

Submission by the Animal Justice Party

National

Phase out of live sheep exports by sea

May 2023

**HOW MUCH
LONGER, PM?**



**Animal
Justice
Party**



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The Animal Justice Party 2023

The Animal Justice Party acknowledges the First Nations peoples as the custodians of the land on which we live and work.



About the Animal Justice Party

Established in 2009, the Animal Justice Party (AJP) is a political party dedicated to securing the interests of animals and nature through Australia's democratic institutions of government.

Our vision is a planet on which animals have the right to live and thrive free from negative human interference, and a human society that functions with kindness and compassion. The AJP seeks to foster respect, kindness, and compassion towards all species, particularly in the way governments design and deliver initiatives, and the way these initiatives operate.

In New South Wales, the AJP has an elected representative in the Legislative Council of NSW, Emma Hurst MLC, and a Councillor in local government, Matt Stellino. In Victoria, the AJP has an elected representative in the Legislative Council, Georgie Purcell MLC, and a Councillor in local government, Julie Sloan.

This submission was prepared by the AJP's Director of Public Affairs, Roslyn Wells, and is made with the approval and the endorsement of the Board of Directors.

Introduction

This submission is made in response to the Albanese government's invitation for public participation in the consultation process on the phase out of the live sheep trade by sea from Australia, in accordance with its 2022 election promise to end the trade.

The consultation is seeking input on:

- how the government should phase out live sheep exports by sea
- the timeframe to implement the phase out
- how the phase out will impact exporters, farmers and other businesses across the supply chain
- support and adjustment options for those impacted by the phase out
- opportunities, including options to expand domestic processing and increase sheep meat exports.¹

¹ <https://haveyoursay.agriculture.gov.au/live-sheep-phase-out>

In addressing the consultation's terms of reference, the Animal Justice Party's submission will be focussing on the timeframe for the phase out, and the concomitant serious, ongoing animal welfare issues that must be considered by the government in allowing the continuation the live sheep trade by sea for potentially several more years until its cessation.

This submission is guided by our mission and vision and underpinned by our policies. The AJP has policies on animals, environment and human issues; our policies on Animal Law², Biosecurity³, The Climate Emergency⁴, Cultured Meat⁵, Decent Work⁶, An Ethical Economy⁷, Farming⁸ and Live Animal Export⁹ are particularly relevant to this consultation.

Thank you for the opportunity to contribute to this consultation.

1. The timeframe to implement the phase out

The sheep in the room

It is a striking omission that the terms of reference of the consultation process do not mention animal welfare at all, given the mountain of evidence from multiple reviews, investigations and exposés of grave, systemic animal welfare failures in the live sheep trade from Australia.

The centrality to the live export trade of the sheep themselves, and the gruelling experiences they will continue to be subjected to until the trade ceases, are not acknowledged in this review process, which privileges the financial interests of those farmers and businesses engaged in the live sheep trade, at the expense of the welfare of the animals they consign to the live export trade, against the wishes of the broader Australian community.

It seems that there is no consideration of the impact on the hundreds of thousands, possibly millions, of sheep who will continue to be sent into the live export trade until the phase out is completed. They are also important, silent stakeholders in this review. As Brazilian judge, Djalma Gomes, noted in an historic ruling in April banning the live export of cattle from Brazil's ports:

² https://www.animaljusticeparty.org/animal_law

³ <https://www.animaljusticeparty.org/biosecurity>

⁴ https://www.animaljusticeparty.org/climate_change

⁵ https://www.animaljusticeparty.org/cultured_meat

⁶ https://assets.nationbuilder.com/ajp/pages/802/attachments/original/1646541224/Decent_Work.pdf?1646541224

⁷ <https://www.animaljusticeparty.org/economy>

⁸ <https://www.animaljusticeparty.org/farming>

⁹ <https://assets.nationbuilder.com/ajp/pages/747/attachments/original/1646625767/live-animal-exports.pdf?1646625767>

“Animals are not things. They are sentient living beings, that is, individuals who feel hunger, thirst, pain, cold, anguish, fear.”¹⁰

Judge Gomes’ comments are a valuable reminder that Australia’s live sheep export trade is a trade in sentient living beings, not merely “cargo” - an inconvenient truth for those who seek to perpetuate and profit from the severe animal suffering inherent in this cruel, unnecessary trade.

Therefore, the Animal Justice Party calls on the Albanese government to expedite the phase out of the live sheep trade by sea, announce an end date, and pass legislation to effect it in the current term of government.

In doing so, the Albanese government would be taking an important step in responding to the repeatedly stated concerns of a clear majority of Australians who want the live export trade (in all its forms) to end, delivering on its 2019 and 2022 election promises in a timely way. Deferring the phase out and cessation of the live sheep trade into a notional second term of government would not be in good faith, or an acceptable outcome for many Australians.

It is essential that the Albanese government puts in place the necessary legislation before 2025, proving its commitment to end the cruel live sheep trade as quickly as possible. Not only would this provide certainty to those with financial stakes in the sheep trade, who have had years to prepare for a transition, but also to the wider Australian community that wants to see this trade in animal misery end without delay.

We also call on the federal government to not only maintain the three-month ban on sending sheep to the Middle East during the heat of the northern summer, but to extend that period of restriction on the export of sheep to the full six months (1 May to 31 October), as strongly recommended by animal welfare experts, based on scientific evidence of the animal suffering caused by prolonged heat stress.

Public opinion is strongly against the live export trade

Public opinion research shows consistently that animal welfare is an important issue for Australians, with 68 per cent agreeing that stronger animal welfare standards are needed for farm animals, with a majority (53 per cent) more likely to vote for a political candidate or party who commits to this.¹¹

¹⁰ Ana Mano, Reuters, Brazil court bans live cattle exports over animal welfare concerns, 28th April 2023

¹¹ Lonergan Research poll, September 2021

Independent polling commissioned by the RSPCA in early 2022¹², conducted among a representative sample of Australians around the country, found that two thirds of respondents (67 per cent) supported an end to live exports, including two thirds of people in rural and regional areas, belying the industry's claims that it is only city-dwellers and activists who oppose the live export trade.

Significantly, the opposition to the live export trade was highest, at 70 per cent, in Western Australia, the state that produces and exports most of the sheep sent into the trade.

Furthermore, the RSPCA poll showed that approximately 8 out of 10 Australians oppose any reduction to the northern summer prohibited period for live sheep exports to the Middle East. We note this in the context of ongoing lobbying by the live export industry in its attempt to water down the hard-won restrictions on sending sheep from the Australian winter into the extreme heat of the Middle Eastern summer.

Live export is the number one issue for Animal Justice Party members and supporters, who want to see timely, decisive action by the federal government to end it, in all its forms. However, it is not only Animal Justice Party members and supporters who want an end to live export - opposition to the inherently cruel live export trade crosses party lines and is a vote-changing issue for many Australians.

Animal welfare: why the live sheep trade by sea should end without delay

As far back as 1985, the Senate Select Committee on Animal Welfare, in its report *The Export of Live Sheep from Australia*, concluded that **if a decision on the future of the live export trade were made on animal welfare grounds alone, there was ample evidence to end the trade.**¹³

The Senate Select Committee also recommended that the government of the day, the Hawke Labor government, encourage the expansion of the refrigerated or boxed meat trade to replace the live animal export trade. Unfortunately, since 1985 Australia has continued to participate in the live export trade, despite overwhelming evidence of the extreme suffering of animals consigned to the trade, and recurring scandals, tragedies, and disasters.

It is worth noting here that it's only due to the determined, tireless efforts of animal protection charities and activists, notably Animals Australia with its multiple investigations into the live

¹² RSPCA, 18th May 2022,
<https://www.rspca.org.au/blog/2022/live-sheep-export-cruel-unpopular-and-unsustainable>

¹³ The Export of Live Sheep from Australia, Senate Select Committee, 1985, Parliament of Australia library
https://www.aph.gov.au/parliamentary_business/committees/senate/significant_reports/animalwelfarectte/exportlive/sheep/index

export trade, and the brave actions of whistle-blowers on board live export ships, that the gruesome reality for animals consigned to live export has been exposed, affording the wider community the opportunity to see beyond the live export industry's false assurances, denials and spin.

Experienced live export vets have spoken out about the horrific conditions on board and the suffering of countless animals in the live sheep trade from Australia. The trauma for these veterinary professionals in having to deal with the daily barrage of misery, sickness and death, including routine mercy killings of suffering animals and any newborns unfortunate enough to be born on these ships, together with the crew members who also witness it, cannot be disregarded.

In her October 2019 submission to the Department of Agriculture's review of live sheep exports to the Middle East, Dr Lynn Simpson, a highly respected former senior veterinarian aboard live export ships and a veteran of 57 voyages, wrote:

"Exporting live sheep by sea, especially to the Middle East, is very clearly a deliberate act to place animals into the risk of unnecessary harm. This is unacceptable and only becoming more understood with resistance to the practice growing globally and exponentially."

"I don't believe there is a level of "acceptable" sustainability of the live sheep export trade from Australia that would meet community and producer expectations or be defensible. Even if the lowest common denominator "of maintaining at a certain rate or level" were to be the goal, the trade would continue to be plagued with disasters, increased poor practice exposés, the requirement for more wasteful reviews and growing condemnation globally." ¹⁴

Heat stress is a major cause of suffering for sheep in the live export trade, but it has been downplayed continually by both the Department of Agriculture and successive governments in the service of continuing the trade and pandering to vested interests and vocal political constituencies.

According to a briefing paper published in August 2022 by the Australian Alliance for Animals, **the current regulatory settings do not prevent sheep from suffering heat stress.** It states that:

"The Heat Stress Risk Assessment Review commissioned by the Australian Government in 2019 concluded that subjecting sheep to prolonged periods of open mouth panting was an unacceptable animal welfare outcome. The expert review panel recommended changes to the regulatory settings to avoid this outcome. If implemented, the recommended changes would

¹⁴ Dr Lynn Simpson, submission to Department of Agriculture Review of Live Sheep Exports to the Middle East, October 2019

have effectively prohibited the trade for the entire Middle Eastern summer period of May to October, inclusive.”¹⁵

The lack of onboard independent observers to monitor compliance on board most live export ships leaving Australia has further compromised animal welfare. Commenting on the release of departmental observer reports in December 2022, RSPCA Australia CEO, Richard Mussell, said that it was deeply concerning to see so few eligible voyages had departmental observers on board.

“While this trade is allowed to continue, having departmental observers on board is a crucial part of meeting the community’s expectations, ensuring that animal welfare regulations are being upheld and that preventable animal welfare risks are addressed.”¹⁶

As per a media report in March this year, data presented at Senate Estimates in February revealed that out of the 78 eligible live export ships departing Australia between May and December 2022, only 11 sailed with an independent observer on board.¹⁷

So long as the live sheep trade is allowed to continue, it should surely be a minimum requirement for an independent observer to be on board every voyage, with proper oversight and enforcement of this regulation. Even with independent observers there, sheep suffer for weeks on board the filthy, crowded live export carriers, where they routinely endure the distress of thirst, hunger, contaminated food and water, motion sickness, illness, injuries, witnessing the deaths of fellow animals, having to stand and lie in wet manure, high humidity, and extremes of temperatures in transit.

On arrival at their destinations, the animals who have survived these hellish voyages are slaughtered under conditions that would not be permitted in Australia, often preceded, and accompanied by, brutal, cruel handling.

The World Organisation for Animal Health’s (OIE) minimum animal welfare standards, to which Australia is a signatory, are only guidelines and do not mandate stunning before slaughter. Australia continues to send animals for slaughter in countries where even these basic standards of animal welfare are not observed.

¹⁵ Australian Alliance for Animals, Briefing Paper, Why phasing out live export sheep exports is good for animal welfare and the economy, 29th August 2022, p1

¹⁶ RSPCA media release, 16th December 2022, Observer reports still paint a grim picture of animal welfare in live export

¹⁷ Calla Wahlquist, Guardian Australia, Australia to phase out live sheep export amid opposition from peak farmers body, 3rd March, 2023

As explained below in Compassion in World Farming's submission to the Senate Standing Committee on Rural Affairs and Transport regarding Animal Welfare Standards in Australia's Live Export Markets:

"The OIE recommendations do not require animals to be stunned before slaughter. Scientific research shows that animals that are not stunned experience severe pain at throat cutting and there is a prolonged period between throat cutting and loss of brain responsiveness during which animals can suffer extreme pain and distress."

"Our concerns are supported by a Scientific Report and a Scientific Opinion by the European Food Safety Authority (EFSA) which is responsible for reviewing the scientific literature on animal welfare."

"The EFSA Report states that there is a high risk that animals feel extreme pain during the cutting of the throat. The Report adds that during the period when the animal, whose throat has been cut, is still conscious, serious welfare problems are highly likely to occur since the animal can feel anxiety, pain, distress, and other suffering."¹⁸

Australia's Exporter Supply Chain Assurance System (ESCAS), which supposedly ensures control and oversight of the animals' handling and slaughter at the destination, has repeatedly failed, with so-called supply chain leakages resulting in brutal handling and slaughter by unauthorised operators. While the live export industry often claims that these are isolated incidents, and that Australia is exporting world-leading animal welfare along with the animals, these claims have proven to be disingenuous.

The Keniry Review (2003) made the pertinent point that live export companies operate in a limited part of the supply chain and therefore do not regard themselves as being responsible for the standards of later stages of live export. It concluded that once Australian animals are loaded on a live export ship:

"...the animals do not carry the "brand" of the exporting company and therefore there is no inbuilt incentive for an individual export company to ensure and promote the quality of the product in the market. It also means, inevitably, in the absence of a more specific brand, the animals are regarded as carrying a generic brand "Australia". For this reason, if no other, the Australian Government has carried a greater degree of responsibility for ensuring the integrity of the trade and guaranteeing its quality."¹⁹

¹⁸ Compassion in World Farming (CIWF) submission to the Senate Standing Committees on Rural Affairs and Transport Animal Welfare Standards in Australia's Live Export Markets, September 2011, p3

¹⁹ Keniry Review (2003), *Livestock export review: final report*, p14 in Live Export – a chronology, Claire Petrie, 6th September 2019, Parliament of Australia

Reputational damage to Australia in the continuation of the live export trade

In 2020, Australia scored a D ranking (rankings run A to G) in World Animal Protection's Global Animal Protection Index, a comparative assessment and ranking of 50 countries based on their legislative and policy records in animal welfare, with this embarrassingly low score partly due to its continued participation in the live export trade.

In its review of Australia, World Animal Protection recommended that live exports should be banned immediately, noting:

*"More than 2.5 million animals have died during live export in recent decades. Many more have suffered both physically and psychologically but survived the experience, only to be brutally killed in destination countries. Numerous reviews and regulatory changes have failed to achieve any significant improvements. **Regulators have been ineffective and reporting systems have been unreliable, as those involved in the industry have a strong financial interest in concealing animal suffering.**"*

"Animals are mustered, transported for up to 50 hours to ports, sent by ship or air, unloaded, further transported and then slaughtered. Their ordeals may last for up to two months. They suffer heat stroke, disease and some stop eating after their diets are forcibly changed."

"Live export is a stain on Australia's reputation and immensely damaging to the country internationally. It is a clear example of animal welfare being completely disregarded in the interests of economics."²⁰

UK-based Compassion in World Farming, a member of the Australian Alliance for Animals, concurs:

"Australia's insistence on continuing to export live animals despite overwhelming evidence of suffering has over the years resulted in considerable damage to Australia's reputation. Australia's live trade is widely considered to be the world's worst in terms of the number of animals involved, the length of the journeys and the cruel slaughter methods imposed on the animals at journey's end."²¹

²⁰ World Animal Protection's 2020 report on Australia for its Global Animal Protection Index, p14

²¹ CIWF, op cit, p4

2. Future opportunities

The terminal decline of the live sheep trade from Australia

The live sheep export trade from Australia has declined from around 7 million sheep exported per annum in the late 1980s to well under 1 million per year, with a steady decline observable since the early 2000s.

This quantifiable trend, together with warnings from experts like Professor Clive Phillips, means that live export industry participants have already had years to prepare for the end of the trade.

Based on his research into heat stress on sheep exported live from Australia, Professor Phillips issued this warning in May 2020:

“It’s been almost three years since thousands of Australian sheep died during a voyage from Australia to the Middle East. My group’s new research provides insights into the heat stress faced by sheep exported in recent years and casts further doubt on the industry’s future.”

“This is the first time the extent of heat stress in live sheep exports from Australia has been quantified, and the findings do not bode well...The future of Australia’s live sheep export industry appears bleak. Sheep farmers would be wise to seriously explore alternatives.”

“In the long term, farmers would do well to look at the rising popularity of vegetarianism and veganism, and the threat to conventional meat products posed by “clean” meat grown in labs.”²²

In its 2022 analysis commissioned by Animals Australia, Pegasus Economics found that *“a transition away from the live sheep trade would contribute to growth in the WA sheep sector due to adjustments increasing wool and prime lamb production”*.²³

On the current state of the live sheep export trade, the Pegasus Economics report noted:

“Even before the Awassi incident effectively curtailed the live sheep export trade to the Middle East during the Northern Hemisphere summer, the trade was already in long term structural decline. The number of live sheep exported has fallen from 7.1 million in 1988 to 1.1 million in

²² Clive Phillips, New findings show sheep face dangerous heat stress on export ships, The Conversation, 5th May 2020

²³ Australian Alliance for Animals Briefing Paper, Why phasing out live sheep exports is good for animal welfare and the economy, p4

2019. Since the Northern Hemisphere summer prohibition, live sheep exports have continued to fall, to below 600,000 in 2021.”²⁴

“Given the live sheep export trade is now currently less than one third the size it was in 2017 in volume terms, this infers that most of the adjustment costs for WA sheep farmers to transition away from the live sheep trade have already been incurred.”²⁵

“In the absence of the live sheep export trade, WA sheep farmers will transition towards what they believe will be their next most profitable option or options.”²⁶ These include increasing cropping and wool production, and sending their animals to slaughter in Australia, thereby increasing domestic productivity and lessening, though not eliminating, the stress and suffering of the sheep during transport and slaughter.

While sending lambs and sheep to slaughter domestically and increasing boxed meat exports may seem like the obvious next step, it is not the only option available. The dynamic plant-based protein and cell-based meat sectors are developing rapidly internationally, and Australia is lagging in its involvement with these promising future food sources.

As the only political party dedicated to advancing the rights of animals in Australia, it is important to clarify that the Animal Justice Party does not condone the slaughter of animals. While the imminent end of the live sheep trade is welcome news, we encourage the Albanese government and farmers to consider moving towards more ethical alternatives, such as cell-based meat, with the requisite research and development funding allocated as part of the transition from live sheep exports and structural adjustment within the sheep industry.

New Zealand provides the counterfactual to those who claim that ending the live export trade would be disastrous, having banned the export of live animals for slaughter in 2007 and replaced it with domestic meat processing.

In April 2021, New Zealand’s live export ban was broadened to include dairy and breeding animals, who had previously been exempted. Speaking at the time, New Zealand’s Agriculture Minister, Damien O’Connor made clear that animal welfare and the country’s reputation were key factors in the decision:

²⁴ Alistair Davey, Roger Fisher and Melissa Morley, Pegasus Economics, Economic Implications of Phasing Out the Live Sheep Export Trade, April 2022, p11

²⁵ Pegasus Economics, op cit, p23

²⁶ Pegasus Economics, ibid

“At the heart of our decision is upholding New Zealand’s reputation for high standards of animal welfare. We must stay ahead of the curve in a world where animal welfare is under increasing scrutiny.”²⁷

In April 2023, all live shipments of animals by sea from New Zealand ceased, on animal welfare grounds. In a statement announcing the end of the country’s live export trade by sea, with clear relevance for Australia, O’Connor said:

“Our position on the map means that the journey to northern hemisphere markets will always be a long one and this brings unavoidable animal welfare challenges.”²⁸

Conclusion

With every new live export licence issued and voyage authorised, from now until the live sheep trade finally ends, the Albanese government will be knowingly subjecting Australian sheep to significant avoidable suffering, both on board the live export ships and at their destinations, where they will be met with painful, terrifying, unstunned slaughter after several gruelling weeks at sea.

This is clearly indefensible, inhumane treatment of animals.

It is therefore extremely concerning to see media reporting that the live sheep trade to Saudi Arabia may be allowed to resume later this year or in early 2024, having been in abeyance since 2012.²⁹ If the Albanese government allowed this to happen, it would be a huge breach of trust with the Australian electorate and would directly contravene its 2022 election promise to phase out the live sheep trade.

Given the Saudi government’s non-compliance with ESCAS regulations, and its history of rejecting shipments from Australia, a resumption of the live sheep trade to Saudi Arabia would put Australian sheep at high risk of unacceptable suffering.

When the Morrison government announced plans to resume the live sheep trade to Saudi Arabia in 2021, animal law and policy expert, Dr Jed Goodfellow (formerly of the RSPCA, now Policy Director at the Australian Alliance for Animals), condemned the move:

²⁷ Calla Wahlquist and agencies, New Zealand to stop exporting livestock by sea, The Guardian, 14th April 2021

²⁸ Damien O’Connor quoted in New Zealand ships last livestock as ban takes effect, Reuters, 21st April 2023

²⁹ Johnson, Sophie and Varischetti, Belinda, Boost to WA’s live sheep export industry on the horizon as Saudi Arabian market set to reopen, ABC Rural, 17th May, 2023

“Sheep on long-haul voyages to the Middle East are always at high risk of suffering and death. But, on top of that, the trade to Saudi Arabia is particularly problematic due to the heightened political sensitivities and the government’s long history of rejecting shipments on a whim.”

“This could lead to another disaster like the infamous Cormo Express in 2003, where Saudi Arabia rejected a shipment at the last minute based on claims of a disease outbreak, costing taxpayers millions of dollars and resulting in the tragic death of around 6,000 Australian sheep.”³⁰

Australia continues to damage its international reputation with its involvement in the cruel live export trade, despite sustained, widespread community opposition and damning evidence of the immense suffering of animals consigned to the trade. It could not be clearer that the live export industry has lost its social licence, if indeed it ever had one.

After decades of operating with minimal scrutiny, the live export industry now finds itself accountable to the wider community, thanks to the investigative efforts of animal charities, particularly Animals Australia and Compassion in World Farming, coupled with a series of shocking revelations by whistle-blowers. The subsequent public airing of their findings, and amplification in the mainstream media and social media, have played an invaluable part in informing the public and holding governments accountable.

In closing, we leave you with these poignant words from former live export vet, Dr Lynn Simpson, on the inevitable demise of the live export trade:

“We live in a more enlightened time. As such we are witnessing the well-overdue demise of the barbaric trade of transporting mass numbers of animals by sea.

“Whilst some are trying to provide it with palliative care, the writing is on the wall. Political, legal and public pressure will ensure its demise.

“The cause of death will be multifaceted. Environmental pollution, poor seafarer welfare, lack of sustainability, poor commercial viability, and replacement with meat exports [by] all major players.

“Ethics, moral compass and, of course, the worldwide disdain for the cruelty this trade has inflicted on tens of millions of animals are the clinchers.”³¹

³⁰ Jed Goodfellow, Saudi live sheep trade resumption a(nother) disaster in waiting, RSPCA media release, 7th April, 2021

³¹ Dr Lynn Simpson, Live Animal Export: The global trade is dying, Splash, 16th August 2018

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