

18 November 2019

Melissa McEwen  
Principal Regulatory Officer  
Live Animal Exports  
Department of Agriculture

Via: Have Your Say website

Dear Melissa

### Implementation of ASEL Sea Review Recommendations

Thank you for the opportunity to comment on the Implementation of ASEL Sea Review Recommendations Consultation Paper.

As noted in our previous submissions to the ASEL review, the RSPCA believes the Department of Agriculture should be taking a precautionary approach to regulating the live animal export trade. Live export by sea is a very high risk activity where the consequences for animal welfare can be catastrophic. It is the RSPCA's view that those consignments identified as being of particularly high risk should simply not be permitted. The approach of delegating the approval of several different types of high risk consignments to management plans is concerning as it suggests that any amount of risk can be managed. As a general comment we believe the Department needs to tighten its approach to risk tolerance where such high risk consignments are simply not permitted.

It is particularly disappointing to see the further watering down of the ASEL Review's recommendations regarding stocking density reductions for cattle. The Department released its response to the final ASEL Review Report in March 2019, stating that it supported recommendation 22 and that it would be implemented 'not later than 1 May 2019.' The Department then issued an Export Advisory Notice (EAN) on 11 April 2019 confirming the 1 May 2019 implementation date. A week later, on 18 April 2019, the Department issued a further EAN advising that the implementation date had been pushed back a month to 1 June 2019. But six months later the promised stocking density reductions for cattle have still not been implemented and now it appears from the consultation paper that the Department is proposing not to implement recommendation 22 in the manner it said it would.

Recommendation 22 in the ASEL Review Report is clear in its intent. It is an exception to the stocking density reductions proposed in recommendation 20 that is intended to apply to short-haul voyages only in recognition of the reduced risk they pose to animal welfare compared to voyages exceeding 10 days. Such was the Technical Advisory Committee's intent to limit the application in this way that they even went on to recommend that new penalties be introduced for exporters 'when a voyage is claimed to be less than 10 days, and access to the alternate stocking rate ( $k=0.027$ ) is approved, but the voyage exceeds 10

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days.' For the Department to now propose applying the exception to voyages regardless of duration, and to suggest this would still meet the intent of the recommendation, is plainly wrong.

The eligibility criteria for the recommendation 22 exception is clearly two-fold - one, the voyage must be under 10 days; and two, the exporter has 'proven past and continuing high performance'. By focusing only on the latter criteria, the Department seems to be ignoring the fact that voyage length is a recognised risk. It is a risk that forms the very basis of the long-standing distinction between short and long haul voyages in the ASEL and the different regulatory requirements that apply to each. The increased risk of long-haul is also clearly recognised at other points within the consultation paper itself such as page 17 for goat exports, and the table of risk factors at page 36.

As for the 'high performance' criteria, we support the 0.05% average mortality rate but this criteria must go beyond mortality rates and incorporate clear animal welfare indicators as well. We are however disappointed to see that the consultation paper suggests an exception may be granted for this criteria, at page 12:

*Where an exporter does not meet this standard [0.05% average mortality], an application can still be made by an exporter with other relevant information for the department to consider. Any such application would be assessed on its individual merits to determine if it meets an equivalent standards.*

This is effectively an exception within an exception and should be removed.

To improve confidence and clarity in the regulation of live exports, the recommendations of the ASEL Review must be implemented as they were intended. We call upon the Department to limit the alternative pen space allowance approvals for cattle to short-haul voyages only as intended by the ASEL Review Report.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'J. Goodfellow', is written over a light blue circular stamp.

Dr Jed Goodfellow  
Science and Policy Team Lead (A/g)  
RSPCA Australia