

Submission
No 90

**INQUIRY INTO IMPACT OF THE PHASE-OUT OF
AUSTRALIAN LIVE SHEEP EXPORTS BY SEA ON NEW
SOUTH WALES**

Name: Miss Emma Gonzales

Date Received: 19 September 2024

Protect the Ban on Live Sheep Exports

19 September 2024

Inquiry into the Export Control Amendment (Ending Live Sheep Exports by Sea) Bill 2024

Submission by Emma Liana Gonzales - Macquarie University Law Graduate, Masters of Animal Law student at Lewis & Clark and PhD Candidate.

To whom it may concern,

Thank you for the opportunity to provide submissions into the impact of the phase-out of Australian live sheep exports by sea. This inquiry threatens to undo years of progress, not just for sheep but for other animals and cattle to endure the inherent cruelty of the live export industry. I support the Bill and proposed legislated end date of May 2028. Although an earlier end date would be preferable. I support the Bill's provisions of legislative authority to enable the Commonwealth to administer \$107 million in federal funding to incentivise the transition. I am concerned about the animal's welfare if this Bill is not approved, and urge the Committee to support the Bill and the recommend additional regulatory controls via updates to the Export Control (Animals) Rules and the Australian Standards for the Export of Livestock (ASEL) to mitigate the risks to sheep welfare until the end date.

Unfortunately a great deal of Australian animals are subjected to prolonged suffering due to the live export trade. While the empathetic concern for these animals is widespread, it has been previously dismissed by politicians and defenders of the status quo as 'mere

sentimentality'. The treatment of animals is no longer just something for animal advocates or activists, it is a deep ethical and legal dilemma. This has been recognised in New Zealand¹ and the United Kingdom,² where live export has already been banned. Britain and the entire European Union are far ahead in terms of their animal protection regulations and welfare laws and, yet, most Australians have sufficient empathy for the suffering of animals and support the Ban that forbids continued cruelty and neglect. It is therefore a factually correct statement that the Ban will alleviate public concern for animals suffering on these ships.

People often say, without much thought, that all human beings are infinitely more valuable than any other species. This view owes more to our own selfish interests and to ancient religious teachings than to reason or impartial moral reflection. There are some people ruthless enough in their submissions to oppose the live export Ban, these people suggest that the animals are looked after and that there is no cause for concern. These people, however, are concerned with their own interests, and do not want to see the Ban get in the way of economic gain and as such, they dismiss the animal welfare concerns as a way to cover up selfish interests. Yet, the Australian government is not justified in discounting the interests of these animals merely for economic gain. The Australian government must take the empathy that most Australians feel toward animals more seriously.

The gratuitous cruelty to and neglect of the animals within the live export trade, on the ships and upon arrival at the destination country is wrong, particularly when alternative methods exist and would substantially reduce animal suffering at trivial cost. The Australian government should explore other forms of production, such as the expansion of chilled and

¹ <https://animalsaustralia.org/our-work/live-export/new-zealand-announces-world-first-live-export-ban/>.

² *Animal Welfare (Livestock Exports) Act*.

frozen export markets. These alternatives can benefit both animals' welfare and the economy, supporting the transition for farmers and associated industries. It is a modest cost for us, with a very large benefit for animals. This position is in keeping with common moral views of the Australian public. It is within the proper scope of democratic government to prohibit the live export trade as it does not meet the standards that the majority considers desirable. Meaning that the views of the majority is within the context of what a democratic government can do. There would be something odd about the government prohibiting the live export trade if the majority of Australians were strongly and consistently in favour of it, but that is simply not the case. And it says nothing about the rights and wrongs of meat eating itself. The live sheep export ban is a significant step forward for animal welfare and complete denial of the cruelty these animals suffer due to live export comes at a very high cost.

The conditions on ship were exposed through footage taken by a member of the crew and were presented on 60 Minutes. More than 2,400 sheep (roughly 4%) died due to heat stroke. The sheep basically cooked to death and the dead bodies were thrown overboard into the sea. The public outrage that resulted from this footage proves that Australia's want to ban the live export trade. This community concern has been broad and sustained over many decades. Independent research from 2022 indicates that 98% of Australians consider animal welfare important. In fact, 78% of Australians support an end to live sheep export where farmers are supported through the transition.³

³ Futureye (2018) Commodity or Sentient Being? Australia's Shifting Mindset on Farm Animal Welfare.

Scientific evidence is unambiguous in recognising that transporting animals by sea and related operations are inherently stressful for animals and effect their welfare. Stress has a negative impact on an animals' health and makes them more susceptible to diseases. The animals being transported are not just numbers, they are individual sentient beings, and they deserve better than what Australia is doing. Australia is one of the biggest exporters in the world and millions of animals are subjected to inhumane treatment on live export trips. Investigators' log notes reveal many of the hardships of animal transport.⁴ They suffer, they feel pain, stress, exhaustion, thirst, hunger just as we do. They suffer many injuries and sickness, just as we would. Many of the weaker animals suffer death on ships due to stocking density and yet. this has been swept under the rug and considered as a mere consequence of the live export trade. This is not good enough. We will not accept this any longer.

It is clear that animals raised in Australia do not transition well to transport ships. The animals on these ships do not get enough space to sit down and stand up, there is not enough pelleted feed on the ships, even after a transition period, animals usually travel from the Australian winter to the Middle Eastern summer. This can cause heat stroke and death. Where death rates are high, the exporter is required to notify the Australian authorities, who are not required, to conduct an investigation. Meaning out of 70,000 sheep, the death of less than 1400 is considered acceptable.

State welfare law does apply to live animal exports. The animals are subject to local laws that do not include welfare regulations. Meaning that when the animals arrive at the

⁴ <https://animaloutlook.org/investigations/farm-animal-transport-investigator-notes/>.

destination country there is more inhumane treatment and suffering. Most countries do not stun the animals before they are slaughtered. In 2012, for instance, 20,000 sheep were sent to Bahrain, when they were rejected due to suspected diseases, the Pakistani authorities killed the sheep in horrific and brutal ways.⁵

The Australian government cannot deny any longer that the live export industry is a cruel and inhumane practice. This has been stated by our Australian judges. In 2008, *Department of Local Government and Regional Development v Emmanuel Exports Pty Ltd* (Unreported, Perth Magistrates court, Crawford) found that live export amounted to animal cruelty under the *Animal Welfare Act* and the Commonwealth was found to have been authoring cruel conduct towards animals. A mirror image of this case has been tried again – *Department of Primary Industries and Regional Development v Emmanuel Exports Pty Ltd* 2021.

It is clearly impossible to regulate out the inherent issues associated with live sheep export. These issues, as indicated above include long periods of confinement, rough handling, extreme temperatures, humidity, unfamiliar environments, high noise and constant movement on board. For the ones who survive the trip, the suffering does not end there. When they arrive at the destination country, they are slaughtered while fully conscious. The Australian government must support farmers and others within the supply chain through this transition period to pivot operations and adapt to market alternatives. The provisions within the Bill are supportive of this as they give legislative effect to the \$107 million allocated in the 2024 Federal Budget.

⁵ https://link.springer.com/chapter/10.1007/978-3-662-60756-5_5#Sec2.

For the reasons mentioned above, Australia must ban the export of live animals for slaughter, fattening or any other reason and consider transitioning to a chilled meat trade.