

4 November 2019

Melissa McEwen  
Principal Regulatory Officer  
Animal Welfare and Live Animal Exports  
Department of Agriculture

VIA: [haveyoursay.agriculture.gov.au](http://haveyoursay.agriculture.gov.au)

Dear Melissa

### **Middle East sheep exports policy options discussion paper**

Thank you for the opportunity to comment on the Middle East sheep exports policy options discussion paper. As our submission explains, it is the RSPCA's strong view that all options proposed in the discussion paper are inadequate when taken in isolation. Only a combination of options 2 and 3 reflect the considerable scientific evidence base before the Department and the previous commitments made by both the Department and the Government to revise the regulatory approach from one based on mortality to one based on animal welfare.

### **Animal welfare and the desired policy outcome**

The appropriate starting point in assessing the proposed options is to consider the policy outcome sought to be achieved. As noted in the discussion paper, "the Australian Government has committed to upholding the highest standards of animal welfare whilst supporting a sustainable live export trade." While it is the RSPCA's long-held view that these objectives are fundamentally incompatible, we will always take the opportunity to assist Government in ensuring that the highest standards of animal welfare are upheld while the trade continues.

For the Department of Agriculture to achieve this policy outcome, it is fundamentally important for it to adopt and apply a robust and scientifically valid approach of animal welfare in its policy and operations. Animal welfare should not be reduced to the basic biological functioning of the animal in which only lasting physiological impacts like morbidity or mortality are considered relevant. A regulatory approach that adopts such a narrow and blunt understanding of animal welfare will be destined to repeat the same regulatory failures of the past, including those identified in the Moss Review.

To properly assess animal welfare requires a systematic, structured, comprehensive and coherent approach that considers the overall affective experience of the animal. The most widely supported framework of this kind is the Five Domains approach.<sup>1</sup> Using this framework, welfare is assessed across five different domains: *nutrition* (where the aim is to minimise thirst/hunger and maximise eating as a pleasurable experience), *environment* (aim is to minimise discomfort and exposure and promote thermal, physical and other comforts), *health* (aim is to minimise pain and other aversive experiences and promote robustness, vigour,

RSPCA Australia

ABN 99 668 654 249  
ACN 163 614 668

P 02 6282 8300  
F 02 6282 8311  
E [rspca@rspca.org.au](mailto:rspca@rspca.org.au)  
W [rspca.org.au](http://rspca.org.au)

PO Box 265  
Deakin West ACT 2600

<sup>1</sup> Mellor D (2017) Operational details of the Five Domains Model and its key applications to the assessment and management of animal welfare, 7 *Animals* 60



strength and physical activity), *behaviour* (aim is to minimise threats and unpleasant restrictions on behaviour and promote engagement in rewarding activities) which all feed into an animal's *mental or affective state* (aim is to promote comfort, pleasure, interest, confidence and a sense of control).

When focusing on heat stress, the environmental impacts on the affective (mental) state of the animal must be considered alongside the other domains at all times throughout the export voyage.<sup>2</sup> Consideration of the affective state of an animal has secure scientific foundation in neuroscience and animal behaviour, and can be measured in a variety of ways including via validated behavioural indices.<sup>3</sup>

Elevated respiratory rates and open-mouth panting caused by hot and humid environmental conditions are a clear and scientifically validated indication that an animal's core body temperature has moved out of the thermoneutral zone and that the animal is struggling to reduce heat load. This is a negative affective experience for the animal in which the animal is in a state of high stress. This must be treated as a negative welfare outcome by the Department. The fact that an animal may survive and recover from an extended period of heat stress does not mean that they have not experienced extremely poor welfare. To dismiss the inference of negative affective experience is to largely dismiss the sentience of an animal, i.e. their capacity to experience positive, neutral and negative feelings. This is contrary to scientific understanding of animal welfare.

In approving live exports, the Secretary has a regulatory obligation to ensure travel arrangements are adequate not only for the animals' health but for the animals' welfare.<sup>4</sup> This is a clear and deliberate delineation in the *Export Control (Animals) Order 2004* that must be understood and acted upon by the Department in its approach to regulating the trade, including in selecting the appropriate options for managing heat stress in sheep set out in this paper.

## **Risks of not adequately protecting animal welfare**

As outlined in the discussion paper, the risks of not revising the current regulatory settings around heat stress are profound, including:

- unacceptable animal welfare outcomes on voyages to, or through, the Middle East
- damage to Australia's reputation with regards to animal welfare and as a producer of high quality livestock
- loss of trust in government regulation
- loss of the live export industry's 'social licence' to operate
- cessation of the live export trade
- decline in consumer trust for livestock production systems in general.

All of these risks are very real. Indeed some have and are already materialising due to past failures of the industry and government to properly protect animal welfare. A more risk

---

<sup>2</sup> Mellor D (2017) Operational details of the Five Domains Model and its key applications to the assessment and management of animal welfare, 7 *Animals* 60

<sup>3</sup> Ledger M and Mellor D (2018) Forensic use of the Five Domains Model for assessing suffering in cases of animal cruelty, 8 *Animals* 101.

<sup>4</sup> *Export Control (Animals) Order 2004*, 1A.30.

averse, precautionary approach to regulating the trade is needed moving forward if these risks are not to become further pronounced in the near future.

## Combining options 2 and 3

None of the proposed options in the discussion paper are adequate to protect animal welfare in isolation. A combination of both a prohibited period during the highest risk period of the year and a revised HSRA model based on heat stress thresholds is necessary.

### A prohibited period

On 25 March 2019 the Department passed an Order prohibiting the export of sheep to the Middle East between 1 June to 31 August 2019.<sup>5</sup> Then on 31 July 2019 the Department passed another Order extending that prohibition to 22 September 2019.<sup>6</sup> These Orders were based on considerable evidence as outlined in the Department's *Explanatory Note - decision to extend the prohibition of live sheep exports to or through the Middle East until 22 September 2019*. This evidence base has not changed since these Orders were made. The starting point for regulatory settings in 2020 and beyond should therefore be the 2019 regulatory conditions.

The RSPCA would like to see the prohibited period extended beyond 1 June to 22 September to cover 1 May to 31 October. Observer reports from shipments in May in particular show extensive evidence of heat stress over significant periods of time. This should be considered unacceptable by the regulator.

A definitive prohibited period will provide greater certainty to all stakeholders including government, industry, trading partners, and the Australian community.

### A revised HSRA model

In addition to a prohibited period, taking the 2019 period as a starting point, it is essential that the Department implements a revised HSRA model with risk settings based on heat stress thresholds consistent with the final report of the Heat Stress Risk Assessment Technical Reference Panel.

The current mortality-based HSRA model has been found to be inadequate in multiple reviews and reports since May 2018. The McCarthy Review first identified that the current HSRA model was inadequate and recommended the Department move from a mortality based approach to one based on animal welfare.<sup>7</sup> The Department accepted this recommendation in principle and has made multiple public commitments to moving away from a mortality based approach. As stated by Deputy Secretary Malcolm Thompson at Senate Estimates in May 2018:

The footage of horrific animal welfare conditions experienced by sheep on the 2017 voyages has exposed the inadequacy of mortality as the predominant measure of welfare in our regulatory approach, in the heat stress risk assessment model used by

---

<sup>5</sup> Australian Meat and Livestock Industry (Prohibition of Export of Sheep by Sea to Middle East - Northern Summer) Order 2019.

<sup>6</sup> Australian Meat and Livestock Industry Legislation Amendment (Prohibition of Export of Sheep by Sea to Middle East - Northern Summer) Order 2019.

<sup>7</sup> Recommendation 3, Independent Review of Conditions for the Export of Sheep to the Middle East during the Northern Hemisphere Summer May 2018.

industry and as a trigger above the two per cent threshold for further investigation by the department. The application of the current model for calculating stocking densities, given the risk of heat stress events and the characteristics of vessels, is clearly not working as intended.<sup>8</sup>

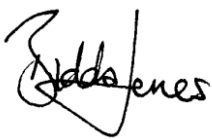
The extensive subsequent work undertaken by the Heat Stress Risk Assessment Technical Reference Panel over the latter half of 2018 and into the first half of 2019 provided further evidence of the inadequacies of the current HSRA model. All stakeholders participated in this process in good will with a view to revising the model from one based on mortality to one based on animal welfare. The final report of the Technical Reference Panel provides several clear recommendations to the Department on how the HSRA model should be revised to reflect the scientific evidence base and government policy commitments to moving from mortality to welfare based indicators.

Furthermore, in parallel to the HSRA review, the review of the Australian Standards for the Export of Livestock made a number of recommendations relating to heat stress including that once the HSRA review is complete, “the criteria in the standards be revised to support the new model.”<sup>9</sup> The ASEL review also recommended that HSRA apply to “all livestock voyages that cross the equator, at all times of the year, from all Australian ports.”<sup>10</sup>

To now suggest proceeding with the current HSRA model (as proposed in Options 1 and 4), or removing the need for a HSRA entirely (as proposed in Option 2) is very concerning as it would undermine much of the good work that has taken place over the last 18 months. Not implementing a revised HSRA model should simply not be an option, yet disappointingly it features in 3 of the 4 options proposed in the discussion paper.

It is for these reasons that the RSPCA proposes combining Options 2 and 3. Failing the adoption of both a definitive prohibited period and the application of a revised HSRA model will expose the industry, the Department and Government, and exported animals to considerable risk. It is the RSPCA’s view that should options 2 and 3 not be adopted, the risks identified in the discussion paper will materialise.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Bidda Jones', written in a cursive style.

Dr Bidda Jones  
Chief Executive Officer (A/g)  
RSPCA Australia

---

<sup>8</sup> *Hansard*, Rural and Regional Affairs and Transport Legislation Committee, Estimates, 24 May 2018.

<sup>9</sup> Recommendation 28, Review of the Australian Standards for the Export of Livestock: Sea Transport, Final Report.

<sup>10</sup> Recommendation 27, Review of the Australian Standards for the Export of Livestock: Sea Transport, Final Report.