and the RSPCA argued, on animal welfare grounds, that livestock should be slaughtered as close as possible to the point of production. There is little doubt that sheep suffer during the journey from an Australian farm to an abattoir in the Middle East. Any form of transport puts stress on livestock. Even if sheep were to adapt to the confined conditions on sheep carriers, they would still undergo stress, or other forms of suffering, during the process of adaptation to those conditions, or under particular adverse conditions encountered on the journey. In addition, the conditions under which sheep are slaughtered in the Middle East do not match the conditions in Australian abattoirs, which have regulations to ensure a higher standard of animal welfare.

16.2 The Committee came to the conclusion 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, in many respects, inimical to good animal welfare, and it is not in the interests of the animal to be transported to the Middle East for slaughter.

16.3 The Committee agreed that the animal welfare aspects of the trade cannot be divorced from economic and other considerations. Consequently, the Committee considered a range

of economic and other factors, some of which were: returns to producers, investment in the trade, international trade considerations, changes in the structure of the Australian flock and the cost to the meat processing industry. After consideration of all factors, the Committee acknowledges the reality of the situation that any short-term cessation or disruption to the trade would cause considerable dislocation both in Australia and in the Middle East. Consequently, the Committee agrees that the trade will continue for some years and insists that significant improvements be made to animal welfare in many areas of the trade as recommended in this report.

16.4 The implementation of reforms will help to reduce but not eliminate stress, suffering and risk during transportation of sheep to the Middle East. 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.

Ban on Export during the Australian Winter

16.5 The Committee considered the suggestion to ban the trade during the three Australian winter months when conditions are at their worst in southern waters, as well as in the Middle East. The Committee did not have, however, any evidence that mortalities in those months were significantly higher than during the rest of the year. The Committee had little evidence that sheep during the three months underwent significant extra stress or suffering. It can only be presumed that conditions are relatively less tolerable under those conditions.

16.6 Although the ban would probably not seriously disrupt the industry at the Australian end, it would probably cause difficulties in the Middle East. The ALEA told the Committee that there is no evidence:

'to suggest that it is such a significant factor as to stop the trade for three months ...¹ You are talking about having to hold, just in the case of Kuwait, in excess of half a million sheep, where there are not the facilities there to do it. There are the facilities there, in one companies facilities alone, to hold over 150 000 sheep. But you are talking about trebling that facility ... You would be straining your resources at the other end.'²

16.7 The Committee does not propose to recommend the imposition of a ban on the trade during the three Australian winter months. If Australian authorities receive evidence that sheep were undergoing severe hardship on a regular basis during these months, they should consider the imposition of a ban.

Reform of Administration, Legislation and Codes of Practice for the Live Sheep Trade

16.8 The Committee considered the framework of regulation of the trade.

16.9 There is already a mix of legislative, regulatory and self-regulatory procedures which apply to the trade.

16.10 At present there are four Commonwealth Acts which have relevance to the trade:

- . Navigation Act 1912;
- . Quarantine Act 1908;
- . Australian Meat and Livestock Corporation Act 1977; and
- . Customs Act 1901

16.11 The Australian Meat and Livestock Corporation Act and the Customs Act have little relevance to the welfare of sheep being exported live to the Middle East. The Navigation Act is the legislative basis for Marine Orders Part 43, which regulates conditions onboard live sheep carriers. The Quarantine Act provides for the examination of sheep by a veterinary officer in the 48 hours before export to certify that they are fit to travel.

16.12 State legislation for the prevention of cruelty to animals also applies to the handling and care of animals until sheep are loaded on to a carrier.

16.13 The codes of practice that apply to the live sheep trade are:

- (a) Standards for the Preparation and Carriage of Sheep by Sea. ABAH, Canberra, 1982.
- (b) Model Code of Practice for the Welfare of Animals
 - . Road Transport of Livestock. ABAH, Canberra, 1983
 - . Rail Transport of Livestock. ABAH, Canberra, 1983
 - . (Draft) Intensive Husbandry of Sheep. Canberra, 1983

16.14 In addition, the Marine Orders Part 43 (Cargo and Cargo Handling - Livestock) of the Commonwealth Navigation (Orders) Regulations set out legally enforceable requirements. However, in some areas, suggestions rather than requirements are made.

16.15 Of the above model codes, the one on intensive husbandry of sheep is in draft form and the other two refer to only one stage of the export process. The most comprehensive code of practice is 'Standards for the preparation and Carriage of Sheep by Sea' which was prepared and published in 1982 as a response to increasing criticism of the live export trade. Another model code of practice, entitled 'Sea Transport of Livestock', is due for release soon for comment. This will replace the 1982 code.

16.16 The Sheepmeat Council of Australia stated in its submission:

'To suggest that the live sheep trade is in need of further regulation is completely rejected.'³

After outlining the existing regulations, it added:

'No further regulations or alteration to the existing regulations are necessary to ensure the welfare of sheep exported live.'⁴

16.17 Most witnesses, however, were not in accord with the views of the Sheepmeat Council. There was a strong view expressed by witnesses throughout the inquiry that the welfare of the sheep needed to be improved. This was acknowledged by the industry itself.

16.18 The ALEA submitted that the following framework would be appropriate:

- '(a) legislation to define the broad principles for man's relationship to animals in his care, plus penal measures where community standards are infringed;
- (b) codes of practice, which may or may not be framed into legislation, to define acceptable and unacceptable standards of

care in greater detail without removing individual responsibility for acts or omissions; and

- (c) panels of experts and laymen to monitor and advise on changing community expectations, the effectiveness of legislative and/or self-regulatory approaches and to recommend changes to legislation and codes of practice.¹⁵

16.19 Although a mix of legislative, regulatory and self-regulatory procedures were generally accepted by witnesses, views differed among witnesses on the nature of that mix and the extent to which the industry should be subjected to government control.

16.20 The Western Australian Government argued against giving legislative backing to codes of practice dealing with the live sheep trade.

16.21 The Victorian Government submitted that the principal legislative basis for the trade, the Commonwealth Quarantine Act (1908) and associated regulations, have as the only requirement that export animals be examined within 48 hours prior to shipment by an authorised veterinarian who will issue the necessary export certificates. The Victorian Government regards it as essential that:

'expansion of the legislation is undertaken to provide authority for veterinary officers acting on behalf of the Commonwealth to take action to correct transport and/or handling practices or procedures which are at variance with accepted standards of animal welfare. Strengthening of Commonwealth legislation to provide adequate powers in this area is seen as an essential priority by the Victorian Government.'¹⁶

16.22 In a public hearing, the Victorian Department of Agriculture told the Committee that it believed the industry should be self-regulating, but that it should also be subject to codes of practice that were legally enforceable.⁷ 'We would like to see a base of legislation established which basically underpins that and enables operatives like ourselves to be able to operate in a better framework than we have in the past.'⁸ In a later document, the Department advocated increased powers for veterinary officers, such as powers of entry and questioning and for the licensing of export operators and their premises.⁹

16.23 This lack of a proper legislative basis for the industry was acknowledged by the Director of the ABAH in evidence to the Committee. He stated:

'The only fragment of legislation of any moment that exists in relation to the export of livestock generally is one regulation in the Quarantine Act, which is administered by the Department of Health. That one regulation states that in the 24 hours (sic, 48 hours) before export all live animals must be examined by a veterinary officer and certified that they are in a satisfactory and healthy state to travel. That is the only bit of legislation that we rest on in our employment of the State services in this final inspection. It means that a certificate must be issued by a government veterinary officer operating under that regulation before the final permit for export will be issued by the Customs department. The ship is not permitted to leave without that bit of documentation. But it is a very slender bit of legislation on which to regulate a whole industry, ...'¹⁰

16.24 Apart from the inadequate legislative base for the trade, which is due probably to the rapid expansion of the trade in the last ten years, there is a lack of co-ordination of the various Federal and State Government authorities involved in the administration of the trade.

16.25 The Victorian Department of Agriculture was asked whether the guidelines and procedures they used were the same as those used in other States. The Chief Quarantine Officer replied that on numerous occasions he had sought regular meetings with the Commonwealth and the States, as the agents who administer the trade:

'Over the last four years I guess we have had two meetings. I would have hoped that they would have been at least yearly so that the operatives in these trades could get together and actually have consultations as to what each other is doing and requiring. I guess two conferences over four years is going some way towards that. But, no, I do not write to Western Australia or South Australia telling them exactly what I require.'¹¹

16.26 It has become apparent to the Committee that substantial differences exist in the inspection procedures in the States. Dr Tweddle confirmed this when he commented that the AAHQ standards were not uniformly supervised or enforced. He added that compliance with the standards occurred only when action was 'demanded' by the authorised veterinarian and that heavy pressure to compromise was 'constantly' put on the authorised veterinarians.¹²

16.27 Dr Dennis Naphine, a Victorian Government Veterinary Officer with responsibility for sheep exports from Portland, stated to the 1984 Annual Conference of the Australian Veterinary Association that veterinary officers needed wider authority in determining the fitness of export sheep for the voyage to the Middle East. The poor supervision and monitoring of conditions aboard vessels which resulted in higher mortalities could be partly attributed to the 'hotchpotch of regulations' which cover the live sheep trade.¹³

16.28 The Director of the then ABAH commented in evidence to the Committee on 4 July 1984:

'Certainly the Bureau is not as effective as it should be or as it would like to be because of the lack of resources. We would like to have more resources to provide people - not to take over the State inspection function, because we truly believe that that is properly a State function - to be able to go out and be alongside the States, to compare processes in one State with another, to advise and liaise with the State.'¹⁴

16.29 In a hearing on 10 April 1985, the Assistant Director, Development and Laboratories, of AAHQs, commenting on the powers of State Quarantine Veterinary Officers, stated:

'They are slenderly based, of course, on that Quarantine Act regulation. There is good argument that we should perhaps be considering the desirability of a livestock export control Act or something like that. I am not talking about it from an animal welfare point of view; I am talking about it from the physical regulation of trade in relation to animal health aspects in the same way as we have an import Quarantine Act.'¹⁵

16.30 Given the size and nature of the trade, the Committee believes that the regulation of the trade must be given a proper legislative basis, so that government officers have the authority not only to carry out their existing functions but also to give directions to the shipper, agent or feedlot management, as appropriate, concerning the health or welfare of sheep, from the point at which they enter the export feedlot to the time they are put in pens onboard a carrier. The Committee considers it appropriate for State officers to continue to act for the Commonwealth, but greater co-ordination and liaison must be taken by AAHQs to ensure that the same standards are applied in all States. Administration of this area of the trade by AAHQs has left much to be desired.

16.31 The Committee considered but rejected the proposition that the trade should be self-regulatory. The nature of the trade and the evidence of non-adherence to current standards militates against self-regulation.

16.32 The Committee also believes that the code of practice for livestock exports should be given legislative backing in that it be admissible as evidence in a court of law. Such a provision is already included in animal welfare legislation in Victoria. This procedure would provide a quarantine veterinary officer with authority to give directions in accordance with the code of practice as well as giving the officer the flexibility to use professional judgement should special circumstances occur.

16.33 The Committee RECOMMENDS that federal legislation be enacted to give AAHQs responsibility for the health and welfare of sheep from arrival at an export feedlot to loading onboard a carrier. Under this legislation and where necessary in consultation with the industry, AAHQs be required to, apart from the continuation of its present functions:

- (i) receive, collate and analyse statistics and other information in relation to transport of sheep to the feedlot, sheep in the feedlot, transport of sheep to the carrier and transport of sheep to the Middle East; and
- (ii) ensure the maintenance of proper standards of health and welfare of sheep, as set out in legislation, regulations or codes of practice, from arrival at an export feedlot to loading onboard a carrier; and
- (iii) to conduct research or arrange for research to be done into aspects of the live sheep export trade.

16.34 Under this legislation, it is envisaged that quarantine veterinary officers, apart from present functions, would ensure the health and welfare of sheep from the time of arrival at an export feedlot to loading onboard a carrier, and should have the authority to issue directions for the health and welfare of the sheep. The shipper, agent or feedlot management would be required to designate a senior person to liaise with the quarantine veterinary officer, to ensure that directions given by quarantine veterinary officers were carried out.

16.35 Other requirements, not included in this legislation, the Regulations under the Quarantine Act and Marine Orders Part 43, should be incorporated into a code of practice. Failure to adhere to the code would be grounds for revocation, suspension or non-renewal of export licences or export feedlot licences.

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