

Written questions to Dr Jed Goodfellow
Lecturer and PhD in Animal Law at Macquarie University
Public Hearing on *“Recommendations for the future”*

	QUESTIONS FROM EPP
QUESTIONS	No written questions
ANSWERS	

QUESTIONS FROM S & D	
<p>QUESTIONS from MEP Carmen AVRAM</p>	<ol style="list-style-type: none"> 1. Could you please detail the way ESCAS is being implemented in Australia? 2. Could you please detail the checklist used by the independent auditors when controlling and approving a transport to a third country? 3. How do you implement live animal traceability in third countries? 4. The fact that Australian exporters have been exempted from the provisions of ESCAS is an inherent problem of the ESCAS system, or is just a poor implementation of it by the Australian competent authorities?
<p>ANSWERS</p>	<ol style="list-style-type: none"> 1. ESCAS is regulated by the Australian Government under the <i>Export Control Act 2020</i> and the <i>Export Control (Animals) Rules 2021</i>. It applies at the point of disembarkation from the vessel in the foreign jurisdiction to the point at which the animal is slaughtered. As the Australian Government has no jurisdiction over conduct in foreign countries, the requirements of ESCAS can only be imposed on the exporter. The exporter must submit an ESCAS application for approval before exporting live animals to foreign countries. This application must be accompanied by a declaration from the exporter that controls are in place to ensure animals are not “leaked” outside of approved supply chains in the foreign country and an initial audit report for the facilities (feedlots, abattoirs) to which the animals are intended to be sent demonstrating they meet OIE requirements. In practice, the Australian Government has no visibility or control over conditions in foreign countries and relies heavily on the exporter to inform it of breaches of supply chains or cases of ill-treatment. The supply chain auditors, whom the Government relies on to determine if OIE standards are being met, are also engaged and compensated directly by the exporters. Breaches of the ESCAS are routine. The Australian Department of Agriculture’s website details 189 separate reports of noncompliance with ESCAS since it was introduced in 2012 involving many thousands of animals. Many cases of non-compliance are reported by animal activists who conduct investigations in the foreign countries to provide evidence of supply chain leakage and cruel slaughter and handling practices. The frequency of such reports has slowed over the past two years as COVID restrictions have prevented investigators from monitoring in market supply chains. When ESCAS breaches are confirmed by the Department, the sanctions imposed on exporters are minimal. In most cases, the Department will simply place additional conditions on the exporter for their next consignment, including measures such as employing additional personnel to monitor in market facilities. Some exporters have been found to have breached ESCAS

requirements dozens of times (one exporter has [44 confirmed breaches](#) of ESCAS) yet are still permitted to continue exporting live animals. The sanctions imposed by the Government are simply taken by exporters as the cost of doing business. They do not act as a deterrent to servicing high risk markets and poor supply chain controls.

It is also important to note that even when ESCAS requirements are met, animals may still suffer as the animal welfare standards required under ESCAS are equivalent to the OIE standards, which fall below Australia's own animal handling and slaughter standards. For instance, there are no requirements for stunning before slaughter under the ESCAS framework.

In summary, the ESCAS was introduced in an attempt to save the live export trade from being shut down following public outrage at [disturbing footage](#) of cattle mistreatment in Indonesian slaughterhouses in 2011. It is a band aid solution to a systemic problem that cannot be overcome without breaching another country's sovereignty.

2. The auditor checklist can be found [here](#).
3. Implementing traceability requirements in foreign countries is extremely difficult and wholly reliant upon the cooperation of importers and participants throughout the in-market supply chain. There are different traceability requirements under ESCAS for cattle and sheep reflecting the fact that individual electronic identification is a national requirement for cattle under the National Livestock Identification System (NLIS), whereas sheep only need to be identified on a flock basis according to their property of origin.

When applying for the approval of an ESCAS, the exporter must demonstrate that exported animals will be traceable to the point of slaughter in the foreign market. The method of identification is discretionary. Cattle must be individually identifiable (generally through their NLIS tags) while sheep only need to be identified on a flock basis. In practice, this means that traceability of sheep in foreign markets is extremely difficult as it relies on manual counting at various points in the supply chain. When large consignments of 50-60 thousand sheep are exported, effective traceability with high levels of assurance is next to impossible.

4. Exporters of live sheep and cattle for slaughter purposes are not exempt from ESCAS. However, the export of breeder and dairy animals are not covered by the ESCAS so there are no in market animal welfare supply chain controls and traceability requirements for those animals.

	QUESTIONS FROM RENEW
QUESTIONS	No written questions
ANSWERS	

QUESTIONS FROM GREENS/EFA	
QUESTIONS	<p><u>Australian system on animal transport</u></p> <p>Australia has one of the largest live export industries in the world, which exports a range of animals (alpacas, buffalo, camels, cattle, deer, sheep and goats) to over 60 countries around the world. Some of these animals are used for breeding but most are slaughtered for human consumption. Australia is sometimes pointed out as an inspiration on animal transport, in particular regarding sea transport. Live export is regulated by the Australian Government, though there are significant animal welfare risks throughout the live export process and many issues with the live export regulatory regime which undermine its operation and effectiveness.</p> <p>> What is the current state of play of live animal export from Australia? Which measures are presently in place and are they properly functioning? If not, what needs to be improved?</p>
ANSWERS	<p>In 2019-20, Australia exported approximately 2.3 million head of livestock including 1.2 million cattle, 966,720 sheep, and 12,627 goats.</p> <p>However, numbers for this financial year are expected to be significantly lower. The live cattle trade has been subjected to significant economic pressure over the past year associated with the high domestic prices for cattle becoming cost prohibitive for Australia’s primary markets for live cattle in Indonesia and Vietnam. The live sheep trade has been in sharp decline over the past couple of years following the introduction of stronger animal welfare regulations prohibiting exports to the Middle East from 1 June to 14 September and reducing stocking densities. Sheep export numbers are expected to drop further to less than 700,000 head this year, from an average of around 2 million head a year pre-2018.</p> <p>The primary regulatory measures designed to address animal welfare issues in the trade are the <i>Australian Standards for the Export of Livestock</i> (ASEL), which cover the point of sourcing on farm in Australia, transport to the pre-export holding facilities, loading onto the vessel, and the conditions on the vessel during the voyage, and the Exporter Supply Chain Assurance System (ESCAS), which applies once the animals disembark the vessel up until the point of slaughter in the foreign market.</p> <p>These measures attempt to improve animal welfare standards in the trade but they do not overcome the inherent challenges. The ASEL still permit stocking densities onboard ship that are too high to allow all animals the opportunity to lie down at the same time, voyages across climatic extremes subjecting animals to cold and heat stress, poor pen conditions with limited</p>

	<p>bedding material where cattle are forced to lie in wet sloppy faecal matter for extended periods of time, and poor air quality with high levels of ammonia. All of these factors contribute to a range of poor animal health and welfare outcomes.</p> <p>For the limitations of the ESCAS, please see response to questions from MEP Carmen AVRAM above.</p> <p>The Australian Government and live export industry are very familiar with all of these problems and have investigated ways to address them over many years. The fundamental reason for why these issues remain unresolved is because the options for addressing them would make the trade economically unfeasible and lead to its demise.</p> <p>For example, halving current stocking densities for cattle and sheep would enable all animals to lie down at the same time and reduce some of the heat caused by the animals' cumulative body mass. However, every percentage of stocking density reduced is a percentage of profit lost. Minor reductions in stocking densities can put exporter margins into the red, hence why the industry vigorously opposes proposals to reduce densities.</p> <p>Another example of the conflict between welfare and economics in the trade concerns potential technology to de-humidify the vessels. In 2019, the Australian Government invested \$2.2 million into researching technology to dehumidify live export vessels. The trials concluded that while some level of dehumidification could be achieved, significant commercial and logistical constraints prevented the industry from utilising the technology.</p> <p>There is an inherent and irreconcilable conflict between animal welfare and the trade's economic imperatives which cannot be overcome with known technology.</p> <p>For a history of the trade in Australia to 2019, including the various regulatory reforms, see the Australian Parliamentary Library report here. A history of incidents in the trade can be found on the RSPCA website here.</p>
<p>QUESTIONS</p>	<p><u>Person responsible on-board of vessels</u></p> <p>European Commission, in its DG SANTE 2020 report on export of live animals by sea, underlines that neither the exporters nor the Member States authorities are giving any proper consideration to the animals' welfare during the sea journeys. It also appears that nor is there anyone on board the ship who has clear legal responsibility for the animals' well-being.</p> <p>> How does Australian authorities make sure there is staff responsible for animal welfare during sea transport? What is the ratio of staff to animals? If not, how do Australian authorities ensure animal well-being is respected during sea transport? Which training for the staff of vessels is dispensed to properly deal with animals during transport?</p>

<p>ANSWERS</p>	<p>The <i>Export Control (Animals) Rules 2021</i> and the <i>Australian Standards for the Export of Livestock (ASEL)</i> make the exporter responsible for animal welfare conditions onboard the vessels, including a requirement to have an accredited stockperson accompany every voyage, and on some voyages of over 10 days in duration, the Department of Agriculture will require an accredited veterinarian as well.</p> <p>The accredited stockpersons and veterinarians must undergo a course of training provided by the industry R&D body LiveCorp. These personnel are engaged and compensated directly by the exporter.</p> <p>Requiring only one or two qualified personnel on a live export vessel that may carry over 60,000 animals is not adequate. Such limited personnel can only provide a superficial level of care and veterinary attention relative to the number of animals requiring assistance. Animals that do not receive necessary assistance simply die in their pens and are noted as mortalities. The limited qualified personnel requirements are another example of the band aid approach taken to regulating the trade and addressing animal welfare concerns.</p> <p>During a 2019 review of the ASEL, the government appointed Technical Review Committee recommended that one “competent stockperson” (defined as a person with knowledge, skills and experience to handle animals humanely, efficiently and capably on-board a vessel) should be required for every 3,000 head of cattle and 30,000 head of sheep, however this recommendation has not been implemented by the Australian Government.</p> <p>Following media coverage in 2018 of a live export shipment to the Middle East in which thousands of sheep died of heat stress, the Australian Government required its own officers, referred to as “independent observers”, to accompany the voyages to document conditions. The observers documented many of the known animal welfare challenges including severe cases of heat and cold stress, poor pen conditions with significant faecal contamination, injuries, mortalities, and high stocking densities. However, the observer program was paused due to COVID travel restrictions and has not been re-instated. The Australian Government has advised that it is looking at “alternative means” of providing independent observation onboard ships.</p>
<p>QUESTIONS</p>	<p><u>Vessels not designed for transport</u></p> <p>Australia is particularly concerned by sea transport due to its geographic situation. In Europe, many livestock vessels were originally car ferries or cargo ships and have been converted for the transport of animals. As a result many are unsuitable for animal transport as animal behaviour and needs were not sufficiently incorporated into the ship design. Thus, we have reason to</p>

	<p>believe many livestock vessels that have been approved under Article 19 of Regulation 1/2005 should not have been approved as they are poorly designed and maintained and have constructions posing many risks for the safety of the animals. A CIWF 2020 analysis showed that 55% of livestock vessels approved in the EU were licensed in countries black-listed for poor performance under the Paris Memorandum of Understanding and are considered a high risk in relation to maritime safety. Only 30% of the vessels are flagged under the white list.</p> <p>> How do Australian authorities, or any other authority you had the occasion to work with, make sure the vessels used to transport animals are properly designed to fulfil animal welfare requirements?</p>
<p>ANSWERS</p>	<p>Like vessels servicing European live export markets, the live export vessels operating out of Australia are mostly old, converted cargo carriers that frequently underperform on navigation safety standards. Few are purpose-built livestock carriers. However, even the purpose-built livestock carriers cannot overcome the significant animal welfare problems caused by high humidity, ammonia, stocking densities, and poor pen conditions, and are subject to the same technological and commercial limitation as converted carriers.</p> <p>Live export vessels in Australia are regulated by the Australian Maritime Safety Authority under the <i>Navigation Act 2012</i> and <i>Marine Order 43 – Cargo and cargo handling – livestock</i>. The Marine Order specifies the design requirements for livestock vessels while the Department of Agriculture is responsible for the livestock husbandry and welfare requirements. The Marine Order can be accessed here.</p>
<p>QUESTIONS</p>	<p><u>Transports outside EU</u></p> <p>Report on animal welfare during exports (DG SANTE 6834) state that “the available information indicates that most transporters do not meet applicable EU rules after leaving the Union. The absence of agreements with EU neighbouring countries, together with poor retrospective checks and the inability of Member States to ascertain the conditions of transport and the feasibility of the plan for that part of the journey contribute to that concern.”</p> <p>Regarding the lack of feedback from third countries on the condition of animals during transport and at arrival (DG(SANTE) 2019-6835), it is impossible for Member States to assess compliance. To enforce this Court ruling, would mean for Member States to refuse any export of animals towards non-EU countries (clear link with meat trade).</p>

	<p>If we look at transports in the Middle East and in North Africa, they do not fulfil European law but are totally outside the sphere of influence of the organiser: no authorization of the local transport company, no approval of the lorries and no certification of competence of the person responsible for the load, and, no contingency planning.</p> <p>Australia seems to be facing the exact same problematic, as Australian laws cannot be enforced on individuals in foreign jurisdictions, creating an animal protection gap. Furthermore, it is impossible to know the full extent of animal welfare violations in destination countries where the Australian Government has no authority.</p> <p>> How do Australian authorities make sure that countries where animal are exported meet Australian legal animal welfare requirements? Are the same requirements in place, to ensure welfare until final destination, and is the Australian system efficient and sufficient to ensure that?</p>
ANSWERS	<p>It is not possible for one nation to impose its standards of animal welfare upon another nation without intruding upon that nation's sovereignty. Nations can attempt to cooperate on conditions and seek assurances but there is no way to enforce the desired standards nor to be provided with any reliable direct visibility or assurance that such standards are being met. This has been the vexed 10-year history of Australia's Exporter Supply Chain Assurance System (ESCAS).</p> <p>Under ESCAS, Australia has compromised its own standards of animal welfare by permitting standards for animals exported from Australia that would be illegal if practised within Australia.</p> <p>For the practical limitations of the ESCAS, please see response to questions from MEP Carmen AVRAM above.</p>

	QUESTIONS FROM ID
QUESTIONS	No written questions
ANSWERS	

	QUESTIONS FROM ECR
QUESTIONS	No written questions
ANSWERS	

QUESTIONS FROM THE LEFT	
QUESTIONS	<ol style="list-style-type: none"> 1. On your website you claim that as long live animal transports exists it must be ensured that there is mandatory stunning and a leakage from Australian animals from approved supplier chains is reduced – what is your long-term vision regarding live animal exports? 2. Australia stopped live animals transport by sea for four months in 2019, and New Zealand just decided to put an end to live export by vessels. What is your opinion regarding these decisions? 3. NGOs ask for a shift from live export to a meat-and-carcass trade, do you support this idea? Do you think it is feasible? What should be done to accelerate this transition?
ANSWERS	<ol style="list-style-type: none"> 1. RSPCA Australia’s policy states that due to the inherent risks and stressors of transport, farmed animals should be slaughtered as close to the point of production as possible. Live animal export to foreign countries is the antithesis to this policy. The RSPCA would like to see live animal exports phase out and replaced by a frozen and chilled meat export trade. On a personal level, having spent over 10 years working on live animal export regulations and their reform, I have concluded that it is simply not possible to export animals live on mass in a way that protect their welfare. The conflicts between achieving acceptable animal welfare standards and maintaining a profitable trade are inherent and irreconcilable. The standards required to meet basic welfare outcomes would make the trade commercially unfeasible. Conversely, standards that are commercially feasible inevitably lead to heavily compromised animal welfare outcomes. 2. Australian regulations now prohibit the export of sheep to the Middle East from 1 June to 14 September. This is a positive step to avoid the worst heat stress suffering in the trade, however, the evidence demonstrates that sheep will continue to experience heat stress from the period of May to October, inclusive, and therefore the prohibited period should be expanded to six months of the year. However, this would effectively end the live sheep trade, which is contrary to the current Australian Government’s policy. Accordingly, the Government is consciously accepting a significant degree of animal suffering to keep the trade going. New Zealand’s decision to end their live export trade is to be commended. The New Zealand Government accepted the overwhelming evidence that live animal export cannot be conducted in a manner that protects acceptable standards of

animal welfare and they acted accordingly. The decision demonstrates that New Zealand is serious about its animal welfare standards and international reputation.

3. I support a transition from live exports to a meat-and-carcass only trade. Such a transition will not only avoid significant levels of animal suffering but would also create greater opportunities for Australian businesses and economic growth via additional value-adding in domestic supply chains. Australia has the processing capacity to slaughter all sheep and cattle that are currently sent live on boats. For sheep, this would be a relatively simple transition and could occur today as there are many abattoirs located in the same regions in which the sheep are farmed. The transition would be a longer process for cattle though, particularly the northern regions of Australia as there are currently limited operational abattoirs in the region meaning the cattle would have to be transported long distances to southern abattoirs. With greater investment in processing capacity in northern regions of Australia, animals currently destined for live export could instead be diverted to local processing facilities and exported as frozen/boxed meat adding more to the Australian economy in the process.