

03 April 2024

Inspector-General of Animal Welfare and Live Animal Exports
Department of Agriculture
GPO Box 858
CANBERRA ACT 2601
Via: [Have Your Say website](#)

Dear Mr Bond

RSPCA submission regarding Australia's Independent Observer Program

Thank you for the opportunity to inform your review of the Independent Observer Program for Australia's live animal export trade. We appreciated the opportunity to meet to discuss this review in February and provide this submission to complement our discussion.

The RSPCA is Australia's most trusted animal welfare charity and for more than 150 years, we have engaged with regulators, governments, and the community to advance animal welfare in Australia. We oppose live animal export because no amount of regulation can adequately address the inherent and cumulative risks to the welfare of animals in the trade. However, while the trade continues, we remain committed to improving the welfare of animals across the live export supply chain.

The RSPCA considers the Independent Observer Program (the Program) an essential component of Australia's regulatory system. The Program is essential because it provides some transparency on what occurs on live export vessels via independent observation and reporting. It is also necessary to provide community assurance that effective oversight is occurring given the industry's long and public history of repeated severe animal suffering and poor animal health and welfare outcomes. However, the regulator's risk-based approach is inappropriate for an inherently risky industry that trades in sentient and vulnerable live cargo. We would like to see Independent Observers (IOs) aboard all voyages regardless of risk profile or journey length, as well as implementation of Closed-Circuit Television (CCTV) on all decks of vessels to better monitor animal welfare.

There are several opportunities to enhance the Program's effectiveness by addressing key issues. Issues that have inhibited the Program's effectiveness, and the regulator's function and exercise of powers to adequately monitor and enforce regulation, include:

- no mandatory requirement for IOs to have animal welfare qualifications or demonstrated experience with the species they are employed to observe;
- an unacceptable lack of IO presence on most live export voyages;
- lack of appropriate technology on live export vessels;
- insufficient and inconsistent detail published in recent IO reports;
- lack of timely and transparent public reporting of IO reports; and
- a flawed cost-recovery model that the regulator applies to fund the Program.

We address these matters in detail and provide recommendations within. We welcome any further questions and look forward to your report, which we trust will result in an improved IO Program for Australia.

Yours sincerely



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RSPCA Australia's Submission on Australia's Independent Observer Program

Summary of recommendations

Recommendation 1 - The scope of this review should be expanded beyond examining the Program's effectiveness in providing 'regulatory assurance' to include its effectiveness in providing community confidence.

Recommendation 2 - The scope of this review should be expanded to include the efficacy of the Program in identifying animal welfare issues within the trade.

Recommendation 3 - IOs must be required to have animal welfare qualifications and demonstrated experience with the species they are employed to observe.

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.

Recommendation 6 - Additional technology that enables automated, real-time, and more detailed data capture and reporting (such as WBT, DBT, ammonia levels etc.) must be required on all live export vessels.

Recommendation 7 - On smaller vessels, that routinely cannot afford space for an IO, the daily reports provided by the AAV or accredited stock handler onboard should be published in lieu of an IO report.

Recommendation 8 - IO reports for the previous quarter must be published on time in May, August, November, and February.

Recommendation 9 - IO reports should be published in their entirety with only personal details redacted.

Recommendation 10 - Standard Operating Procedures should be developed for how IOs conduct reviews and report on animal welfare on live export voyages, to include:

- a. Known animal welfare issues common to live export.
- b. Animal-based measures as well as environmental factors must be consistently observed and reported to the regulator.

Recommendation 11 - The regulator's reviews of IO reports should ensure that animal welfare markers are consistently reported in every report.

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Feedback for the review

Scope of the review

IOs are extremely important in providing independent observation and independent reporting on what occurs on live export vessels. The Program was implemented under the former Minister for Agriculture to improve public confidence in Australia's live export trade, following the death of more than 2,400 sheep onboard the Awassi Express in 2018. We note that this review is examining the effectiveness of the program in providing 'regulatory assurance'. We caution that this limited scope will not enable effective evaluation of the Program in the provision of community assurance that exporters operate under some level of independent observation and provide much needed accountability for and transparency on the welfare of animals used in the trade.

Independent research into community sentiment on live export shows concern is increasing and has been consistently high since 2009. Research shows that 78% of Australians want an end to the live export of animals.¹ Therefore, based on the original intent of the Program and continued community concern about the trade, the scope of the review should be expanded to properly assess the Program.

Recommendation 1 - The scope of this review should be expanded beyond examining the Program's effectiveness in providing 'regulatory assurance', to include its effectiveness in providing community confidence.

The scope of the review should also be expanded to include the efficacy of the Program in identifying animal welfare issues within the trade that exporters must address. This could be assessed by reviewing the number and prevalence of animal welfare issues identified in the Program, the subsequent actions required and taken to rectify the issues, and the change in the number and prevalence of issues reported over time.

Recommendation 2 - The scope of this review should be expanded to include the efficacy of the Program in identifying animal welfare issues within the trade.

Live export is inherently harmful and risky for the animals involved as continuously demonstrated by the long history of animal suffering and the prevalence of adverse animal welfare events occurring in the trade.² The need for an additional layer of assurance for both the regulator and the community is essential. However, there are multiple issues that have inhibited the Program's effectiveness since its inception. These issues also inhibit the effectiveness of the regulator's function and exercise of powers to adequately monitor and enforce Australia's live export trade. We describe these issues in detail below:

No mandatory requirement for IOs to have animal welfare qualifications or demonstrated experience with the species they are employed to observe

IOs should have the required skills and qualifications to identify emerging risks and issues with animal welfare, including behavioural and physiological indicators of poor welfare. Without this knowledge, reports are limited to the most obvious signs of animal welfare or health issues (such as feed/water provisions; open mouth panting; pad condition; temperatures etc.). For example, phrases such as "despite this ... no negative effects on health or animal welfare were observed" or similar, is routinely stated in IO reports. It is not possible to ascertain whether this assessment was accurate as in some cases, it seemed unlikely or implausible. In one instance, (IO 201), the summary repeatedly stated that there were "no negative health and/or welfare consequences", despite cattle being in deep sloppy conditions in high humidity or surviving a heat stress event that resulted in them lying prone. Conditions contrary to World Organisation for Animal Health guidelines [16] are evident in photographs labelled as "no issues identified".

¹ McCrindle (2022), Public Perceptions: RSPCA Australia Brand tracking Report 2022 – relevant excerpts can be provided on request.

² RSPCA Australia (2024): [Timeline of Tragedy](#)

Recommendation 3 - IOs must be required to have animal welfare qualifications and demonstrated experience with the species they are employed to observe.

Lack of IO presence on most live export voyages

Suspensions have diminished the effectiveness of the Program in providing regulatory and community assurances in the absence of independent observation or reporting. Given the sentience of live animal cargo, and the competing interests and profit motive of exporters, independent observation and reporting on all live export voyages is essential. Yet suspensions of the Program have been very frequent and extensive. IOs were excluded from live export voyages in 2020-2021 due to COVID-19 and re-commenced in May 2022. The Program was suspended for live sheep exports again in October 2023 due to escalating conflict in the Middle East. While suspensions may have resulted from unforeseen circumstances, they have caused unacceptable and lengthy periods without IOs aboard to report on animal welfare. Moreover, the current risks in the Middle East continue for the people and animals onboard live export vessels. If voyages are considered unsafe for government employees, such as IOs, they should be considered unsafe for the crew and animals onboard live export vessels.

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

Lack of appropriate technology on live export vessels

CCTV recording on all live export voyages would be a partial solution to the lack of IOs on voyages. It has been shown to act as a deterrent to non-compliance by encouraging correct practices outside of specific verification exercises.³ CCTV should be a central tool in the regulator's toolkit to assist with the Program as well as enable real-time surveillance where needed. It would also allow auditing and monitoring for compliance by the regulator. It would provide both a supportive record keeping role and some assurance where there is an unavoidable reason (such as a pandemic or war) that IOs cannot board a vessel.

CCTV should be required as a mandatory back-up to IO presence, not as a replacement for in-person oversight of live export journeys. The Program should incorporate an in-person component as well as a remote/retro component like CCTV, and a standard operating procedure for the review and resulting IO report. We note that all Australian export abattoirs have CCTV and traction is increasing to incorporate the technology in more abattoirs across Australia. Refined technology enables effective CCTV onboard live export vessels, despite the harsh environmental conditions. Not mandating the requirement for exporters to install CCTV on every deck of all live export vessels suggests the regulator accepts the risk of lower animal welfare standards onboard live export vessels than is regulated in registered establishments. This puts the welfare of animals' onboard vessels at significant risk and mitigates the effectiveness of potential regulatory and community assurances.

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.

Recommendation 6 - Additional technology that enables automated, real-time, and more detailed data capture and reporting (such as WBT, DBT, ammonia levels etc.) must be required on all live export vessels.

Increasing the presence of IOs, including on smaller vessels is also needed. We understand IOs have not been present on smaller vessels due to space limitations (e.g. Friesian Express). However, note that either AAVs or accredited stock handlers are routinely accommodated as required under ASEL. The exclusion of IOs

³ Department of Environment Food & Rural Affairs, England (2023). *The Mandatory Use of Closed-Circuit Television in Slaughterhouses (England) Regulations 2018 Post Implementation Review*.

aboard smaller vessels negates the effectiveness of the Program and perpetuates the lack of transparency in the trade. Therefore, to better support the objectives of the Program the daily reports provided by AAVs or accredited stock handlers should be published in lieu of an IO report. This does not negate the lack of independent observation and reporting but will support much needed transparency on animal welfare issues that occur onboard smaller vessels. Coupled with CCTV technology, this would ensure that there is more scrutiny on animal welfare outcomes on smaller vessels than there currently is.

Recommendation 7 - On smaller vessels, that routinely cannot afford space for an IO, the daily reports provided by the AAV or accredited stock handler onboard should be published in lieu of an IO report.

Lack of timely IO reports

On its website the regulator promotes that “IO summary reports are published quarterly in May, Aug, Nov and Feb.”⁴ However, quarterly timeframes are not adhered to. The lag between voyage date and report publish date is significant, i.e. as of 3 April 2024, the last published report is dated May 2023 with reports from May 2023, July 2023, August 2023, and two from September 2023 still “in progress”.

Timely information is vital to expose animal welfare issues onboard live export vessels, enable regulatory control, provide community assurance, and inform stakeholders. RSPCA conducts frequent analysis of IO reports to monitor animal welfare issues. Our analysis highlights the prevalence of animal welfare issues that are common to live export, and in agreement with animal welfare science, such as heat stress, lameness, respiratory disease, gastrointestinal disease, and inanition. We are concerned that the lag in the time of voyage IO reports to the time reports are published is far too slow given the risk to sentient live animal cargo.

Recommendation 8 - IO reports, for the previous quarter, must be published on time each quarter in May, August, November, and February.

Lack of transparency of IO reports

There is a lack of transparency in relation to IO reports. The RSPCA acknowledges the preference for consistency in report format and terminology, but not at the cost of transparency. Greater detail on the review process of IO reports should be disclosed. The regulator should publish the process or guideline it applies to editing IO reports, and specifically outline what can and cannot be edited from IO reports that are summarised and published on its website. The only information that should be modified is the redaction of private information. No reason is provided as to why this is not the case. Evidence of important animal welfare details being edited out of IO reports has been substantiated publicly by Vets Against Live Export (VALE) in a suite of reports that review IO reports and information obtained under freedom of information laws to analyse voyage reports and highlight discrepancies between original IO reports and those that have been summarised and published by the regulator.

There must be a transparent process by which the regulator reviews IO reports and without significant edits to the information. The RSPCA notes that the regulator’s website states that it applies “a rigorous quality assurance process” to each observer report. However, there is no documentation to evidence this assurance process. Editing by the regulator and decreasing detail published in online IO reports is not appropriate. We understand IO reports need to redact certain information to protect privacy, however, apart from this, reports should be published in their entirety for genuine transparency.

Recommendation 9 - IO reports should be published in their entirety with only personal details redacted.

⁴ Department of Agriculture, Fisheries and Forestry website, [Independent observer summary reports page](#) (accessed March 2024)

Insufficient and inconsistent detail published in recent IO reports

Published IO reports have decreased in detail. IO reports are a key resource for identifying factors which contribute to compromised animal welfare for the regulator, for animal welfare organisations and for the community. The information provided in IO reports should be useful to identify patterns of non-compliance, risks to animal welfare, and subsequently inform programs for continuous welfare improvement and regulatory assurance. However, published IO reports have become increasingly sparse on detail. Rather than IOs providing a general report to fit the regulator's IT system, it would be more effective to ensure key welfare issues, which have been identified by animal welfare science, are required to be consistently reported on.

IOs should be required to observe the known factors that impact animal welfare, and consistently report on these. At the very least IOs should observe and report on welfare indicators relevant to the ten animal welfare risk factors identified by Hing et al (2021)⁵ - see Box 1. For example, indicators relevant to 'mismanagement at discharge' could include the number of animals that are struck or pushed, the number of times an electric goad is used, and the number of slips and falls by animals. Observations and reports on more contemporary indicators of animal welfare, such as other behavioural interactions and assessment of animals' overall mental state, should be considered for the future. Please refer to the Appendix A for detail on what should be reviewed and reported on in a standard IO report.

Box 1. Animal welfare issues and risk factors identified by Hing et al (2021) for cattle transported by sea from Australia to China, based on analysis of Independent Observer reports from July 2018 to December 2019.

- Hunger
- Thirst
- Exposure to extreme temperatures
- Poor pen conditions
- Health issues
- Absence of veterinarians
- Rough seas
- Poor ship infrastructure
- Mechanical breakdown
- Mismanagement at discharge

Recommendation 10 - Standard Operating Procedures should be developed for how IOs conduct reviews and report on animal welfare on live export voyages to include:

- a. Known animal welfare issues that are common to live export.
- b. Animal-based measures as well as environmental factors must be consistently observed and reported to the regulator.

Recommendation 11 - The regulator's reviews of IO reports should ensure that animal welfare markers are consistently included in every report.

⁵ Hing S, Foster S, Evans D. Animal Welfare Risks in Live Cattle Export from Australia to China by Sea. *Animals*. 2021; 11(10):2862. <https://doi.org/10.3390/ani11102862>

Appendix A

The RSPCA recommends that the following information should be publicly reported from all IO reports:

Reporting item	Reporting detail	Further detail	Frequency of reporting
Vet Presence	Yes/no	Vet experience	Per journey
Bedding conditions	Dry/damp/moist/wet	By deck	Daily
Heat stress indicators noticed	Yes/no	By deck / Number of affected animals	Daily
Panting score /heat stress severity	Score of 1-3 Other description as appropriate	Duration / Location / Number of affected animals	Where observed
Maximum wet bulb temperature	WBT recording	Location / Time of day	Daily
Minimum wet bulb temperature	WBT recording	Location / Time of day	Daily
Maximum dry temperature	Temperature recording	Location / Time of day	Daily
Maximum humidity	%	Location / Time of day	Daily
Births on board	Number	Outcome for each animal born	Per journey
Pregnancies on board	Number	Outcome for each pregnant animal	Per journey
Space allowance/ stocking density	Issues noted	Per pen / detail where noted	Where observed
Wool length compliance	Yes/No	Detail where no compliance	Per journey
Feed Issues	Feed quality issues (e.g. fines); feed provisions provided above/below ASEL; proportion over/under at end of voyage	Time taken to rectify	Per journey
Inanition	Yes / No	Number of affected animals / outcome for animals	Per journey
Water issues	Contamination/dirty water Leaks Lack of water provision	Number of affected animals / outcome for animals	Where observed
Ventilation issues	Yes /no	Variation in temperature noted Location Cause (e.g. mechanical failure; inadequate infrastructure etc)	Per journey
Health	Respiratory disease Injuries Eye issues	Number of affected animals per condition/ outcome for animals	Per journey
Entrapment	Yes / No	Location Number of animals affected	Per journey
Discharge issues	Yes / No	Provide detail of issues where yes (e.g. infection, exotic disease)	Per journey
Loading issues	Yes / No	Provide detail of issues where yes (e.g. delays; injuries)	Per journey
Post mortem findings	Descriptions of findings	# post mortems completed	Per journey
Deaths	Number of deaths per species	Per class of animal	Per day
Any other non-compliance with ASEL/ESCAS	e.g. loading animals with horns that restrict access to feed/water	Number and description of the issue	Per journey

The RSPCA Australia recently conducted an analysis on the available Independent Observer (IO) reports published on the regulator's website. Please find an infographic overview attached and the [full report on our analysis here](#).

The IO reports analysed ranged from April 2018 through to May 2023 and found that IOs were only aboard 53 of the 172 live export journeys carrying sheep. The analysis also found that:

- 80% of the reports included reference to inanition or shy-feeding.
- 64% of reports documented indicators of heat stress – ranging from increased respiratory rate to sheep with extended necks and extreme heat stress.
- 30% of journeys reported marked heat stress – measured as open mouth panting or worse.
- 28% of reports had insufficient information or did not mention heat stress in any way.
- Temperature was rarely reported despite it being a required data collection point on board all live export vessels.
- Activities inconsistent with the ASEL were noted in approximately 70% of the reports.