

3 June 2024

Inspector-General of Animal Welfare and Live Animal Exports  
Department of Agriculture  
Via email:

Dear Mr Bond

**Supplementary submission regarding Australia's Independent Observer Program**

I write to provide a supplementary submission to further inform your review of the Independent Observer Program (the Program). It augments the RSPCA Australia's initial submission, lodged on 04 April 2024, as related to video footage recently resulting from Freedom of Information (FOI) matter between the RSPCA and the regulator.

Since lodging our initial submission, the RSPCA Australia has received access to information following the result of a FOI request we made back in 2019. The information is in the form of video footage from an IO report and reinforces our concerns about the:

- Lack of detail and specificity in the published IO reports which on this occasion did not accurately reflect the severity of poor animal welfare indicators.
- Lack of transparency around Independent Observer (IO) reports and associated visual evidence in the form of video footage and photographs.

The video footage is of Australian sheep onboard the Al Shuwaikh in 2018, taken by the Independent Observer on that voyage. The regulator had previously refused RSPCA access to the footage, claiming that access and potential public exposure of the footage was not in the public interest. However, the [OAIC decided in favour](#) of our FOI request. Following the receipt of the footage, our Scientists conducted a thorough animal welfare analysis of the video and found several concerning indicators of extremely poor animal welfare onboard. This includes dead sheep, open mouthed panting indicating heat stress, wet and sticky faecal pad on the floor of the pens that the sheep are confined to, unclean fleece sullied by moist faeces, and sheep accumulating near ventilation ports in an apparent attempt to seek relief from the hot and humid conditions reported. We refer directly to some of the footage in this submission, and have included screen grabs as relevant evidence - all footage can be accessed via the regulator's [FOI reference 2759](#).

This submission reiterates the need for the mandatory requirement for greater transparency in IO reporting and the importance of IO presence on all live export voyages. It also supports the value of implementation of CCTV on live export vessels; detailed and consistent data published in recent IO reports including related photos and video footage; and timely and transparent public reporting of IO reports.

Please do not hesitate to contact me to discuss on 0477 220 433 or [jwebb@rspca.org.au](mailto:jwebb@rspca.org.au).

Yours sincerely



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## Summary of recommendations

**Recommendation 1** - Greater transparency should be fostered by IO reports by publishing complete data sets, not just selective decks, areas, days, or times.

**Recommendation 2** - All IO reports should be published with associated visual evidence of the condition of the animals and the environment onboard.

**Recommendation 3** - An independent commission for animal welfare is required to provide impartial oversight of Australia's Independent Observer Program.

**Recommendation 4** - All live export voyages must include IOs given the inherent and harmful nature of the trade to the animals involved.



**Recommendation 5** - CCTV must be required on all decks of live export vessels as a back-up to in-person IO reviews, as an additional method of observation and oversight.

Minimised severity of animal welfare incidents

Insufficient report detail

The IO report for the MV Al Shuwaikh form 2018 was overly summarised to indicate an overall mortality for the entire journey. That is, the initial published IO report did not show the individual mortality rates for the separate loadings (Adelaide and Fremantle) - one of which was as high as 0.98% mortality, and the other 0.39% mortality. This generalist nature and approach of IO reports risks minimising the severity of animal welfare incidents.

The FOI footage in comparison with what was reported in the IO report itself also demonstrates that the severity of animal welfare issues in live export risks being minimised in IO reports. This could occur for numerous reasons. However, it is not until you see the footage and the repeated and frequent nature of heat stress symptoms of the animals you appreciate the severity of the heat stress incidents on board and the impact it had on the sheep. In addition, the footage highlighted issues with the provision of selective data in IO reports, rather than the provision of complete data to provide a holistic perspective of the condition of animals and the environment onboard live export vessels. See the table below for examples from the IO footage which shows the difference between decks and various areas of live export vessels.

Left to right - still images from the IO footage depicting better conditions compared to footage from the same day but on different deck.	
MVI_3404 - deck 7 Day 18 (00:22)	MVI_3344- Deck 5 Day 18 (00:51)
	
Dry pad, sheep appear clean, natural light into pen. Sheep’s mouths are closed, their fleece appears clean, their ears are forward and eyes bright and open signalling a brighter demeanour.	Little natural light, deep faecal pad causing staining of half of sheep fleece. In video sheep noted to be closed mouth panting, eyes partially closed and ears flat indicating depressed state and heat stress.

**Recommendation 1** - Greater transparency should be fostered by IO reports by publishing complete data sets, not just selective decks, areas, days, or times.

Lack of transparency of IO reports

Lack of access to IO report information

We have previously raised concerns about the regulator’s lack of transparency on IO reports. In the RSPCA’s experience since the inception of the Program, the regulator has not been forthcoming in providing additional information on IO reports. The six-year long FOI battle, from 2019-2024, to gain access to a very small proportion of the footage taken by the IO onboard the MV Al Shuwaikh in 2018 is a pertinent example demonstrating a sustained lack of transparency. In the case of our FOI matter the

Department continuously and consistency refused to provide access to the footage based on spurious claims that did not withstand the scrutiny of the Information Commissioner.

Greater transparency on IO reports is needed to provide any level of assurance that the live export industry is appropriately protecting animal welfare given the degree of public concern for the welfare of animals in the trade, and the degree of animal suffering inherent to live export. This must include the provision of video and photographs taken by IOs onboard as part of IO reports to the regulator, to evidence the condition of the animals and the environment onboard. This would also be in accordance with the [Export Control Legislation Amendment \(2021 Measures No. 1\) Rules 2021](#) which amended the [Export Control \(Miscellaneous\) Rules 2021](#) in December 2021, under section 3-1, by allowing:

- i. The Secretary may publish, or otherwise disclose, protected information if:
  - (a) it does not include personal information about any individual; or
  - (b) all personal information about an individual included in the protected information is de-identified.

**Recommendation 2** - All IO reports should be published with associated visual evidence of the condition of the animals and the environment onboard.

## Competing priorities for the regulator

The RSPCA has recommended in past submissions that an independent statutory authority dedicated to animal welfare is required to remove the risk of bias by the regulator in favour of industry, and to mitigate conflicting roles and competing priorities. The long-running FOI matter and the time taken to access the footage on the MV Al Shuwaikh highlights a lack of objectivity from Australia's live export regulator.

**Recommendation 3** - An independent commission for animal welfare is required to provide impartial oversight of Australia's Independent Observer Program.

## Industry promotion of mis-information

A visual comparison of the IO's footage onboard the MV Al Shuwaikh in 2018 with the footage promoted on social media, at the time, by the Australian Livestock Exporters' Council (ALEC) of the same voyage depicts a deliberate promotion of the more "sanitised" footage from the journey. The table below provides one comparative example that shows a significant difference in what industry chooses to share and what they don't. It shows that what they choose to share is a more sanitised version of the extent of what the animals experience aboard live export vessels.

From video posted on ALEC's Facebook post on 28/05/18 (video timestamp 0:51)	From IO video of the same voyage 8 days later - 03/06/18 (day 18 MVI_3370 0:00:36 - 0:00:53)
	
<a href="#">ALEC chooses to post footage</a> of clean sheep on a dry faecal pad, which contrasts with the IO footage showing sheep panting; wet and sticky faecal pad; and sheep with fleece sullied from sticky manure.	

From video posted on ALEC's Facebook post on 28/05/18 (timestamp on video 0:44)	From IO video of the same voyage 9 days later - 04/06/18 (day 19 MVI_3567 0:00:43)
	
<p><a href="#">ALEC chooses to share footage</a> on its social media depicting a clean deck aboard the MV Al Shuwaikh. The footage is in stark contrast to the IO footage which shows faeces overflowing from pens and dead sheep in the aisle aboard the MV Al Shuwaikh.</p>	

While industry has direct access to footage taken onboard live export voyages, other stakeholders such as the Australian community and animal welfare organisations must lodge an FOI request to potentially gain any access, which can be a lengthy process. This asymmetry not only undermines the industry's attempts to provide public assurances but enables exporters to select and purposefully promote the best possible footage on any given journey, and any given deck rather than provide full transparency of the condition of the animals and the environment onboard over the entire journey. This highlights the need to have IOs on board all vessels to observe and report on the conditions throughout the journey and not a single point in time or provide publicly available CCTV footage of all live export voyages for full transparency.

**Recommendation 4** - All live export voyages must include IOs given the inherent and harmful nature of the trade to the animals involved.

**Recommendation 5**- CCTV must be required on all decks of live export vessels as a back-up to in-person IO reviews, as an additional method of observation and oversight.