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*A nation and its moral progress can be judged by the way its animals are treated: Mahatma Gandhi*

28 October 2019

Department of Agriculture

**By web submission**

Dear Sir or Madam

**Middle East sheep exports policy options discussion paper September 2019**

We refer to the above paper and thank you for the opportunity to make a submission.

We note that the paper starts a RIS process to inform future regulation of live sheep exports to, or through the Middle East, from 2020 and note that the RIS will seek further submissions.

[About us](#)

We are a group of lawyers with an interest in promoting animal welfare.<sup>1</sup> Our purposes are:

- (a) to provide advocacy on animal welfare issues;
- (b) to promote community awareness of animal welfare; and
- (c) to promote changes to the law that will benefit animals and/or advocacy by animal welfare advocates.

[Submission](#)

We acknowledge the importance of agriculture and seek a practical approach to animal welfare issues. Accordingly, we acknowledge the existence of live sheep export, and at least can agree that, if we continue to have a sustainable live sheep export trade, we must have “proper [management of] the risk of heat stress in live sheep exports and welfare outcomes on voyages.”<sup>2</sup> However, as live sheep exports contributed only 7% of the value of Australia’s sheep and sheep meat exports,<sup>3</sup> the economic significance of this trade is hardly the overwhelming concern. This is particularly so given the size of the trade is reducing over time. In saying this we do not underplay the importance of the trade to individual farmers and other stakeholders.

Our submission focuses on the reliance on scientific data.

As noted in the paper, HSRA<sup>4</sup> relies on the altering of stocking densities and adjusting for the time of year to allow space for airflow and heat removal from livestock vessels. The model employed was found wanting and a prohibition on exports was introduced for the summer months (extended to 22 September 2019). For example, previous reliance on mortality rates did not capture that the animals

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<sup>1</sup> Various committees established in State law societies share similar objectives. Some of us are associated with them, but this submission is made by us as individuals

<sup>2</sup> Paper p iv

<sup>3</sup> Paper p 2

<sup>4</sup> heat stress risk assessment

suffered greatly before they died. So, there was a refocusing to incorporate welfare. It is important that this proper imperative is not lost.

Now 4 options are put up, and all have problems in our submission.

Option	Summary	Problem
1	Prohibition during the hottest 3 months and certain regulatory requirements	Even the paper notes that heat stress incidents could occur. While industry may acknowledge “the appropriateness of a prohibition as a balance between animal welfare and trade”, this option gets the balance wrong.
2	Prohibition June – 22 September, but otherwise as above	While a longer prohibition, it still risks heat stress during voyages in May (and perhaps after 22 September). This option also gets the balance wrong.
3	HSRA such as suggested by the Independent Technical Reference Panel	Perhaps this would allow a voyage in what would otherwise be a prohibited period under option 1 or 2.
4	No prohibition and the existing HSRA applies	A straw man option that does not satisfy a government-stated objective of animal welfare since it allows a significant risk of a heat stress incident”. <sup>5</sup>

In our submission, an outright hot period prohibition<sup>6</sup> *and* a prohibition on voyages where the probability of exceeding a wet bulb temperature threshold during the voyage is too high should be employed and it is disappointing that this was not proposed as an option for feedback. This option has the benefit of certainty for the prohibited period and takes a balanced approach to welfare and trade considerations for the rest of the year. We respectfully adopt what the RSPCA said in its media release of 27 September 2019, including that “*The Australian Government has repeatedly said it will be guided by the science, and the science is crystal clear.*”

Absent reconsideration, we fall back on option 3 as the only one that is science based and at least would “significantly lower the risk that any sheep exported to the Middle East would experience unsatisfactory welfare from heat stress in any given month”.<sup>7</sup> Having engaged the scientific panel, it seems inappropriate not to follow its recommendation.<sup>8</sup>

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<sup>5</sup> Paper p 15

<sup>6</sup> See our submission dated 24 July 2019 regarding export of sheep during September and October

<sup>7</sup> Paper p14

<sup>8</sup> We note that Productivity Commission report about independence of process

## Conclusion

We would be happy to discuss this submission and to answer any questions. Please contact me on [REDACTED] in the first instance should you have any queries. Thank you for considering our submission.

Regards

A handwritten signature in blue ink, appearing to read "Alan Shaw". The signature is written in a cursive style with a large initial "A".

Alan Shaw for Animal Welfare Lawyers