

8 December 2019

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Department of Agriculture
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Via: livestockexp@agriculture.gov.au

Dear Henry

Independent Observer Deployment Policy Consultation Paper

Thank you for the opportunity to comment on the Independent Observer Deployment Policy Consultation Paper. The decision to require government-appointed Independent Observers on all livestock export vessels was a core component of the Government's proposed reforms in the wake of evidence of extreme heat stress in sheep being exposed to the Australian public in April 2018. This evidence demonstrated a failure in the Department's regulatory approach to the trade. It exposed the deficiencies of the Australian Standards for the Export of Livestock and the industry's Heat Stress Risk Assessment model, as well as a severe breakdown in the on-board reporting and regulatory response mechanisms.

The decision to place Independent Observers on livestock vessels was designed to provide assurances to the Government and the Australian public about the conditions on-board the vessels during the voyages. As the then Agriculture Minister said, the Observers were to provide 'truth and proof' about on-board conditions.

Current Deployment Policy

We were therefore disappointed the Department made the decision to amend the Deployment Policy via EAN 2019/09 on 15 October 2019 prior to consultation with stakeholders. In light of the short period of time between that decision and this consultation process commencing, we question why the decision could not have been withheld until after consultation.

It is the RSPCA's strong view that Independent Observers should still be required on every livestock export vessel departing Australia as the need for independent assurance and validation of on-board conditions has not suddenly disappeared. As many of the Observer reports have indicated, there are plenty of animal health and welfare issues being detected, including on short-haul voyages from northern Australia. Judging performance by mortality rates is an antiquated and thoroughly discredited approach to assessing animal welfare risk and should not form the basis of a decision to remove Independent Observers from vessels.

Limiting the Deployment Policy to those vessels departing south of latitude 26 degrees south, first exporter or vessel voyages, first voyages after a reportable mortality, and other long-haul voyages with complex arrangements, will cut out a significant proportion of live export

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shipments, which in our view, undermines the original policy intent behind the introduction of the Observer program.

Additional mechanisms to provide independent assurance and validation for voyages not captured by the revised Deployment Policy may include the application of a randomised deployment approach in which a percentage (such as 25%) of non-captured voyages will still be required to accommodate an Observer. This would ensure that exporters operating outside the Deployment Policy would still expect to have an Observer on a certain percentage of their voyages.

Another mechanism to provide independent assurance for non-captured voyages could include changes to the appointment of their AAV's and Accredited Stockpersons. AAV's and Accredited Stockpersons are employed by the exporter which places them in a position of conflict when they are obligated to report on matters that could impact the commercial interests of their employer. AAV's and Accredited Stockpersons on voyages that fall outside the Deployment Policy could be appointed by Government independently of the exporter.

Finally, the Department could require additional automated monitoring technologies such as CCTV to be installed in designated sections of the vessel.

If the Government's recently announced decision of limiting the application of the Deployment Policy is not going to change, then the above arrangements should be implemented as a minimum to avoid undermining the purpose of the Observer Program.

Accommodating Independent Observers on vessels

Allowing exceptions to the Deployment Policy for vessels that cannot accommodate an Independent Observer poses another significant risk to the integrity of the program. If vessels cannot accommodate an Independent Observer, they cannot meet Australian Government regulatory requirements and should therefore not be granted an export permit. To do otherwise places those exporters who can accommodate an Observer at a competitive disadvantage. The vessels that have never been able to accommodate an Observer and are unlikely to be able to do so in the future should be advised that they will no longer be permitted to export livestock from Australia effective immediately.

Conclusion

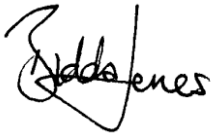
The need for independent assurance and validation of on-board conditions is as important now as it ever has been and must be seen as a core component of the Department's ongoing regulation of the trade. If Government policy is such that the Observer Deployment Policy is to be restricted, then the Department must implement arrangements to ensure the same policy outcomes can be achieved, including through the following:

- Introduction of randomised Independent Observer deployment;
- Independent appointment of AAVs and Accredited Stockpersons; and
- Introduction of automated monitoring technologies such as CCTV.

Without such additional arrangements for those voyages falling outside the Deployment Policy, the Observer program will be undermined and the Australian public will not be provided with the assurances it demands.

I trust the above has clearly outlined our position. Please feel free to contact our office if you would like to discuss any aspect of our submission in further detail. We look forward to seeing the outcome of this consultation process.

Yours sincerely,



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