

19 October 2022

Ms Jess Rummery
Acting Director - Operations Policy, Live Animal Export Branch
Department of Agriculture, Fisheries and Forestry
By email: LAEPolicy@agriculture.gov.au

Dear Ms Rummery

Thank you for the opportunity to provide feedback on the Department of Agriculture, Fisheries and Forestry's (the Department) draft guidelines for Registered Establishments (RE) for the export of live animals by sea.

The RSPCA advocates for an end to live export because of the evidenced and ongoing animal welfare issues inherent to the trade. While the trade continues, we are committed to engaging with the Department, governments, industry and other non-government organisations to ensure that the regulatory settings are improved, better monitored and enforced for greater transparency and accountability for animal welfare.

As such, the RSPCA commends the Department on the development of draft guidelines for RE for the export of live animals by sea (the Guidelines). We acknowledge that the Guidelines are limited by the superordinate regulatory framework comprising the *Export Control Act 2020*, the *Export Control (Animals) Rules 2021*, and the *Australian Standards for the Export of Livestock* (ASEL). We have, therefore, limited our feedback to the scope of the draft Guidelines as a subordinate document to the standards, regulation and legislation.

Overall, the articulation of the roles and responsibilities of REs, specific operational requirements and supporting documentation is a small improvement in transparency. However, we would like to see a specific focus on animal welfare in the Guidelines and provide several recommendations to achieve this. Please note we have provided feedback where relevant to animal welfare, as opposed to every section of the Guidelines. A summary of our recommendations is outlined below and detailed in the following pages.

Recommendation 1: That the Department reports on audit results and outcomes to increase transparency and accountability on animal welfare in REs.

Recommendation 2: That the Guidelines support REs to report on animal welfare incidents and outcomes.

Recommendation 3: That the Guidelines state that REs should provide photographic evidence to demonstrate relevant compliance.

Recommendation 4: That animal welfare be included as a specific requirement under the operations manual elements to encourage continuous improvement.

Recommendation 5: That the Guidelines request evidence of animal welfare credentials and annual competency-based training in animal welfare for all roles that work directly with animals at REs.

Recommendation 6: That the Guidelines support REs to record and report on any rejection criteria found and actions taken.

Recommendation 7: That the Guidelines should stipulate records be retained for at least 10 years (two registration renewal cycles) to identify and monitor any ongoing issues.

Recommendation 8: That the Guidelines should include provisions for adequate shade for all animals.

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Recommendation 9: That the Guidelines include and define the meaning of “sufficient space” requirements for animals, i.e., that all animals can lie down at the same time with legs outstretched and can stand up and lie down unhindered.

Recommendation 10: That the Guidelines specifically address what is considered appropriate lighting and ventilation for fully enclosed holding facilities, where relevant, on REs.

Recommendation 11: That the Guidelines should include the use and maintenance of suitable bedding for animals housed in REs.

Recommendation 12: The Guidelines should request detailed processes and procedures for receiving and unloading live animals at REs, including an adequate ratio of stockpersons on duty to animals being received and avoiding aggression when mixing unfamiliar animals.

Recommendation 13: That the Guidelines prioritise the RE's inspection of animals to occur promptly after unloading.

Recommendation 14: The Guidelines include a process for identifying and reporting the number and origin of animals that were not fit to load, and the follow-up action that was taken to address this with the source of those animals.

Recommendation 15: That the Guidelines encourage the provision of environmental enrichment for animals held in pens, yards and sheds on REs.

Recommendation 16: That the Department's inspection regime should include mandatory independent third-party full inspection arrangements for live animal export shipments to properly monitor conditions for export such as wool length, weight, body score, breed etc.

Recommendation 17: That the Guidelines stipulate a suitable drinking water temperature, and that water temperature should be checked daily.

Recommendation 18: That the Department provide all REs with extension materials (such as factsheet and posters on recognising normal and abnormal animal behaviour including signs of stress, injury and illness) in staff areas and where animals are loaded and unloaded.

Recommendation 19: Animals showing visible signs of severe distress be rejected and included on the RE "Rejected livestock register".

We remain committed to working constructively and collaboratively with the Department and in improving animal welfare while ever the live export trade continues. We welcome any questions or the opportunity to meet to discuss this submission.

Yours sincerely

Dr Suzie Fowler
Chief Science Officer
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RSPCA Australia feedback on the draft Registered Establishment guidelines for the export of live animals by sea

Audit requirements

Audit results and reporting

The RSPCA is interested in understanding the Department's intended auditing process for monitoring RE compliance with the Guidelines, and how audit results will be managed and reported. The RSPCA understands there are inherent competing priorities for federal government departments expected to promote the competitiveness, efficiency and productivity of industries involving animals while considering animal welfare ¹.

Recommendation 1: That the Department reports on audit results and outcomes to increase transparency and accountability on animal welfare in REs.

Roles and responsibilities of RE occupiers

Consignment reporting

We acknowledge that the Guidelines align with the ASEL in the requirement to provide a RE mortality report for each consignment². We also acknowledge the complexity of consignment reporting given these Guidelines fall under both Commonwealth legislation and Standards, as well as state/territory legislative requirements. Therefore, it is vital that the Department encourage REs to exceed the ASEL and foster greater transparency, accountability and monitoring over time by ensuring the Guidelines require REs to report on broader animal welfare outcomes than mortality reports. The provision of such data will more effectively provide the Department, as the regulator, with greater visibility on the operational performance of REs in relation to animal welfare, and ability to better monitor breaches and identify and reprimand repeat offenders.

Recommendation 2: That the Guidelines support REs to report on animal welfare incidents and outcomes.

Operations manual requirements

Photographic evidence

We note that the Guidelines require that "...The operations manual must include sufficient detail to allow effective monitoring and auditing of the export operations. The manual may include photographic evidence (such as of facilities or yards) to demonstrate relevant compliance..." (page 13). Given audits will only take place annually, we would like to see the word "may" in this sentence be changed to "should" to ensure that photographic evidence is included as part of each RE Operations Manual and enables greater visibility and effective assessment on the assessment and registration of establishments.

Recommendation 3: That the Guidelines state that REs should provide photographic evidence to demonstrate relevant compliance.

Operations manual elements

Inclusion of an animal welfare element

The RSPCA would like to see the Guidelines include an additional element specific to animal welfare. This additional element should define animal welfare in accordance with the Five Domains³ and articulate the importance of animal welfare to the performance and compliance of REs to ensure animal welfare is defined, measured, reported on and subject to continuous improvements. For example, an Operations Manual should provide specific detail on what the Department considers “appropriate” treatment and handling of animals. This could include, but not be limited to low-stress handling, avoiding use of electric prodders and other aversive handling aids, avoiding use of dogs, excessive yelling/noise, etc.

Recommendation 4: That animal welfare be included as a specific requirement under the operations manual elements to encourage continuous improvement.

Element 1: Organisational structure and people management

Competency-based animal welfare training

The RSPCA supports the requirements of the Guidelines outlined under Element 1: Organisational structure and people management. The requirement for a process for employee training for staff who work directly with animals is a crucial component for both the people who work at REs and the welfare of the animals. Research substantiates that training and periodical competency assessment of people who work with animals has a significant impact on animal welfare outcomes, and that underestimating the role and impact of the stockperson, for example, will seriously risk the welfare and productivity of livestock⁴.

Therefore, this element should articulate a requirement for animal welfare credentials and annual competency-based training for all roles that work directly with animals at REs.

Recommendation 5: That the Guidelines request evidence of animal welfare credentials and annual competency-based training in animal welfare for all roles that work directly with animals at REs.

Element 2: Records management

Rejection criteria and actions taken

The RSPCA commends the Department on the inclusion of the provision of a process for “recording any mortality, sickness, injury or other sign consistent with the rejection criteria found, and actions taken to identify and remove any rejected livestock from the consignment, including handling, care, treatment, isolation, euthanasia and/or disposal...” (page 15). We would like to see the Guidelines include the necessity to for REs to report on these matters along with the actions taken to foster greater accountability and transparency on animal welfare.

Recommendation 6: That the Guidelines support REs to record and report on any rejection criteria found and actions taken.

Duration of records

The Guidelines require that records should be retained for up to two years after the date of export. However, given the Department's registration and renewal cycle is up to five years, all records should be kept by REs for a period of at least two registration renewal cycles to track any ongoing operational issues.

Recommendation 7: That the Guidelines should stipulate records be retained for at least 10 years (two registration renewal cycles) to identify and monitor any ongoing issues.

Element 3: Location and construction of the RE

Shade cover

This part of the Guidelines should specify the requirement for shade cover for animals in REs. Shade is an imperative component to the construction of a RE to protect the basic welfare needs of an animal in Australia, regardless of the species, class or breed.

Recommendation 8: That the Guidelines should include provisions for adequate shade at REs for all animals.

Element 4: Design and maintenance of the RE

Allocation of space

The RSPCA acknowledges that the Guidelines specify space allocation. However, we would like to see this section expanded to include an additional point that requires that animals be provided sufficient space. Sufficient space means that each animal can lie down completely (with their legs extended) at the same time on a comfortable and dry surface to enable rest and recuperation. Space allowance in indoor holding facilities is often restricted. Where stocking density only allows animals to lie down on their sternum, this is insufficient space to move around freely or exercise and rest comfortably. Animals must be able to lie down and stand up unhindered.

Recommendation 9: That the Guidelines include and define the meaning of "sufficient space" requirements for animals, i.e., that all animals can lie down at the same time with legs outstretched and can stand up and lie down unhindered.

Enclosed holding facilities

Enclosed holding facilities compromise animal welfare in several ways. Firstly, they provide little to no natural light. Artificial light, particularly if not turned off at night, may result in disturbed activity, rest and sleep patterns for animals accustomed to normal diurnal rhythms and daily outdoor activity. In addition, indoor sheds that are poorly ventilated will adversely impact the comfort and health of animals. For example, for sheep, the ammonia build-up resulting from faeces in indoor sheds, coupled with hot temperatures and excessive dust can cause respiratory and eye infections.

Therefore, lighting and ventilation requirements should be specifically addressed, and more guidance provided on the minimum requirements to guide RE owners to mitigate adverse health outcomes for animals housed in enclosed holding facilities.

Recommendation 10: That the Guidelines specifically address what is considered appropriate lighting and ventilation for fully enclosed holding facilities, where relevant, on REs.

Bedding

The Guidelines should stipulate appropriate bedding for animals in REs. Research has shown that sheep housed indoors on straw bedding had better growth rates than sheep on mesh flooring because of the discomfort experienced by the sheep standing on mesh⁴. However, when straw or other bedding is used in indoor or covered sheds, it must be well managed, kept dry and free of ammonia build-up to ensure sheep comfort. Therefore, the requirement for RE processes on the design and maintenance of REs should include bedding.

Recommendation 11: That the Guidelines should include the use and maintenance of suitable bedding for animals housed in REs.

Element 5: Receiving and identifying livestock at the RE

Preparation and resourcing

This section reflects ASEP 3.1.3, however, should require the detailed process and procedure that each RE follows when receiving and unloading live animals, including an adequate number of stockpersons on duty at the time of arrival. This addition will help ensure REs comply with ASEL and be adequately staffed when animals arrive to ensure that animals are unloaded promptly, compromised animals are identified/treated, and water/feed is available in holding pens. RE processes and procedures on receiving live animals should reflect low-stress handling practices and evidence appropriate staff ratios to the number of incoming animals to balance animal welfare needs with efficiency.

RE processes and procedures should account for common issues that may arise on unloading. Animals are generally fearful of new surroundings as well as unfamiliar feed, unfamiliar people or noises. Fear can be reduced by familiarising animals with some aspects of the RE environment, for example, familiarising animals with people, equipment and feed prior to entry to the RE. Social herd animals (for example, sheep, cattle) prefer to socialise with familiar animals and may show aggressive behaviour towards animals with which they are not familiar. Processes must be in place to avoid aggressive interactions between animals.

Recommendation 12: The Guidelines should request detailed processes and procedures for receiving and unloading live animals at REs, including an adequate ratio of stockpersons on duty to animals being received and avoiding aggression when mixing unfamiliar animals.

Timing of animal inspections

The RSPCA supports the requirement to provide a detailed process for receiving and identifying each animal received at REs. However, the Guidelines should require REs to prioritise animal welfare as early as practicable after arrival.

Animals can be in transit for up to 48 hours in Australia without food, water or rest. During transit, animals are routinely exposed to environmental changes, temperate changes, unfamiliar motion and surroundings, and unfamiliar animals. These cumulative factors mean it is highly probable that animals arrive stressed and fatigued, and animals who are unfit, unwell or injured will be in significant pain and discomfort. Therefore, RE should ensure the inspection of animals is conducted promptly after arrival and that operations do not cause further undue stress.

Recommendation 13: That the Guidelines prioritise RE's inspection of animals to occur promptly after unloading.

Rejection criteria

The RSPCA supports the Guidelines requirement for evidence on the RE process for identifying any animals that are distressed, injured or otherwise unsuitable for export (including the rejection criteria outlined in ASEL Standard 1 Table 1), and details of how they will be identified, isolated and rejected from the consignment. This section should also require a process for identifying (and reporting of) animals that were not fit to load and that should not have been consigned for transport. This additional process will increase the regulator's ability to identify and manage regulatory breaches that have resulted in poor animal welfare outcomes for unfit, sick or injured animals.

Recommendation 14: The Guidelines include a process for identifying and reporting the number and origin of animals that were not fit to load, and the follow-up action that was taken to address this with the source of those animals.

Element 6: Penning and holding livestock at the RE

Environmental enrichment

The RSPCA is concerned that the penning and holding structures at REs do not provide sufficient space for animals to behave naturally, move around freely (see Element 4) or to carry out explorative or play behaviours. Research demonstrates that animals require and respond to environmental enrichment in pens and holding yards such as logs, bales, balls, plastic drums, cattle brushes etc, for example, cattle brushes have been found to reduce the incidence of some abnormal behaviours in feedlot cattle such as self-grooming, tongue rolling, bar licking and head butting⁵. Therefore, it is important that environmental enrichment is provided for animals, especially those housed indoors.

Recommendation 15: That the Guidelines stipulate the provision of environmental enrichment for animals held in pens, yards and sheds on REs.

Sheep held in REs

The Guidelines refer to the requirement for REs to manage sheep off shears and monitor specific wool length. The RSPCA understands that these stipulations support the wool length requirements outlined in the ASEL and recent changes in the *Export Control (Animals) Rules 2020*. However, we remain concerned that such conditions are difficult to assess and monitor because sheep are handled in large mobs, not identified or managed individually. Therefore, the Department's inspection regime needs to be updated to include mandatory independent

third-party full inspection arrangements for live export shipments to monitor any such conditions.

We have previously recommended that Australia's live export regulatory framework needs to be strengthened with a revised enforcement policy. We reiterate this point in the context of the draft Guidelines.

Recommendation 16: That the Department's inspection regime should include mandatory independent third-party full inspection arrangements for live animal export shipments to properly monitor conditions for export such as wool length, weight, body score, breed etc.

Element 8: Water supply at the RE

Water temperature

The RSPCA supports the stipulation for RE operations manuals to include a process for how water cleanliness and suitability for animals will be monitored daily (page 23). However, we would like to see the point about water suitability expanded to include suitable drinking water temperature as part of the daily monitoring. The provision of cool water is vital for animal welfare, especially in hot environments.

Recommendation 17: That the Guidelines stipulate a suitable drinking water temperature, and that water temperature should be checked daily.

Element 9: Daily inspection and monitoring

Animal welfare competency

The Guidelines include daily inspection and monitoring of all animals by a "competent stock handler" to verify the health, welfare and appropriateness for export (page 24). As referred to above in Recommendation 5, the RSPCA advocates that stock handlers must have animal welfare credentials and REs should provide annual competency-based training in animal welfare for all staff who work directly with animals. It is vital that stock handlers are equipped with the skills and knowledge to recognise normal and abnormal behaviour, and understand the visual cues that animals provide when injured or unwell, and therefore, unfit for export. For example, stock handlers must be able to recognise the signs of stress (including heat and cold stress), external injuries such as prolapses and abscess, and signs of an animal in pain such as toe-tipping.

Support materials for RE employees

In addition, the Department should provide a suite of extension materials to support REs and their staff in better understanding animal welfare and recognising the signs of stress, injury and illness. The provision of national extension materials in the form of posters and simple factsheets that REs could display onsite, and base their competency training on, would facilitate national consistency, support the workforce and help improve animal welfare.

There are several good examples of existing extension materials produced to educate and support farm animal sectors for national and state/territory jurisdictions. For example, in New Zealand and in Western Australia, suites of extension materials have been produced to communicate the requirements of respective legislation, regulations and standards via visual,

simple and practical extension materials (refer to attached examples). The RSPCA would be happy to collaborate on the development of such materials in Australia and assist in securing industry funding for such materials.

Recommendation 18: That the Department provide all REs with extension materials (such as factsheet and posters on recognising normal and abnormal animal behaviour including signs of stress, injury and illness) in staff areas and where animals are loaded and unloaded.

Element 10: Management of rejected animals; Element 11: Mortality management; and Element 13: Consignment reporting

Visible signs of distress

We note that the land transport standards include "visible signs of severe distress" as a key criterion in the fit to load assessment. The RSPCA believes that this criterion should be included in RE rejected stock register for consistency and improved animal welfare outcomes. Distressed animals have an opportunity to rest/recover/adapt in the RE. However, if an animal does not recover or adapt and continues to be distressed, that animal should not be loaded.

Recommendation 19: Animals showing visible signs of severe distress be rejected and included on the RE "Rejected livestock register".

References

- ¹ Moss, P. (2018). Review of the Regulatory Capability and Culture of the Department of Agriculture and Water Resources in the Regulation of Live Animal Exports. Department of Agriculture and Water Resources, Canberra, Australia.
- ² Department of Agriculture, Water and the Environment 2021, *Australian Standards for the Export of Livestock 3.2*, Canberra, Australia.
- ³ Mellor DJ & Burns M (2020). Using the Five Domains Model to develop welfare assessment guidelines for Thoroughbred horses in New Zealand. *New Zealand Veterinary Journal*, 68:3.
- ⁴ Coleman GJ, Hemsworth PH. (2014). Training to improve stockperson beliefs and behaviour towards livestock enhances welfare and productivity. *Rev Sci Tech*.
- ⁵ MLA (2007). Best practice for production feeding of lambs: A review of the literature. Final report SCSB.091 V1/ B.SCC.0091. Meat & Livestock Australia Limited, Sydney, NSW.