

Submission to Consultation on Phase out of Live Sheep Exports by Sea

The government has stated that the phase out will not ‘take effect’ this parliamentary term but it is critical that legislation governing the process be *introduced* into parliament in the current term of office. As a phase out is, by definition, a staged withdrawal, legislation should be introduced as soon as possible to commence the process, as well as to include an end date. With Labor not guaranteed a second term of office, its commitment to phase out the live export of sheep is meaningless, and would constitute a broken promise, unless legislation is enacted prior to the next federal election. This would also provide greater certainty for farmers and other industry participants.

The legislated timeframe should take into account that supply chain participants have already had substantial notice of the alternative government’s policy. Before the 2019 election, Labor committed to the phase out of live sheep exports within five years, and reaffirmed this policy commitment prior to the 2022 election, albeit without a nominated timeframe. (In a broader sense, this industry has been on notice since the 1985 Senate Select Committee on Animal Welfare acknowledged the inherent incompatibility of live sheep export with animal welfare.) If the phase out were to end by the completion of the next parliamentary term in 2028, industry would have had six years since Labor’s election to manage the required change. A phase out legislated after the 2025 election (assuming the Labor government is returned), with five years then allowed to complete the process, would constitute an adjustment period of at least eight years since Labor formed government in 2022 (and at least 12 years since Labor’s announcement in May 2018 that it would phase out the trade).¹ In this broader context, it might reasonably be considered a sleight of hand to describe a transition period as commencing only at some future date.

Further, while government support for industry to transition from live exports is appropriate, eligibility for assistance, and its form and quantum, must factor in the responsibility that supply chain participants bear for their own decisions. Let me give you an example. On 7 March 2023, the ABC’s 7.30 program broadcast a segment on industry opposition to the government’s policy, including an interview with the general manager of Rural Export and Trading (WA) Pty Ltd, the Australian subsidiary of Kuwait Livestock Transport and Trading Company. According to the general manager, his company has ‘invested over \$100 million in the last few years building a brand-new slaughterhouse in the Gulf purely for expecting [sic] the live animals to continue to be delivered’. This large investment was made in full knowledge of the alternative government’s clear policy to phase out the trade.

In similar vein, I note the comment (by Warren Snowdon I think) at the animal welfare virtual discussion forum held on 12 May that the phase out had ‘come as quite a shock to some people’, notwithstanding Labor’s policy commitments. At best, such a reaction suggests a negligent disregard of relevant business matters and a failure to plan; at worst, a wilful blindness and degree of arrogance by those who have become accustomed to benefitting from the trade despite decades of evidence of animal suffering. Perhaps this accounts for the report by the ABC on 17 May that the live sheep market to Saudi Arabia is on the verge of reopening.² If this report is correct, such a step runs directly counter to the Department of Agriculture’s explicit advice that the phase out will not take place during the current parliamentary term to ‘provide time for individuals and businesses to prepare for a transition

away from live sheep exports by sea.’³ Moreover, it raises questions about why the industry would seek to expand a trade that is on the cusp of being terminated by a government with a clear mandate to do so. It is unconscionable for industry to argue for a lengthy period to transition away from live sheep exports while simultaneously seeking to expand the trade. Australian taxpayers should not be required to compensate corporations, farmers or other industry participants where loss results from a failure to conduct their own due diligence and/or from poor investment or trade choices in the face of a clearly known policy; nor should they reward exploitation of the current situation to inflate any compensation that might be payable. Any government support must also have regard to the fact that implementation of the phase out is already being delayed in order to allow industry participants time to adjust. A lengthy transition timetable *and* compensation would appear to constitute a form of double dipping.

There is also the very important issue of mental health. It is right and proper that regard should be had to the mental health of farmers and other industry participants. It is also right and proper that regard should be had to the mental health of the great many citizens who have felt bound to inform themselves about the live export trade over a very lengthy period. The damaging effect on the latter constituency comes from bearing witness to so much suffering; it also comes from a sense of impotence in the face of powerful industry lobbies. That some in the agricultural sector continue to frame opposition to the live export trade as ‘the ideology and misinformation of radical activists’,⁴ with the government ‘beholden to a small, uninformed minority made up of radicals who invade farms and steal animals’⁵ again suggests a wilful blindness to the facts. The phasing out of live animal exports has long been advocated by the RSPCA, which is a mainstream animal welfare, not animal rights, organisation and surveys routinely find that a majority of Australians oppose the trade’s continuation;⁶ the percentage would be even higher if more detailed information, including images, was readily available to the general public.

As it is, much of the knowledge of animal suffering has only surfaced because of the work of animal protection organisations who strive to fill some of the gaps left by the regulatory authority’s failures. The Department of Agriculture’s reliance on the assistance of animal welfare organisations to regulate the live export industry was explicitly acknowledged by the Moss Review.⁷ The deleterious effect on the mental health of animal advocates who have repeatedly shouldered the burden of exposing shocking animal suffering can only be imagined. That these organisations receive widespread community support to pursue such investigative work gives further lie to industry assertions that only a radical fringe is concerned about animal suffering in the live export trade.

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¹ Fergus Hunter, Labor announces it would phase out live sheep exports, *Sydney Morning Herald*, 3 May 2018.

<https://www.smh.com.au/politics/federal/labor-announces-it-would-phase-out-live-sheep-exports-20180503-p4zd4c.html>

² Sophie Johnson and Belinda Varischetti, Boost to WA’s live sheep export industry on the horizon as Saudi Arabian market set to reopen,

ABC Rural, 17 May 2023. <https://www.abc.net.au/news/2023-05-17/live-sheep-export-saudi-arabia-market-reopening/102356320>

³ Department of Agriculture, Fisheries and Forestry, Phase out of live sheep exports by sea, 9 May 2023.

<https://www.agriculture.gov.au/biosecurity-trade/export/controlled-goods/live-animals/livestock/live-sheep-exports-phase-out>

⁴ National Farmers Federation, Ag leaders push for live trade reversal, housing and tax write-off, 19 April 2023. <https://nff.org.au/media-release/ag-leaders-push-for-live-trade-reversal-housing-and-tax-write-off/>

⁵ National Farmers Federation, Labor's live sheep export decision sets a dangerous precedent, 6 May 2022. <https://nff.org.au/media-release/labors-live-sheep-export-decision-sets-a-dangerous-precedent/>

⁶ See, for example, RSPCA Australia, Live sheep export is cruel, unpopular and unsustainable, 18 May 2022.

<https://www.rspca.org.au/blog/2022/live-sheep-export-cruel-unpopular-and-unsustainable>; note, also, that research commissioned by the Department of Agriculture found that poor animal welfare during live export was the 'top driver' of community concern about farming in Australia: Futureye Pty Ltd, *Australia's Shifting Mindset on Farm Animal Welfare* (2018) 33.

⁷ Philip Moss, *Review of the Regulatory Capability and Culture of the Department of Agriculture and Water Resources in the Regulation of Live Animal Exports* (2018) 38.