



## **Submission to the Interim Inspector-General of Live Animal Exports**

Examination of the effectiveness and efficiency of the Department's requirements and management of monitoring and reporting during livestock export voyages by sea

**by Vets Against Live Export (VALE)**

**September 2019**

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Dear Mr Carter

**Monitoring and reporting during livestock export voyages**

Thank you for your invitation to make a submission to this Review.

Vets Against Live Exports (VALE) was established in 2011, following the revelations of serious cruelty inflicted on Australian animals exported to Indonesia. VALE currently has over 200 members. Since its establishment, VALE has sought to provide informed and factual comment on the live export industry, including on the applicable science and husbandry principles.

VALE welcomes this opportunity to make a submission to the Review.

Yours sincerely

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## **Submission by Vets Against Live Export (VALE) to the Review of Monitoring and reporting during livestock export voyages**

### **EXECUTIVE SUMMARY**

In VALE's view, it is imperative that all monitoring, reporting and regulatory functions in relation to live export voyages should be the responsibility of a regulator which is independent of the Department of Agriculture and Water Resources ('the Department'). VALE believes the Department's performance over the last several decades of live export have demonstrated it cannot perform those functions in an unbiased and transparent manner.

The several government inquiries in recent years, culminating in the Moss Review, have in our view clearly established that the Department has failed in its role as regulator of the live export trade. In VALE's extensive experience of dealing with the Department, we have formed the view that this is the result of a culture within the Department which seeks to defend the live export industry regardless of the level of non-compliance with the relevant law, or of the horrific levels of cruelty inflicted on animals. We can only conclude that this is a function of the Department's conflicted position, whereby its main role is as a proponent of the live export industry, set against its purported role as the enforcement agency responsible (*inter alia*) for animal welfare standards during live export voyages.

It appears that even now the Department is currently seeking to reduce transparency and cover up animal welfare issues relating to live export. The first example of this is the failure to publish the reports of independent veterinary observers on live export voyages. When reports are released, they are summaries of the actual reports. Where it has been possible, comparison of those summaries with the actual reports (obtained under Freedom of Information legislation) shows clearly that the Department has censored the reports to remove key references relevant to animal welfare on board ship. Crucially, this includes references to the reported occurrence of heat stress. In any case, those original reports which have been released have been heavily redacted. The second example of this reduction of transparency is the failure to release any reports in a timely manner. Thirdly, VALE notes that the Department has taken down over 40 reports into 'high mortality' voyages from its website. And finally, as this submission was being prepared, reports appeared to the effect that the Department has refused to release video footage taken by an independent observer on board the Al Shuwaikh during a voyage in May 2018. The reason given for the refusal to release the footage were that '... the footage is capable of being manipulated without adequate explanation of the overall animal welfare outcomes on the subject voyage, which are outlined in the publicly available documents" and this would be to the commercial detriment of those involved in the voyage.

## **TERMS USED IN THIS SUBMISSION**

AAV: Australian Government Accredited Veterinarian

ASEL: Australian Standards for the Export of Livestock (v2.3)

AVA submission: Australian Veterinary Association. 'A short review of space allocation on live export ships and body temperature regulation in sheep' (May 2018). Submitted to the McCarthy Review.

Caulfield et al.: Caulfield, MP et al. (2014) Heat stress: a major contributor to poor animal welfare associated with long-haul live export voyages. *The Veterinary Journal* 199: 223-228.

FOI Documents: reports of the relevant Independent Observer ("IO") obtained under Freedom of Information legislation.

IO: independent observer

IO SUMMARY: summary reports available at the above URL.

McCarthy Review: 'Independent review of conditions for the export of sheep to the Middle East during the northern hemisphere summer'. Dr Michael McCarthy (May 2018).

Moss Inquiry: 'Review of the regulatory capability and culture of the Department of Agriculture and Water Resources in the regulation of live animal exports' Mr Philip Moss (September 2018).

WBT: wet bulb temperature

## **INTRODUCTION**

The website of the Interim Inspector-General of Live Animal Exports accurately refers to previous reviews and investigations which have all been prompted by revelations of animal welfare disasters aboard live export ships, or in importing countries. The most recent such investigation is that conducted by Mr Phillip Moss. That review was instituted following revelations by a whistleblower of appalling conditions aboard the MV *Awassi Express* during 5 voyages in the northern summer of 2018.

VALE contributed to that inquiry. Dr Sue Foster and Dr Malcolm Caulfield of VALE were interviewed by Mr Moss, and VALE provided an extensive submission. We suggest that the points made in that submission (apart from those concerning ESCAS) are completely relevant to the present inquiry, and for that reason we attach

VALE's submission to the Moss Inquiry as Appendix 1. Furthermore, in our review paper published in the *The Veterinary Journal* in 2014 (Caulfield et al.), VALE was the first organisation to highlight the role of heat stress in causing suffering and death during live export voyages. The points made in that paper, most notably that heat stress is completely unavoidable during many voyages, and in particular during northern summer voyages across the equator, have been reiterated more recently, most notably by the submission of the Australian Veterinary Association to the McCarthy Review.

Senator Mehreen Faruqi<sup>1</sup> has now revealed that draft versions of the Moss Report were sanitized to remove phrases such as 'the department has failed as a regulator'. The department further suggested that serious criticisms of the government and its contribution to animal cruelty be removed (they were), as were statements about involvement of or positive references to the role of animal welfare groups, which had revealed the very cruel practices which stimulated the review. Crucially, the draft Moss Report included a statement criticising the science underlying the industry's heat stress risk assessment model. This did not appear in the published final report. Thus, VALE's scientific evidence on this important issue was reported by Moss, and subsequently censored by the Department.

The history of the Department's involvement in monitoring and reporting live export voyages is, we suggest, one of seeking to deny any problems with animal welfare, to modify and edit reports to minimise reporting of animal welfare issues, and to refuse to respond to questions relating to such issues. The history of VALE's involvement with the Department, seeking to reveal the truth, is lengthy. We do not propose to revisit that here. We refer you instead to Appendix 1, and also the relevant sections of VALE's website.<sup>2</sup>

## **Monitoring and reporting of live export voyages**

### *A preliminary point relating to pre-embarkation practices*

We note that the first item under the heading of 'scope' for the present review appears to limit the scope to times during the live export process after the time loading of a vessel is complete. We suggest that this is inappropriate, as one of the major issues arising (and raised by the Moss Report) is the likely overstocking of live export ships, particularly those carrying sheep. Certainly in the case of the *Hereford Express* incident in 2008 (see Appendix 1) there was clear and credible evidence of overstocking of both sheep and goats, and there is every reason to believe that at least some exporters have a practice of putting more animals onto ships than they

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<sup>1</sup> <https://mehreen-faruqi.greensmps.org.au/articles/speech-department-agriculture-failed-regulator-live-exports>

<sup>2</sup> <http://www.vale.org.au/blog>

are authorised to do. It may be that this is an attempt to compensate for loss of animals during the voyage, but in any case, overstocking will be a major contributor to poor animal welfare and mortality, as reducing space allowance will decrease the ability of an animal to properly regulate its body temperature. We therefore suggest that you should seek to extend the scope of the review, perhaps as a supplementary review, to address this question. We note in this regard that the most efficient way to monitor stocking levels is to weigh vehicles bringing live export animals to port, thereby providing an accurate measure of (at least) average weights. This was also recommended by the Australian Veterinary Association in its submission to the McCarthy Inquiry.

### *Independent Observers*

In response to the Moss Review, Mr Littleproud, the then Minister for Agriculture, instituted a system of appointment of independent veterinary observers to accompany some live export voyages and report on conditions, particularly animal welfare, during the voyage. While this is a welcome development, we consider that the operation of the independent observer system is flawed. This is because the Department does not release the observer reports, but instead provides summaries, which from our research appear to be heavily censored. In particular, references to heat stress in the original reports (obtained under Freedom of Information legislation) do not appear in the summaries, and in any case, release of the summaries has not been timely.

Importantly, the Department has refused to release video footage taken by an IO, and requested by RSPCA Australia under Freedom of Information legislation. The footage was taken on a voyage of the *Al Shuwaikh* in May 2018. The exporter was Emanuel Exports. The reason given by the Department for the refusal to release the footage was in essence that it would be 'misused' to paint a bad impression, and may have negative commercial consequences, presumably for the exporter. It is instructive, we think, to reflect what would have happened to Faisal Ullah's footage of the *Awassi Express* had he given it to the Department, rather than Animals Australia. We suggest that, given the decision referred to, it would not have been acted on, and would never have been seen by the public. In other words, the public outcry and the subsequent response of Minister Littleproud would never have happened. Once again, the response of the Department is as an entity which protects, rather than regulates the live export industry. This cannot be so: the Department claims to be the 'independent regulator' of live export. Were this the case, it would release such footage in its entirety. The excuse that release of the footage would have damaging consequences commercially seems to us remarkable, as the Department has cancelled the export licence of Emanuel Exports, with no prospect of it being reinstated. How then could an entity which can no longer export live animals be damaged? The obvious conclusion from this is that the footage depicts animal suffering. The key question is whether the extent of that suffering is

reflected accurately in the IO Report. The only way to resolve this is to release the IO Report and the footage in its entirety.

We note that the independent observer reports represent a very rare opportunity to assess conditions on a live export vessel. Prior to the instigation of the independent observer system, the only information available came from whistleblowers, of whom there were 3: Dr Lynn Simpson, Dr Lloyd Reeve-Johnson and Faisal Ullah. However, while the present situation is a real improvement, we believe that it is still not adequate. Given the unique detail available in the independent observer reports, VALE has conducted a detailed analysis of the welfare issues arising from those reports. Where possible, we have compared what has been reported in the Department's summaries, and the original source reports. There are significant discrepancies between the original reports and published summaries.

Appendix 2 presents VALE's detailed analysis and commentary on the Summary reports published by the Department, and the relevant independent observer reports, where these have been provided to VALE. We note the latter are heavily redacted, so it is impossible to be know the extent of Departmental censoring of the Summary reports. It is apparent. In our view, that the Department's purported summaries of the IO reports have been interfered with, particularly to avoid or delete mention of any issues relating to heat stress on the voyages.

We have always taken the view that there should be independent veterinary observers on every ship, and that these observers should be appointed by an independent regulator, not the Department. Our observations of the way the Department has handled the monitoring and reporting by independent observers confirms our position that the Department is incapable of managing the independent observer function in a transparent and unbiased fashion.

Given this, VALE strongly believes that the independent observer function should be fully under the control of an agency which is independent of the Department.

#### *What should be monitored*

Our view, supported by the McCarthy Review, is that key relevant physical parameters, in particular humidity and WBT, should routinely be recorded by automatic data loggers installed on key positions on live export vessels. The positioning of such loggers should be determined by an agency independent of the Department. This is because wrong positioning (for example, not sufficiently close to the animal pens, or at the correct height) may give a false positive impression of prevailing conditions.

One of the key questions relating to heat stress is the time during which animals are exposed to an unacceptable heat load (see Caulfield et al.). In our view, it is not yet clear at what point continuing exposure to temperatures in excess of the heat stress

threshold becomes life-threatening or otherwise produces poor welfare. Thus, all data from automatic loggers should be able to be analysed to derive information which may be used to establish the function describing heat load plus time, in order to ascertain when heat exposure becomes critical for welfare.

All of these data should be used to inform an ongoing review of the heat stress risk assessment, primarily to establish a set of environmental conditions (mainly wet bulb temperature) which will indicate when those conditions will result in unacceptable animal welfare.

It is imperative to institute scientific studies on samples of animals on live export voyages likely to experience these conditions, where measures are made of animals' body temperatures. Monitoring using panting scores, which seems to be happening, should if possible be complemented by random sampling of rectal temperatures, which will enable a calibration of the panting score measure against body temperature. The latter is the key parameter, but it is important to know if it is adequately reflected by a panting score. We were interested to note that at least one IO had measured rectal temperature in some sheep on at least one voyage. To date, such information has only been available from laboratory studies (see Caulfield et al.). The important point here is that, with knowledge of these parameters and their likelihood, it may be necessary to further restrict sheep voyages beyond the existing level, and to restrict some cattle voyages.

We believe that all of this should be overseen by an agency independent of the Department, who should make reference to an independent scientific review body.

The ultimate aim for the independent regulator should be to be able to set out with confidence when voyages should not occur because of unacceptable risk to animal welfare. This should then be expressed in relevant legislation.

### *Voyage length*

It appears from several reports of voyages to China that voyage duration is being significantly underestimated, presumably at the stage where the exporters submit a notice of intention to export. This is of concern, as the practical result is that insufficient feed is loaded. The Department should address this, and it seems the most obvious way to deal with this is to mandate the provision of sufficient supplies to allow for an underestimation of voyage length by up to six days.

## Appendix 1 – VALE submission to Moss Inquiry

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## **Submission by Vets Against Live Export to the Review of Live Animal Exports Regulatory Capability and Culture**

### **PREAMBLE**

The Channel 9 program 60 Minutes aired on Sunday 8 April 2018 showed footage taken by a ship's officer, Fazal Ullah, during several voyages of the *Awassi Express* carrying sheep from Australia to the Middle East. Included in that footage were images of sheep in extreme distress, bogged in faeces and dying. The resultant public outrage stimulated a purported review of the relevant science, and the current review into regulatory capability and culture.

The Terms of Reference (TOR) in the current review focus on the manner in which the Department of Agriculture and Water Resources ('the Department') regulates live export, and responds to evidence of breaches of the law and animal suffering.

In the following commentary, Vets Against Live Export (VALE) has documented details of its correspondence with the Department on such matters over six years. The Department's behaviour and actions provide little evidence of any commitment to fully investigate suspected regulatory breaches, ensure compliance to standards or protect animal welfare.

During the preparation of this submission, Dr Narelle Clegg, Assistant Secretary in the Department, answered questions of the Senate Rural and Regional Affairs and Transport Committee on 24 May 2018. From the transcript, VALE notes that:

- Dr Clegg stated that it was impossible to predict the risk of heat stress occurring, given that one could not be sure on which days in August in the Persian Gulf high temperatures would occur. The detailed temperature and humidity data presented in a review by the Australian Veterinary Association (AVA)<sup>1</sup>, and indeed in many industry publications, show that it is entirely predictable that such conditions will occur at any time between May and October. The AVA Submission noted that there have been 51 voyages since 2005 in which over 1.5% of the sheep died, with over 1000 sheep dying on 43 of them. The vast majority of these voyages were between May and October, with August having the highest number of these voyages.
- Dr Clegg confirmed that the numbers of animals on board could not be assessed with accuracy. It follows that official mortality rates are probably meaningless or at least questionable. Moreover, the heat stress risk assessment model used by the Department, which has as its output a variation in stocking densities, cannot be applied unless the number of animals loaded is known with a high degree of accuracy. It is well recognised

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<sup>1</sup> AVA Submission: A short review of space allocation on live export ships and body temperature regulation in sheep. May 2018.

that the current system for loading does not result in accurate sheep numbers. This inadequacy is the basis for the AVA Review recommendations that not only should sheep be individually identified but that trucks carrying sheep should be weighed at the port of embarkation. It is significant that despite the Department being well aware of the issue, it has never pushed for a similar recommendation.

This latest information represents a contemporary example of the culture we have presented in this submission. The obvious conclusion is that the Department has known about, or should have known about, these key animal welfare risk issues, but has never taken effective action to address them.

## OVERVIEW

During the past six years, VALE has closely monitored the limited information available to the public regarding live export. This information includes parliamentary reports of voyages and mortalities and reports of investigations of 'high mortality' voyages (both published on the Department's website). When discrepancies (principally regarding mortality levels) have been identified in those reports, VALE has requested onboard reports under the *Freedom of Information Act 1982*. VALE also receives information from onboard veterinarians, which provides background and context to analyses of these reports.

VALE has also made significant contributions to the science relating to heat stress in animals during live export, which has allowed us to comment critically on the Department's failure to take appropriate action to address this issue: Caulfield et al (2014) 'Heat stress: a major contributor to poor animal welfare associated with long-haul live export voyages'; *The Veterinary Journal* 199, 233 (Appendix 7).

It is clear that the Department has known, or should have known, about the high risk of serious and frequently fatal heat stress on voyages to the Middle East during the northern summer. The lack of acknowledgement of significant animal suffering in 'high mortality' investigation reports prepared by the Department since 2005 indicates that animal welfare has not been a concern. It has taken a whistleblower to expose the extent of this suffering when in fact this should have been uncovered by the Department. Observers, including onboard veterinarians, who would have undoubtedly seen similar incidents on the many voyages where animals reportedly died of heat stress, have made no comment about animal welfare in official reports. The apparent lack of concern about animal welfare in the Department has ultimately resulted in the current public outcry.

VALE's interaction with the Department has demonstrated that not only does it lack competence to deal with major animal welfare issues such as heat stress during northern summer voyages, but it also appears incapable of taking any substantive action against exporters who seem to have breached the relevant law.

A key issue which has been noted repeatedly is that onboard veterinarians and stockpersons are usually under pressure from live exporters to under-report mortalities and to avoid submitting adverse reports in general. The Department has chosen to ignore this issue. It is also clear that when veterinarians have made pertinent comments and recommendations on their reports, they have been ignored, and the Department has preferred exporter explanations. VALE and the AVA have long maintained that there should be veterinarians on every voyage who are independent of both the exporter and the Department. However, since the Keniry Inquiry in 2004, the exporters and the Department have resisted calls for independent veterinarians on ships.

VALE's conclusion, from monitoring the actions of the Department and interacting with its staff for over six years, is that it is completely inappropriate that the Department should be regulating live export. The Department appears to be preoccupied with promoting the trade, and deflecting criticism. VALE believes that it is imperative that there be a statutorily-established body, completely independent of the Department, to advise the Minister on the live export trade, and to regulate it. Such a body would have responsibility also for appointing the independent onboard observers to accompany every live export voyage, and for processing voyage information reported by those observers. This body should also have a remit to advise the Minister on relevant science, and any legislative changes arising from consideration of the science.

There is currently a review of the Australian Standards for the Export of Livestock (ASEL), due to report in 2019.<sup>2</sup> VALE believes that in light of the legal information in this submission that this should be abandoned and reconstituted with a revised timescale and terms of reference. It is imperative that this includes an urgent review of the entire legislative scheme applicable to live animal export. The present law is wholly inadequate to achieve good animal welfare in the sections of the trade which may continue, and should be reviewed and completely rewritten. In particular, the law should include a power allowing the independent regulatory body to impose on-the-spot penalties for breaches of relevant law. Currently, breach of live export licence conditions can only be penalised after a criminal prosecution. This is unwieldy, expensive and fraught with difficulties. For example, the Department's regulatory response to 'high mortality voyages' (usually from weather conditions resulting in heat stress) is to increase the space allowance for animals on subsequent voyages (usually later in the year when heat stress is much less likely). There is no scientific basis for such a response. This response does not represent a genuine attempt to improve animal welfare outcomes, but is a *de facto* penalty, by virtue of reducing the number of animals which can be carried on a live export voyage. This is clear evidence of the inadequacy of current systems and regulatory responses.

In general, it is almost impossible for an independent observer, such as VALE, to obtain adequate details of onboard problems regarding animal welfare. There have only been two persons in recent years who have been prepared to describe actual conditions during live export voyages. Everything noted in the following pages should be viewed with that caveat in mind. The only information routinely released by the Department are the reports to parliament of mortality levels, and 'investigation reports' relating to investigations carried out by the Department after it is informed of a 'notifiable event', as defined in ASEL. The former is nothing more than a list, and the latter are often couched in anodyne terms which indicate little if anything about animal welfare.

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<sup>2</sup> Minister announcement during this manuscript preparation.

## **SPECIFIC ISSUES**

### **1. Compliance with regulations – lack of responsibility of exporters for animal welfare on board live export ships**

The preamble in the TOR refers to the need to ensure that persons in the live export trade are compliant with regulations and maintain high standards of animal welfare. This section addresses TOR 1-3.

VALE believes it is essential to highlight a major problem with enforceability in relation to Standard 5 of the Australian Standards for the Export of Livestock ('ASEL') (version 2.3). This particular Standard concerns onboard issues, including the welfare of animals, and in VALE's view it does not apply to exporters. This is because this Standard contains the explicit statement in its preamble that '*once loading begins at the point of embarkation, the master of the vessel assumes overall responsibility for the management and care of the livestock during transport on the vessel. This responsibility continues until the point of disembarkation*'. (page 105). Furthermore, Standard 4.16 (dealing with vessel preparation and loading) says that '*as the livestock are loaded on board the vessel at the port of export, responsibility for the livestock transfers to the master of the vessel...*' The Department has been aware of this since at least 2005, as the first version of ASEL was identical in that regard.

The importance of this wording becomes apparent when one considers section 54 of the *Australian Meat and Live-stock Industry Act 1997*, which is one of the core statutes governing live export. It says, in essence, that it is an offence for an exporter either recklessly or intentionally to breach a condition of its export licence. Compliance with ASEL is a condition of an export licence. However, VALE considers that it would be impossible to establish in any case brought against an exporter for breaching Standard 5 of ASEL, relating to onboard management of livestock, because the exporter will be able to mount an effective defence of not being responsible for the animals once they are loaded onto a ship.

In VALE's view, the Department has failed in its responsibility to maintain animal welfare standards on live export ships by failing to amend legislative requirements which would make exporters liable for ensuring the ASEL are met on board ships.

### **2. Breaches of laws, notification to the Department, and failure to act**

VALE has a long history of communicating with the Department regarding possible breaches of the law by exporters. VALE's impression, having engaged in this exercise, is that it is fruitless. This is because, firstly, the Department has not been aware of any of the breaches which VALE has brought to its attention, so its monitoring function is inadequate, and secondly, when it is made aware of issues, it exercises its discretion – to do nothing.

Some of VALE's communication is summarised below. The references are to documents appended to this submission. The relevant TOR are 2, 3, 4, 7, 9 and 10.

## **2.1. Failure to accurately record numbers of animals to be exported**

### *Appendix 1*

The letter concerned what VALE regarded as a false assertion by an officer of the Department, in response to letters from Animals' Angels (an animal protection organisation), that a Notice of Intention ('NOI') to export only required estimated numbers of livestock to be entered. VALE stated this was, in our view, a false interpretation of the relevant Export Control (Animals) Order 2004 (specifically Order 2,45). This is not a trivial matter, as it is known that exporters routinely load more animals than are approved, either in the NOI, or the export permit, so that failure to be precise about the numbers of animals approved allows such practices to continue unpoliced. The consequences for any attempt to establish whether mandated stocking densities have been complied with are obvious. Furthermore, the letter highlighted that the number of sheep in the Permission to Leave for Loading was false and involved a false declaration by the AQIS Accredited Veterinarian (AAV). We noted that 'a simple comparison of the numbers on the various applications would have revealed the discrepancies' and that the Department granted an export permit despite these discrepancies.

VALE received no response from the Department.

## **2.2. Breaches of ASEL by exporters**

### *Appendix 2*

#### **2.2.1. High Mortality Voyage 29**

Live export is an industry that is veiled in secrecy. Details relating to animal welfare on board live export ships are not routinely published. Those responsible for monitoring and reporting (that is, the onboard veterinarians or stockpersons) are employed by the exporter (or in some cases, contracted by the exporter but employed by the importer). Those persons are susceptible to pressure from exporters not to report adverse animal welfare events on board ship and the Department has been aware of this issue. In addition to the non-specific evidence provided in the 2011 teleconference (Appendix 8), there have been specific instances of onboard veterinarians reporting such interference by the exporter to the Department, after which they have never again been employed by the industry. Those reports appear to have been ignored by the Department.

Prior to the recent footage aboard the *Awassi Express*, the only revelations regarding regulation of onboard activities came from the experiences of Dr Lloyd

Reeve-Johnson, an AAV aboard the *Hereford Express* (High Mortality Voyage 29).<sup>3</sup> This was the subject of a case in the Federal Court brought by animal protection group Animals' Angels, seeking to compel the Department to enforce the law. It failed in that regard, because the law is written to give the Department complete discretion as to whether or not it takes action (Appendix 2.1).<sup>4</sup>

In VALE's opinion, what happened during and after that voyage constitutes the best illustration of the broken regulatory culture within the Department.

The evidence of Dr Reeve-Johnson, communicated to the Department, was that:

- contrary to the requirement in ASEL, there was no stockperson on board the ship for at least the leg of the journey from Fremantle to Singapore, and possibly from Singapore to Malaysia;
- there was evidence of overloading of animals; this is believed to be a common practice whereby exporters 'compensate' for mortalities. This would imply that there is non-compliance with the mandated stocking densities;
- the exporter, in response to the AAV informing the Department of a high mortality incident, ordered the AAV to leave the ship in Singapore contrary to the stipulations of the Approved Export Program ('AEP'). This was approved by the Department in an email, contrary to the legal requirement, which required the issue of a new AEP;
- it is likely, as a consequence, there was neither an AAV nor a stockperson for the final leg of the voyage. This is a clear breach of ASEL and undermines the whole principle of monitoring animal health and welfare on board ship;
- the exporter requested the AAV report on animals discharged in Malaysia, even though the AAV was not present in Malaysia;
- the exporter demanded that the AAV under-report goat mortality in his End of Voyage report;
- two daily reports prepared by the AAV were never given to the Department by the exporter or the ship's Master;
- the Master's report under-reported goat mortalities;
- the exporter altered the AAV's report to under-report goat mortalities and sent that altered report to the Department.

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<sup>3</sup> See <http://www.vale.org.au/high-mortality-voyages.html>. Accessed 4 June 2018

<sup>4</sup> See *Animals' Angels e.V. v Secretary, Department of Agriculture* [2014] FCA 398, and appeal [2014] FCAFC 173.

The Department steadfastly refused to take any substantive action, preferring to believe the exporter's assertion that the AAV had miscounted mortalities. It is important to note that in these circumstances, the AAV is under a legal obligation to report mortalities, and faces penalties for inaccurate reporting. At no point did the Department consider it material that the exporter had altered the AAV's report without the AAV's permission. VALE note that the AAV gave sworn evidence on all these matters.

Regarding the absence of either veterinarian or stockperson for the final leg, the Department took the view that it was of no importance, as the high mortality event had been reported anyway. This seems to be a particularly perverse interpretation, as without anybody to report on that part of the voyage, the Department could not claim to know what had in fact happened.

Finally, the person who did investigate the allegations for the Department, Phillip Oldfield, conducted four interviews, but seemingly did not make any notes during or after any of those interviews. That is to say, no notes were produced in response to the discovery ordered by the Court.

VALE regards the Department's behaviour in response to the AAV's complaint to be typical. The investigation was ineffective, and the conclusion overall was that the exporter's statements were to be preferred to the AAV's evidence (as it was in the initial investigation of High Mortality Voyage Report 65, Appendix 5).<sup>5</sup> Compliance with various statutory requirements, such as the issue of a new AEP, or the need for an AAV or a stockperson to be on the ship, was evidently regarded by the Department as optional, at the discretion of the exporter.

VALE initiated significant correspondence with the Department concerning aspects of the *Hereford Express* voyage.

Stockpersons on live export ships are responsible for animal welfare. AAVs, when they are on board, are responsible for making reports to the Department on animal welfare matters. Where there is no AAV, the stockperson is responsible for the reports.

ASEL requires a stockperson to be on board every live export ship. In 2012 we corresponded with the Department (Appendix 2.2) raising the possibility that there was no stockperson on board the *Hereford Express* during its voyage from November to December 2008, for the part of the voyage from Singapore to Malaysia. The Department asserted that the exporter 'sought and received approval from the department for the AAV to leave the vessel after discharge in Singapore and be replaced by an accredited stockman. This approval was effected by an email exchange and a new AEP was not issued'. As discussed, approval in this fashion is

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<sup>5</sup> See <http://www.vale.org.au/high-mortality-voyages.html>. Accessed 4 June 2018.

in direct contravention of the requirement imposed on the Department by the *Export Control (Animals) Order 2014*, as applicable at the relevant time (Order 2.49).

VALE pointed out that the matter had been the subject of a statement by one of the directors of the exporter to ABC's Lateline television program, in which he made a statement which we thought could be interpreted as meaning there was no stockperson on the final leg of the voyage.<sup>6</sup> VALE recommends that this statement to the ABC (Appendix 2.3) is examined carefully, as in our view it contains evidence of several false statements concerning this voyage, which can be checked by reference to the evidence in *Animals' Angels e.V. v Secretary, Department of Agriculture*. VALE also noted that the onboard veterinarian, Dr Lloyd Reeve-Johnson, had informed us that there was no stockperson on board for the first leg of the voyage.

VALE was concerned that this may not have been an isolated incident. VALE requested a statement regarding occasions when exporters had been allowed to waive the requirement for a stockperson to be on board a live export ship, and the legal basis of any such waiver, and whether the Department had any process in place to independently check whether either an AAV or stockperson had indeed travelled on a live export voyage.

The Department responded (Appendix 2.4) and expressly stated it was aware there was no stockperson on board during the Fremantle to Singapore segment of the voyage. The Department did not address the question of whether a stockperson was on board for the final leg. Regardless, the Department concluded that the voyage report of the AAV 'demonstrates that together with the vessel's crew he was able to deliver the level of care that a stock person would have delivered...' From this, it appeared that the Department regarded the requirement for a stockperson to be on every live export voyage as an optional requirement, and regarded the failure of the exporter to ensure a stockperson was on board the *Hereford Express* as of no relevance.

Furthermore, it is apparent from the remainder of the response that despite the Federal laws, the Department regarded it as acceptable for an AAV to also perform the role of a stockperson.

On 5 February 2013, VALE responded (Appendix 2.5), noting the failure to respond to the previous questions, again seeking a response. VALE also noted the Department letter, once again, did not address the question of whether or not there was a stockperson on the final leg of the voyage.

The Department provided an obscure response in a letter dated 28 March 2013 (Appendix 2.6) implying that the Secretary had granted an exemption from the relevant Orders, without providing any details. Regarding the possible missing

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<sup>6</sup> See <http://www.abc.net.au/news/2012-07-25/ile-statement-for-lateline/4152136>. Accessed 4 June 2018

stockperson on the final leg of the voyage, it was claimed this question could not be addressed as it was 'the subject of current litigation'. This presumably referred to the *Animals' Angels e.V. v Secretary, Department of Agriculture* case.<sup>7</sup>

VALE responded to the Department in a letter on 30 April 2013 (Appendix 2.7). VALE noted that the question concerning the number of occasions on which the Department had waived the requirement for a stockperson to be on a live export ship had not been answered. VALE also highlighted that the Department had sought to convey a misleading impression by claiming the legal requirements had been changed to require exporters to inform the Department of the relevant stockperson's name in their NOI. VALE noted that, prior to any change in requirements, an Application for Health Certificate and Permission to Leave for Loading stated at the relevant time that the Application must be accompanied by documents giving the name of the relevant accredited stockperson. VALE also provided details of three voyages where we believed a veterinarian had been substituted for a stockperson, one of which had been a high mortality voyage and had an investigation that made no mention of the fact that there was no stockperson on that voyage. Finally, given the claim that the Secretary could grant an exemption only where 'exceptional or special commercial' circumstances occurred, VALE asked the Department if they had ever granted such an exemption in relation to live export and in what circumstances.

The Department responded in December 2013 (Appendix 2.8). It seemed from that response that the exemptions referred to would be granted under a section of the *Australian Meat and Live-stock Industry Act 1997* (AMLI Act) which allowed orders and directions to be made, although the letter did not say whether any such exemption had been made. This is confusing, because that section does not refer to exemptions. However, the letter did say that 'current policy' (i.e. not past policy) was to refuse approvals where an exporter had requested an AAV accompany the voyage in place of an accredited stockperson. It implied there had been waivers in the past, and that the Department was not aware of the number of occasions an exporter had completed a voyage without an accredited stockperson; the *Hereford Express* voyage represents at least one such voyage. The letter also asserted that an AAV can also be a stockperson. If that is the Department's view, then VALE believes it needs to be challenged as a matter of some urgency. The letter did confirm that on one of the voyages brought to their attention by VALE (Port Kembla to Madagascar, December 2007), only an AAV accompanied the voyage and there had been no 'formal exemption' by the Department regarding the requirement for a stockperson. The Department asserted the exporter 'no longer holds a licence' and accordingly regulatory action was 'no longer possible'.

VALE wrote again to the Department on 1 February 2014 (Appendix 2.9) regarding this response. VALE noted that, although sanctions could not be taken which

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<sup>7</sup> [2014] FCA 398.

involved imposition of licence conditions in such a case, under section 54(3) of the AMLI Act, it is an offence for the holder of a licence to knowingly or recklessly not comply with a licence condition. VALE highlighted that the penalty is severe, and failure to have a stockperson on the voyage was a breach of a licence condition. VALE conveyed that legal advice indicated that a prosecution for such a breach could commence at any time. VALE also noted the exporter responsible, Central Pacific Livestock, appeared to be seeking to source livestock for export (we had identified advertisements to that effect) at a time when the Department asserted it did not have an export licence.

The response of the Department (Appendix 2.10) was that it had been mistaken in its previous letter and that the exporter in fact did still have a licence. The Department also wrote that even though there was no stockperson on the ship, the AAV was 'better qualified to diagnose and treat livestock' than a stockperson (even though that is not the role of the AAV in the legislation) and that 'it is highly unlikely that the presence of a stockman would have altered the outcome of this voyage', a high mortality voyage, so the Department was taking no action. The conclusion of the Department again appeared to be that compliance with mandatory requirements in the legislation is in fact optional and can, in effect, be left to the discretion of the exporter.

VALE's concerns regarding the Department's inability to respond appropriately to significant breaches of the law are summarised in an article in *The Veterinarian* in June 2012 (Appendix 2.11).

The reason for setting out this lengthy chain of correspondence is to illustrate a number of points. First, the Department's responses rarely address the questions raised. Even when it is noted that answers to questions have not been given, the Department responds as if the questions had never been asked. Secondly, the strong impression gained from this and indeed the entire incident occurring on the *Hereford Express* was that the Department's view of law enforcement appeared to be that the laws were not intended to be obeyed as such, but were rather to be viewed as guidelines, to be adhered to or not at the discretion of the exporter. Thus, absence or presence of AAVs or stockpersons did not appear to be a matter of concern.

Finally, VALE believes it is possible that some live export ships have sailed without either AAVs or stockpersons. The correspondence indicated that the Department does not have a mechanism in place to confirm the onboard attendance of AAVs or stockpersons. Indeed, at the time of the *Hereford Express* case, the Department did not even have a list of accredited stockpersons. The *Hereford Express* incident could be interpreted as indicating that exporters may be willing to alter reports which are required by law. It is not beyond the bounds of possibility that they may write them in their entirety.

## 2.2.2. Overstocking on live export ships

### *Appendix 3*

One of the facts to emerge from the *Hereford Express* case (see Appendix 2.1) was that there appeared to be evidence, including from Dr Mike McCarthy (the industry veterinarian appointed to review the welfare aspects of the northern summer shipment of sheep) that overstocking of animals on board live export ships regularly occurred in the industry. This is highly relevant to the question of whether animals will suffer heat stress on a given voyage, as the dissipation of heat on board ship is certainly affected by how closely the animals are packed. If there is over-stocking, heat stress will occur at lower external ambient temperatures and morbidity (suffering) and mortality rates will be increased. The main cause of death in the case of the *Hereford Express* was heat stress albeit this was a voyage to South East Asia, not a Middle Eastern voyage.

VALE suggested to Kelvin Thomson MP that he ask the Minister (at the time, Barnaby Joyce) about these issues. The answers to the questions indicate the Department was aware of the allegations, which were not proven, so no action was taken. In practical terms, this implies that nothing further was done. Furthermore, the answers indicated the Department had not conducted any investigations to establish the extent of overstocking. This seemed to contradict the assertion that the allegations were not proven, but, regardless, indicated the Department's lack of interest in establishing whether overstocking was a significant factor in causing heat stress.

## 2.2.3. Loading animals outside of ASEL specifications

### *Appendix 4*

In 2013, Dr Lynn Simpson, at the time an employee of the Department, provided a submission to the Department regarding the ongoing review of ASEL. Dr Simpson's submission was subsequently posted on the Department's website without her consent. Dr Simpson's submission was the first time that the views of a very experienced onboard veterinarian were made public.

VALE noted that Dr Simpson's submission contained many observations on voyages which indicated breaches of ASEL and requested that the Department take further evidence from Dr Simpson and investigate the possible breaches.

The breaches identified included animals likely to have been loaded despite meeting the 'rejection criteria' of ASEL (including a bull with a severe scrotal hernia, animals with ringworm, lameness, pinkeye, body weight not to specification, shy feeders and animals with existing respiratory or gastrointestinal disease), late pregnant cattle, sheep and goats (giving birth at sea including lambing numbers approaching 100) and cattle with flyblown dehorning wounds. Regardless of issues surrounding exporter liability during voyages, all these examples (with the potential exception of undetected pregnancy) are, if proven, a breach of ASEL Standards which *do* apply

to the exporter, as they are relevant to sourcing, preparation and inspection of animals prior to loading the ship. Dr Simpson also identified that water 'curfews' were often imposed towards the end of voyages. This has serious negative implications for animal welfare, particularly where the animals may be exposed to heat stress, as increased drinking is an immediate and essential thermoregulatory response of an animal to increased heat load.

The Department did not respond to the letter. Nor did the Department take action to investigate the breaches. The Department's only response was to remove Dr Simpson from the Live Export Division in order to maintain good relations with industry.

#### 2.2.4. Unreliability of mortality figures

##### *Appendix 5*

Assessment of welfare issues on board live export voyages relies solely on reporting of mortality. If mortality figures cannot be assessed accurately, then the mortality-based system becomes completely misleading and worthless.

In 2017, VALE noted a mortality rate of 4.36% for a voyage published in the six monthly parliamentary reports, July to December 2016<sup>8</sup>. VALE requested and obtained relevant reports under the *Freedom of Information Act 1982*. Inspection of the reports prepared by the AAV on board the vessel indicated that there was a discrepancy of 1286 sheep. The AAV's report indicated that it was likely daily mortality numbers were understated. The official investigation report by the Department revised the mortality figure to 2.51% on the basis of the discrepant numbers and the parliamentary report for July to December 2016 was subsequently altered.

VALE wrote to the Australian Chief Veterinary Officer (ACVO) to notify him of the discrepancies and that the variance in mortality was nearly 2%. VALE considered that this degree of inaccuracy constituted a significant problem for regulation of the industry. VALE also noted that it had information that exporters and shipboard veterinarians would seek to 'massage' mortality figures to keep them below the reportable level.

VALE highlighted that the voyage clearly experienced major problems with heat stress to sheep on arrival in the Middle East, and that analysis of high mortality voyage reports indicated this was a systemic problem. VALE advised the ACVO that the only reasonable action to prevent disasters occurring as a result of heat stress was to cease sheep voyages to the Middle East during the northern summer.

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<sup>8</sup> Report to Parliament on Livestock Mortalities During Export by Sea for the period of 1 July – 31 December 2016

VALE wrote again to the ACVO on 5 February 2018 to notify him that although the Department agreed that the true mortality figure for this voyage was in excess of 4%, the figure in the parliamentary report was still (and is at the date of this manuscript) given as 2.51%. VALE believes this has the potential to mislead members of parliament and the public.

### **2.3. Breaches of the Exporter Supply Chain Assurance System ('ESCAS')**

#### **2.3.1. Cruelty to Australian cattle in Gaza, Palestine**

##### *Appendix 6*

Footage obtained by Animals Australia revealed that animals which should have been transported by Livestock Shipping Services to Israel were in fact transported to Gaza, where they were subjected to horrific cruelty. This was not in VALE's opinion compliant with the requirements of ESCAS. VALE requested that the Secretary of the Department issue a 'show cause' notice under section 23 of the AMLI Act requiring an explanation from the exporter.

On 24 December 2013 a response was received stating, in essence, that the matter was under investigation. No further correspondence was received.

#### **2.3.2. ESCAS Report 2015<sup>9</sup>**

The ESCAS Report 2015, covering the period of 10 August 2011 to 30 November 2014, failed to document the single largest instance of non-compliance. This involved a shipment of over 20,000 sheep, exported by Wellard on the *Ocean Drover*, which had delayed unloading in Bahrain on suspicion that some animals had the disease scabby mouth. The exporters did not wait for a final decision from the Bahrain authorities, but instead sought and were granted a rapid approval under ESCAS of a facility in Pakistan. The animals were then transported to Pakistan. It appears that the facility did not have quarantine approval from the Pakistani authorities. Moreover, neither the exporter nor the Department informed the Pakistani authorities that the shipment had been considered by the Bahraini authorities for rejection. The consequence was the sheep were brutally slaughtered in Pakistan. This represented a complete failure of the ESCAS system. A Wellard employee, Garry Robinson, who was centrally involved in this event, has been recently convicted of seeking to dishonestly influence a Commonwealth official as a forged document was used to expedite the diversion of the shipment to Pakistan.

VALE believes it inappropriate that this incident has not been fully reported by the Department nor even recognised as non-compliant with ESCAS. As a consequence, VALE doubts that the process of granting ESCAS approval has been scrutinised.

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<sup>9</sup> See: <http://www.agriculture.gov.au/export/controlled-goods/live-animals/livestock/information-exporters-industry/escas/escas-report>. Accessed 4 June 2018.

### **3. Failure to recognise and respond to the evident risk of heat stress on Middle East voyages**

#### *Appendix 7*

The current inquiry was triggered by release of video footage obtained on board a voyage of the *Awassi Express* to the Middle East in August 2017. The extreme suffering and deaths depicted in that footage resulted from heat stress. This raises the question as to whether the Department was aware of the inevitable risks posed to the animals by heat stress (TOR 2, 7, 9).

Heat stress in the Middle Eastern summers was identified by the Keniry Review (2004). The Review recommended that 'exports should be banned in circumstances where the available evidence indicates that the risks of adverse outcomes are predictably high' and stated that 'this would mean the closure of ports such as Portland and Adelaide during those periods of the year when the risks are greatest'. (Recommendation 6). This recommendation was not implemented.

Seven years later, the Farmer Review (2011) recommended that a review of ASEL 'should inter alia examine the policy on export of sheep from southern ports to the Middle East in winter months, with a view to: mitigate feedlot and shipboard losses in adverse weather conditions; mitigate losses from heat stress and inanition during the voyage' (Recommendation 6). This recommendation was not implemented.

VALE also analysed heat stress in detail in 2013 and found that the Department had ample evidence of the risks posed by long haul sheep voyages during the Northern summer and had failed to take appropriate action to mitigate these risks. Firstly, the Department had begun publishing investigation reports into 'high mortality' voyages in which heat stress was identified as a cause of deaths. Those reports referred to a 'heat stress threshold' for adult Merino sheep of 30.6°C wet bulb temperature (WBT). There was no reference or explanation as to how the definition was derived.<sup>10</sup> The reports also referred to a 'mortality limit', defined as 35.5°C WBT. Neither of these measures indicate how long the animals can be exposed to this level of temperature and humidity before adverse consequences occur and animal welfare is compromised. As early as July 2006, there was a report of nearly 1500 sheep dying mostly due to heat stress on a voyage to the Middle East.<sup>11</sup> That early report should have immediately raised alarm within the Department, because the WBTs reported were well below 30°C for most of the voyage, and were below that temperature when animals were still dying of heat stress in large numbers. This

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<sup>10</sup> On board WBT was reported as averaging between 16.4°C and 30.5°C during 181 live shipments from Australia to the Middle East (Norris RT, Richards RB 1989 Deaths in sheep exported by sea from Western Australia – analysis of ship Master's reports. *Aust Vet J* 66:97). It seems plausible that the HST of 30.6°C was not chosen on science or animal welfare grounds.

<sup>11</sup> High Mortality Voyage Report 7. The report is no longer available on the Department website, but is available at [www.vale.org.au/high-mortality-voyages.html](http://www.vale.org.au/high-mortality-voyages.html). Accessed 4 June 2018.

occurred despite the exporter complying with the 'Heat Stress Risk Assessment Model' referred to in ASEL. It was therefore apparent to VALE that the Heat Stress Risk Model was inadequate, and the 'thresholds' relating to heat stress and mortality were too high. In other words, the assessment of risk was flawed. Since 2009, there have been eight high mortality voyages to the Middle East, and every one has occurred in a period where extreme temperatures would be expected (that is, June to September). The Department did not take any action to address this serious issue. Moreover, it was clear from the reports that allocating more space to the animals during those high risk periods had no beneficial effect.

Secondly, a study sponsored by industry body Meat and Livestock Australia, carried out at Murdoch University School of Veterinary and Biomedical Sciences showed that elevating WBT to greater than 26°C or 27°C (depending on acclimatisation) caused an increase in the core body temperature of sheep.<sup>12</sup> This clearly indicated that a more appropriate level for 'heat stress threshold' was 26°C to 28°C WBT, not the WBT of 30.6°C used by the Department.

Based on this study, VALE recognised an urgent need for a review of the physiology of thermoregulation, and its particular relevance to live export voyages. VALE undertook this review which was subsequently published in a major international veterinary journal.<sup>13</sup> The review noted that panting was an important mechanism of evaporative heat loss in sheep, and that as humidity rose, evaporative heat loss diminishes. However, as sheep panting increases, they expend energy and generate heat, thereby making it more difficult for them to maintain body temperature. The review concluded that in live export voyages during the northern summer 'there is a well-recognised risk of heat stress' and that the risk assessment model 'does not appropriately take into account the impact of high temperatures...' and 'does not allow sufficiently for the resultant severe heat stress'.

The heat stress review illustrated that for at least 10 years and probably longer, the Department was aware, or should have been aware, of heat stress during these Middle Eastern summer voyages. It is not, however, clear whether the Department was aware of these issues, and ignored them, or whether Department staff did not have the expertise to recognise them.

The AVA recently made an independent submission to the Minister of Agriculture in response to the McCarthy Review. The AVA submission reviewed factors impacting on animal welfare in shipments of sheep to the Middle East during the northern summer. The AVA report noted that historical data (from 2005) showed that the number of voyages with more than 1.5% mortality increased dramatically during northern summer months. Unsurprisingly, this large increase in mortalities

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<sup>12</sup> Stockman, C. The physiological and behavioural responses of sheep exposed to heat load within intensive sheep industries. Doctor of Philosophy Thesis, Murdoch University, 2006.

<sup>13</sup> Caulfield et al. 2014 (Appendix 7).

corresponded with increasing temperatures and humidity levels. This was also reflected in the Department's high mortality investigation reports. The AVA submission reviewed the high mortality investigation reports and concluded that where there was an accumulation of heat load in preceding days, a sudden increase in wet bulb temperature would result in high numbers of deaths. It also noted the statement made in an MLA publication associated with development of the heat stress risk assessment model that 'there is clear indication that the animal could be in trouble *even when alone* in the ambient conditions' (emphasis added). The AVA submission also noted that extreme WBT values would lead to an increase in drinking, which in turn would lead to increased urination, as well as an increase in humidity from respirations, all of which would turn the substantial amount of faeces and urine on the floor of sheep pens into a 'faecal bog'. When this occurs, it causes severe problems with animals becoming coated with faeces, or falling and unable to right themselves, resulting in more energy expenditure and heat generation.

This detailed information has been provided to illustrate that a logical conclusion regarding unavoidable heat stress was possible from historical data available to the Department in its own reports, in combination with information from scientific studies as summarised and analysed by both VALE and the AVA. The conclusion that should have been made is, as expressed in the AVA Report, that 'irrespective of stocking density, thermoregulatory physiology indicates that sheep on live export voyages to the Middle East during May to October will remain susceptible to heat stress and die due to the expected extreme climatic conditions during this time'. If the Department had indeed been aware of this, it should have taken action.

One of the most important questions is why, in all the voyages from 2005, when there was an AAV on board, was heat stress reported without reference to the severe animal suffering that must have been observed. There is now an inquiry, and serious public concern, because a Pakistani ship's officer made observations of extreme suffering which he felt obliged to record and report. The fact that he did not report this to his employers, the exporter, or the Department, indicates that he did not trust them to do anything to improve conditions. Onboard AAVs and stockpersons presumably have observed this severe animal welfare issue frequently during heat stress events, but have either not regarded it as significant or likewise did not trust the Department. The inaction again highlights the culture of these observers, the exporters who control the whole enterprise, and the Department which purportedly regulates the industry.

#### **4. The ability of the Department to assess community expectations and its cultural capacity to respond, including the manner in which the Department engages with key stakeholders**

*Terms of Reference 9*

#### **4.1. The culture of the Department illustrated by communications with onboard veterinarians**

##### *Appendix 8*

VALE is in possession of a document which notes the substance of a teleconference between Laura Timmins of the Department and AAVs on 17 April 2011. This provides evidence of the following serious cultural problems with the Department:

- There are clear indications that adverse publicity, and probably adverse reporting, is discouraged:
  - ‘live exports is a sensitive industry; some things are better said and not written’.
- Exporters choosing from a very restricted pool of AAVs, while ignoring others. It does not seem unreasonable to suggest this is because exporters prefer AAVs who will not make adverse reports about negative animal welfare events during live export voyages. There is pressure not to write adverse reports, and anyone who does report adversely is not employed again:
  - ‘The DAFF<sup>14</sup> website lists 121 AAVs. Of these, our records show that 33 AAVs were nominated on 10 or more NOIs in 2011...’;
  - ‘the current system of exporters employing AAVs leads to conflict of interest...’
  - ‘have personal experience of writing an End of Voyage report and being told “if you send that report, you will never work in the industry again”...’
  - ‘it would be in the interests of DAFF, the AAVs and the live export industry, if the AAV system were made independent of the exporters to ensure that there can never be perception of a conflict of interest, and the AAV role is absolutely independent. Fundamental to this is that exporters should not choose the AAV for their livestock consignment – DAFF should nominate AAVs by a fair process out of the pool of qualified individuals that ensures accountability and lack of conflict of interest as would happen with any governance role...’
  - ‘Any system is fundamentally flawed if the party being inspected chooses, then pays, and then decides, based partly upon content of the report, whether to re-employ the inspector or choose an alternative...’

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<sup>14</sup> DAFF was the official acronym for the Department at that time.

- 'there is a very real conflict of interest for shipboard AAVs being employed by exporters. Numerous AAVs' employment has been terminated by exporters because of critical final reports. This is not a perceived conflict as stated in the Farmer review but a real and constant conflict. There is no simple solution. If AAVs are employed by DAFF we become the export police, and there will be virtually no cooperation from exporters / ship's management...'
- 'with current levels of scrutiny of live exports, there is more intensity on the AAV. They need independence.'
- 'there is a degree of confusion over the role of the onboard AAV: independent observer, or employee of the exporter?'
- Animals are often loaded which should not have been loaded:
  - 'some sheep have been loaded that have severe diarrhoea, and should have been rejected';
  - 'sometimes see deficiencies in terms of sheep being loaded for export that should not';
- Reports are not taken seriously or responded to:
  - 'DAFF has accepted without question some questionable disease diagnoses. When a shipboard AAV did 1450 autopsies on a voyage, DAFF did not contact him to discuss. Now that reports come directly to DAFF, DAFF should read them'.

The statements made during this teleconference indicate that the Department has been aware of many of the issues pertinent to the latest footage since 2011. It also illustrates that the culture in the Department has been counterproductive with respect to communication from AAVs. The conflicted role of the AAV does not ever appear to have been addressed by the Department and the Department appears to have consistently supported the exporters rather than their own veterinary representatives on board ships.

#### **4.2. The culture of the Department illustrated by communications with VALE**

From the documents provided it is evident that the Department culture is to dismiss or ignore legitimate concerns by a recognised animal welfare stakeholder. Responses, if they are provided at all, rarely answer the questions raised. Serious issues of compliance and animal welfare identified by VALE have been ignored. Requests for information under the *Freedom of Information Act 1982* are frequently blocked, with the decision on all occasions except one being reversed when the decision was appealed.

In the last few years, VALE has restricted its requests to the Department on the grounds that such activity is unlikely to yield appropriate action. Serious veterinary and compliance issues are now directed directly to the Australian Chief Veterinary Officer (ACVO) as VALE has more confidence that such issues will be considered seriously and appropriately investigated.

#### **4.3. The culture of the Department illustrated by the McCarthy Review**

##### *Appendix 9*

The Chief Veterinary Officer (ACVO) is the primary representative of, and advisor to, the Australian Government on all matters relating to the maintenance and improvement of Australia's animal health status and the systems that support it. The ACVO also works to address major issues of national interest, including animal welfare.<sup>15</sup> It is thus inexplicable why the ACVO was not chosen to review the welfare issues identified in the *Awassi Express* footage. The Department instead appointed a long-time exporter-employed veterinarian.

If the ACVO was not adequately qualified to conduct the review, then an independent veterinarian or team of veterinarians should have been appointed. The ACVO would be well aware that conflict of interest has to be acknowledged in any scientific publication because the issue of bias, unconscious or conscious, is universally recognised as an issue in scientific publications.

Recognition of potential bias was no doubt the basis for the misinformation provided by the Department to stakeholders regarding Dr McCarthy's suitability. Three stakeholders separately communicated with VALE asking if VALE had recommended Dr McCarthy as they had been assured by the Department that VALE had done so.

VALE wrote immediately to the ACVO (Appendix 9) and also to the Minister directly to a) clarify that VALE had not been approached by the Department for a recommendation and b) to report the apparent use of VALE's name to legitimise the Department's choice of a non-independent veterinarian for the review. The allegation was denied and VALE were referred by the Acting ACVO back to the Department.

## **CONCLUSION**

VALE believes that the Department has failed to properly regulate the live export industry. Examples of its failure include not investigating or acting on issues of non-compliance with the law or issues identified by onboard veterinarians. In addition, the Department was either aware and did nothing, or was not aware of the obvious and longstanding problems with heat stress on Middle East voyages during the northern summer. We believe that these issues arise in large part because the Department

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<sup>15</sup> See <http://www.agriculture.gov.au/animal/health/acvo>. Accessed 4 June 2018.

has an unavoidable conflict of interest, namely that it sees its primary role as supporting, not regulating, the live export industry.

It is VALE's view that the only option is to remove the responsibility for oversight of the live export industry from the Department and set up an independent, statutorily-established body to regulate the industry. The first task of such a body should be, as a matter of urgency, to completely rewrite the relevant legislation, which is inadequate. This second task should be to immediately review the recommendations of all government reviews with respect to long haul voyages to the Middle East in the northern summer and implement the recommendations of the completely independent 2018 review by the AVA, Australia's peak veterinary body. Once this has been addressed, attention can then be concentrated on the broader welfare issues in live export and the active regulation of the live export industry.

## **APPENDIX 2**

### **VALE analysis of independent observer reports**

**Current at 26 August 2019**

**Dr Sue Foster**

**Dr Malcolm Caulfield**

**Dr Heather Cambridge**

**NOTES:** Numbering of reports corresponds with the numbering at <http://www.agriculture.gov.au/export/controlled-goods/live-animals/livestock/regulatory-framework/compliance-investigations/independent-observations-livestock-export-sea#2018>. At the time of writing there have been 125 voyages with independent observers. 85 reports are described as “in progress”.

### **REPORT 1**

*MV Maysora*: Turkey, April 2018

IO SUMMARY “Sufficient feed (pellets and chaff) were provided for the voyage based on a 19 day sailing time, plus seven day contingency.” The IO reported that “there was a problem with the pellets tending to go to powder (fines), which was unpalatable particularly to the sheep. The Chief Officer responded by discarding the powdered pellets if the sheep refused to eat it, incurring losses of 7 tonnes on one occasion. The livestock export company are aware of the problem and they have followed up with the feed manufacturer. The issue was appropriately noted and managed by the Chief Officer and the corrective actions were appropriate.”

VALE COMMENT: This voyage was a 29 day voyage. It therefore appears that inadequate food was loaded. There were serious issues of food quality.

FOI DOCUMENT: The [redacted] was not provided a nutritional profile of the pellets or chaff. Altering or mixing the chaff and pellets is a significant tool for the [redacted] in managing heat stress.

IO SUMMARY: WBT values close to 28 degrees Celsius were recorded during many days of the voyage..

VALE COMMENT: Even during the northern spring, temperatures approach or exceed the HST for both sheep and cattle.

FOI DOCUMENT: there were significant problems noted with the monitoring of temperature and both dry and wet bulb temperatures.

IO SUMMARY: "Between Day 9 and Day 20, conditions were harsher as the vessel moved toward the Equator (Day 13) and to the Gulf of Aden (Day 15). The sea temperatures reached 30 degrees Celsius on Day 12... Sheep water consumption increased from 3.0 to 3.5 litres/head/day between Day 9 and Day 20 of the voyage. During this stage more than 90 per cent of sheep were observed to be slightly panting (closed mouth), and around 5 to 7 per cent were observed to be panting more rapidly with occasional mouth opening. Only one per cent exhibited sustained open mouth panting. An estimated 30 per cent of the cattle, mostly pastoral, were observed to be slightly panting (closed mouth), 65 per cent were observed to be panting more rapidly with occasional mouth opening, with the remaining 5 per cent (only British or European breeds) observed to be panting more rapidly with occasional mouth opening, but no tongue extension."

VALE COMMENT: At least 5-7% sheep seem to be in panting score 2 which corresponds to moderate heat stress (heat stress threshold 2) with some in severe heat stress (heat stress threshold 3). The AVA submission to the McCarthy Review on heat stress recommended that sheep should never be exposed to HST 3 and that sheep should not be exposed to HST 2 for more than 3 consecutive days where there is no diurnal variation in temperature. It would appear from the information available that there was continuous heat stress for 11 days affecting all sheep to some degree. The conditions were sufficiently severe that even the pastoral cattle (very heat tolerant) showed increased panting scores.

IO SUMMARY: "All of the sheep deaths were attributed to the syndrome inanition/pneumonia"

VALE COMMENT: This is interesting, as a syndrome of inanition/pneumonia has not been described for live export sheep. The most common cause of sheep deaths is variably referred to as inanition/salmonellosis or persistent inappetence-salmonellosis-inanition (PSI).

IO SUMMARY "From Day 21, sheep respiration returned to a normal resting pattern with no panting observed. The cattle generally brightened up and the mud on cattle and cattle pen floors in the lower decks started to dry."

VALE COMMENT: this improvement in animal welfare was after 11 days of heat stress .

FOI Document: In answer to the question can 50% of stock lie down at one time, the answer was "mostly".

VALE COMMENT: it appears that 50% of stock can lie down at one time in some pens. Thus the 17.5% stocking reduction appears to have been inadequate to allow at least 50% of animals to lie down at one time in all pens.

VALE COMMENT Despite having moderate to severe heat stress affecting sheep and cattle for 11 days, the photos show that there were no issues identified. The text is at odds with these photos.

VALE ADDITIONAL COMMENTS The Summary Report obtained under FOI is heavily redacted including the section on DAWR Relationship with AAV. The IO noted that there were some errors in the daily reports including cattle hospital pen count and that these were rectified on being pointed out. The IO noted that there were no written records of an animal/individual identity on entering and leaving hospital pens which is noteworthy as a) the veterinarian on High Mortality Voyage 39 was referred to the Director of Public Prosecutions for not identifying the sick cattle treated in hospital pens and b) there is no way of recording antibiotic treatment, a critical issue for withholding periods in slaughter animals at end destination.

## **REPORT 2**

MV Al Messilah: Fremantle to Kuwait, May 2018.

FOI Documents: there was only one wet / dry bulb thermometer per deck, read once daily between 10.00 and 11.00. The IO reported this would result in readings not being taken at the hottest part of the day.

IO Summary: made no mention of the observation regarding the lack of data during the hottest part of the day.

VALE COMMENT: unacceptable.

FOI Documents: cattle pens were not hosed down.

FOI Documents: there were 15-20 pregnant ewes.

IO Summary: no mention of pregnant sheep.

VALE COMMENTS: unacceptable. This indicates the mandated pregnancy testing protocol is not being followed.

FOI Documents: at least 50% of the sheep in 85% of the pens were able to sit or lie down.

VALE COMMENT: unacceptable. All sheep should be able to lie down.

## **REPORT 3**

MV *Bader III*: Adelaide and Fremantle to Eilat and Aqaba, May 2018

Voyage length 30 days (from Adelaide; sheep mortality 0.27% cattle mortality 0; cattle mortality 0.26%;62668 sheep, 5799 cattle)

IO SUMMARY: "Animals had spent an extra two weeks in feedlot preparation due to consignment delays and were fit and healthy and well adapted to pelleted feed and chaff."

FOI Documents: "This extra time in the feed lots meant the animals were in superb condition and were fully acclimatised to eating pellets/chaff [*sic*] prior to loading on the ship– final selection ...was in this instance savage with anything that even vaguely looked less than excellent rejected"

IO SUMMARY: "The mortalities were due to diseases of healthy sheep and cattle rather than inanition".

VALE COMMENT: we cannot understand how healthy animals can have diseases.

FOI Documents "Most of the sheep deaths were due to diseases of healthy animals"..."there were a few deaths due to Inanition [*sic*] but surprisingly few" "There were no post-mortems done by the [redaction] on the sheep deaths. He was happy to diagnose the causes of their deaths on clinical presentation."

VALE COMMENT: Again, healthy animals by definition are not diseased. The IO should have been questioned about the meaning of the statement. The IO in one of the daily checklist notes that the AAV is not thorough and this would seem to be borne out by this observation. It is concerning that no necropsies were performed when cause of death was not obvious. There were other discrepancies noted in the daily checklist responses by the IO and there is a comment that a [redacted] person would not normally involve themselves early in the voyage: was the redaction referring to an AAV or other ship personnel eg Master? [IO Notes 9.5.2018: "the [redaction] has been involved for the last 5-6 days much earlier than normal"].

IO SUMMARY: "All sheep had been shorn. The health and welfare of animals was maintained during loading and no animals were rejected, injured or euthanised during the loading process"

VALE COMMENT: the IO joined the voyage in Fremantle so cannot verify these facts for Adelaide loading.

IO SUMMARY: "Temperatures were consistently monitored by the crew and verified by the IO".

VALE COMMENT: this was not the case as Deck A temperatures were not always recorded as per IO Daily Checklist responses.

IO SUMMARY: "There was ample feed on the vessel to allow 12kg /cow/day and sheep 1.2 kg/sheep/day and a seven day contingency reserve. The feeding regime of the voyage used an automatic delivery system with pellets being mostly used. It

was well monitored and when hotter weather was encountered, the more cooling feed stuffs of chaff and oats were fed.”

VALE COMMENT: The FOI documents describe instances of water being unavailable to some sheep due to delivery problems on some of the days with very high WBT. This is not mentioned in the IO Summary.

IO SUMMARY: Crew and animals encountered elevated temperatures and high humidity from the third day of the voyage out of Fremantle. There were no issues with the ventilation during the voyage.

VALE COMMENT: this is incorrect as ventilation issues were noted on the daily checklist responses.

IO SUMMARY: There was a specific equatorial plan for high temperature periods involving zig-zagging the vessel to increase air flow through the decks, the installation of fans for some pens and a program of washing down cattle and pens. Deck washing (cattle only) procedures were satisfactory, and sheep pads were observed to be in good condition due to regular maintenance and clearing of manure in corridors.

VALE COMMENT: the daily checklist responses indicates that the sheep pads were not always in a good condition but that the responses to those conditions eg shovelling and sawdust provided a satisfactory resolution.

IO SUMMARY: “The monitoring of the hospital pens was thorough and the animals were well looked after. Whenever an animal was well enough to leave the hospital pen it was returned to the general population and still monitored by having a blue paint sprayed on its back. Veterinary drug use was in line with the ailments being treated and the vessel was more than sufficiently supplied with medicaments. A pen was designated a nursery pen when several lambs were born and staff managed the health and welfare of lambs and mothers well. The crew were very caring for the lambs, the Master in particular. The lambs left the vessel with their mothers in strong condition at the end of unloading to go to the feedlot with special care instructions.”

FOI Documents: “There were 6 lambs born on the voyage and 3 left the ship in very good condition....one orphan...despite lots of care and treatment...died...another ..moved out the main pen and its mother tied close to it. By the time the crewman was ready to move it the lamb disappeared into the pen and was trampled. There was another that never did well enough though its mother was with it in the nursery pen and died“.

VALE COMMENT: Lambs should not have been born on the voyage. There is a requirement under ASEL for negative pregnancy tests. The IO Summary implies that all lambs left the vessel when in fact, three of the six lambs died. There were clearly welfare problems with the lambs.

FOI Documents: "There is a design fault with the Bader cattle pens that allows sleeping cattle to slide their heads under the bottom rail of the pens..."

"Too much room for cattle allows them to sleep totally on their side which with the mentioned lower rail issue on the ship can lead to stuck head problems There were 20 or so cattle at least that got their heads caught and were freed" "there were no initially designated hospital pens".

VALE COMMENT: the IO Summary does not contain the information about pen problems that is noted in the original IO report. Why not?

IO SUMMARY: "The vessel's crew, AAV and Stock people managed the health and welfare of animals well. The voyage had low mortality rates for both sheep and cattle. The Bader III had its pens set up so the stock had room to move between 2-3 pens and there were two feed bins and two watering troughs per pen. The stocking density of the vessel allowed each animal 17.5 per cent more space than required by the ASEL. This allowed the stock sufficient room to always access food and water, to lay down when required and to have sufficient spacing even when the very hot days of 34 degrees Celsius Wet Bulb Temperature (WBT) were encountered."

VALE COMMENT: the data provided by the IO in checklists and in daily reports indicates that the sheep and cattle suffered from significant heat stress. The maximum WBTs from Day 5 to Day 18 was 30-34 degrees Celsius. Cattle died of heat stress and sheep had open mouth panting and were observed to be stressed. At one stage the AAV could not move sheep to treat for eye inflammation due to the risk of moving heat-stressed sheep. Yet there is no mention of heat stress in the IO Summary. VALE regards this as an unacceptable omission, given the critical effect of heat stress on animal welfare.

The Department has presumably censored the IO Summary to remove mentions of extremely poor animal welfare.

FOI Documents: "There was a minor increase of deaths in the sheep of upper deck 2 both port and starboard sides. There is no notable reason for this slight increase."

"There were stress indicators in the Sheep. The voyage encountered Equatorial type conditions from the third day out of Fremantle with WBT's of 31 degrees for most days with 34 on the worst day. The sheep often were panting and at times there was open mouth breathing....There were 4-5 levels of respiration seen on this voyage. 1/ temp around 26 degrees wbt normal respiration 2/ temp around 28-29 WBT there was some panting and increased respiration in a few sheep particularly the big merino rams 3/ temp 30-32 degrees wbt. There was a general increase in panting to around 25% of sheep and there were a few sheep that started to open mouth breathe by CHOICE [emphasis in original]. The open mouth breathers would always stop this when you walked past making it more voluntary than not. 4/ temp 32-34degrees WBT. Here like above there was an increase in panting and voluntary open mouth breathing. About 1% of the sheep max at 24 WBT were voluntary open

mouth breathing. They were always able to stop 5 / 35 degrees plus WBT we did not see. Also we at no time saw severe heat stress where many sheep together were open mouth breathing and where they continued to show this more severe behaviour without being able to control it..." "There were 2 spikes of cattle deaths noted ...The first of these is after the severe heat spike and the cyclonic storm just before Jeddah. Here there appear to have been 2-3 deaths where no cause other than likely heat stress can be found. One of these was a small pastoral bull..At no stage did I see definitive open mouth breathing in any of the cattle. Even at 34 WBT. The only obvious sign in the real heat in the cattle was they reduced their food intake and increased their water intake."

"There was a small spike in cattle mortality after the heat spike and at unloading. This could be related to the heat for the first jump and the second was more mismanagement".

"There were some very hot and humid conditions and the stock coped with them very well. Even when the WBT reached 34 degrees at 92% humidity there was no dramatic signs of heat stress. There was an increase in panting and open mouth breathing but not to any severe level. The sheep coped very well in the conditions.....heat seemed to play very little role in the sheep mortalities on this voyage.

"zig zagging the boat....saw a drop of 3 degrees in WBT when this was instituted."

VALE COMMENT: the IO acknowledges heat stress and its effects. It is concerning that the IO did not provide panting scores and did not appear to recognise the severity of the heat stress. It is also concerning that the IO did not recognise that being able to control open mouth breathing when he approached, that is, in a stressful situation (a sheep is a prey species and humans are a predator) certainly indicates that the sheep were not in terminal phases of heat stress but cannot be taken to indicate that they were not suffering significant heat stress.

IO SUMMARY: Discharge took quite a lot longer than expected, however the process maintained the health and welfare of animals. The IO noted that normal crew routines are interrupted during discharge which appeared to let a few minor issues arise.

FOI Documents: "The period of madan started toward the end of the journey and with a high level of the Islamic faith on the ship and especially the wharf there were issues with the unloading of the stock. On the ship they were fine but due to other factors the overall unloading took much longer than expected. 4 days more"

VALE COMMENT: the daily checklists indicate multiple problems occurring due to discharge including inability/failure to remove dead animals in a timely fashion and issues with water supply. These are major issues and the IO makes careful note of these in the daily reports.

FOI Documents: The observer determined that the relevant procedures relating to the management of livestock exported by sea were consistent with ASEL.

VALE COMMENT: having ewes lambing at sea is not consistent with ASEL

IO SUMMARY: Representative photographs of the voyage No issues identified.

VALE COMMENT: given the heat stress described, the photos do not appear to be representative. Photographs were not provided for days when WBT levels clearly exceeded HST.

#### **REPORT 4**

MV *Yangtze Fortune*: Fremantle to Oman, May 2018

VALE COMMENT: The IO Summary appears to be representative of the IO Report obtained under FOI.

The temperatures were only taken once daily at 10am. The report provides a voyage temperature range and it seems to be an average across the ship which would likely not reflect the situation accurately on all decks. Regardless - the report states the average temp was 31°C, with average humidity 78% (which is 28° WBT). The highest temp was 34°C with 80% humidity (30°C WBT).

VALE COMMENT: Sheep were deprived of water overnight for 12 hours from Day 1 contrary to OIE guidelines. Once the temperature increased on day 5, the water was then turned off in two hourly cycles.

VALE COMMENT: no mention in the IO Summary that there were issues with the ventilation and that a generator was required.

VALE COMMENT: heat stress documented from day 5 with most sheep fast panting in morning increasing to 1-2 sheep in every other pen open mouth breathing. The IO noted that as humidity increased the sheep became more affected by the heat.

IO SUMMARY The range of temperatures was 21-34°C with the average temperature of 31°C and humidities that ranged from 74-80% with an average of 80%

VALE COMMENT: 33° at 80% humidity is equivalent to a 30°WBT.

IO SUMMARY: also includes the WBT of 18-31°C with the average WBT being 28°C.

VALE COMMENT: This is a May voyage which is, according to relevant standards, appropriate for transport of sheep to the Middle East, given the low risk of heat stress. However, heat stress is evident based on WBT, sheep responses and the included photos.

The description “heat stress” is not included in the IO Summary.

In our opinion, this indicates that poor welfare can occur during the allowable voyage period.

VALE COMMENT: deaths due to shearing cut injuries were noted in the IO Report and not mentioned in the Summary. This indicates that some sheep had been loaded that were not fit to load under ASEL.

## **REPORT 5**

No FOI Report

*MV Gudali Express: Vietnam, May 2018*

This report is inadequate. The level of detail and analysis is insufficient. Given this, it is inexplicable that it should take 7 months (Report Date December 2018) to release the IO Summary.

The IO stated “Wet and dry bulb temperatures were taken daily in the morning prior to the submission of the Daily Report. The time temperatures were taken varied between a 9:30am start and 10:50am finish (local time); with the actual process taking approximately 20 minutes. A handheld thermometer was used and three readings were taken per deck with the readings averaged across each deck for reporting purposes. Humidity was calculated by using a table of coefficients between dry and wet bulb temperatures. The IO inspected this routine and reviewed its ability to measure temperature and humidity levels on board.” No conclusion is given as to how accurate this process was.

VALE notes that once-daily temperatures taken in the morning are unlikely to be representative. Given the digital equipment available and being used on other ships, it is surprising that handheld thermometers were used.

The IO stated “No deck washing occurred during the voyage.” The IO noted that it was “hard to ascertain whether or not washing would have provided an overall net benefit in the circumstances.” The IO Summary provided no further information on the issue.

This is one of the few IO Summaries that do not detail the cause of mortalities. This is unacceptable.

The representative photographs of the voyage show cattle which in our opinion were overcrowded. The photographs on Day 3 states “no issues identified”. In our view, it is clear from this photograph that animals do not have enough space so that all can lie down at the same time, and that animals cannot lie down comfortably. This is not acceptable for a voyage of this duration.

## REPORT 6

No FOI Report

*MV Awassi Express: Indonesia and Malaysia, May 2018*

The Summary was released 7 months after voyage end. This is an unacceptable delay.

IO SUMMARY: "Feeding troughs were prone to being knocked off the rails by the animals, however the issue was managed by tying the troughs down to the rails on day one. "

VALE COMMENT: this is a ship that has transported cattle for many years. There should not be trough issues.

IO SUMMARY: "Hose connections were prone to small leaks, however this did not affect water availability to the animals. The IO explained on the first night, not all the fixed automatic water troughs were turned on and, when this did occur, the first part of the water was rust coloured. Additionally, the mobile troughs were not tied down yet and some were subsequently knocked off as the cattle were still settling. Night staff would systematically rectify this, and therefore still complied with ASEL requirements. Overall water management was considered satisfactory."

VALE COMMENT: this is a ship that has transported cattle for many years. Water troughs should not be mobile for cattle. Whilst this was managed by the crew, it indicates poor ship design.

IO SUMMARY: While the amount of sawdust loaded with the vessel complied with ASEL requirements, it was not routinely used due to limited supplies.

VALE COMMENT: it is inappropriate that animals travelling on a moving vessel for 14 days should not be supplied with bedding. This comment confirms the inadequacy of ASEL provisions.

IO SUMMARY: "Small leaks in the hoses to the water troughs need to be continually addressed throughout the voyage. On two occasions, major leaks occurred overnight resulting in localised flooding. Cattle were effectively managed, with the crew moving them in to alternative pens and sawdust used to absorb residual moisture. Pad conditions varied from dry and crusty, to moist and boggy throughout the journey, however this was not seen as problematic by the IO."

VALE COMMENT: leaking hoses feature in numerous reports. Whilst the leaks are managed by the crew, there seems to be an issue with vessel design or maintenance.

IO SUMMARY: No heat stress was noted. Some cattle were observed panting, especially when lying down. This stopped when they stood up, and they did not appear distressed.

VALE COMMENT: no wet bulb temperatures were supplied. Pastoral cattle should not be panting lying down unless they are diseased, heat stressed or post-exertion..

IO SUMMARY: The IO noted that the most stressful situation observed was animals getting their heads stuck in the pen bars. While they could sometimes be freed immediately by the first crew member to observe this, on some occasions, freeing took some time and required multiple crew members.

VALE COMMENT: cattle getting their heads stuck also reported on the Bader. Again this would suggest poor vessel design.

## **REPORT 7**

MV *Al Shuwaikh*: Adelaide and Fremantle to Kuwait, Hamad and Jebel Ali; May 2018

Voyage length 30 days (from Adelaide), 24 days (from Fremantle); sheep mortality from Adelaide 0.98%; cattle mortality 0; sheep mortality from Fremantle 0.39% (46); cattle mortality 0.

The official Summary for this report was only released in 2019.

The Department has refused to release footage taken by the IO during the voyage, which it says would be capable of being manipulated without adequate explanation of the animal welfare outcomes, as set out in the publicly available documents. However, the publicly available documents present an inaccurate picture, when they are compared to the IO Report obtained under FOI legislation.

### *Evidence of overstocking*

As VALE has noted many times before, there is evidence from the published data of overloading of sheep. Thus: 57208 sheep purportedly loaded and 56920 discharged with 563 mortalities counted. We note this is 0.98% mortality, which is so close to the reportable limit it raises the question of data massaging. Seemingly 275 more sheep left the ship than should have been on the ship on arrival at the destination.

Adelaide ram lambs and rams had particularly high mortalities: 3.03% and 3.02% respectively but A Class wethers and YW (not defined) were also >1% (1.23% and 1.27% respectively).

VALE COMMENT: None of these details were available in the IO Summary. Thus, the 0.98% mortality in the Adelaide consignment would not be known to the general public without the FOI report.

FOI Documents: “Upper tier ramps had a particularly steep incline, when compared to ramps between decks. I observed that sheep were extremely reluctant to descend these ramps at discharge or when moving between decks.” This is clearly unsatisfactory.

VALE COMMENT: There was no mention of this issue in the official IO Summary under the Pen or Loading sections.

VALE COMMENTS:

There were considerable food quality issues on this voyage.

1. The IO stated that “My observations found that dusty pellet fines were consistently being presented to deck 6 and deck 1 in particular...this was due to two factors: firstly, the poor physical durability of the pellet, and secondly, the fact that the pellets had to travel an extended distance up, and then down through the system to reach decks 6 and 1....all indicated that the fodder pellet from [redacted] had very poor durability characteristics when compared to the [redacted] pellets.”

VALE notes that this has been recorded in other reports for other export vessels. We are unsure whether this is a problem with pellets loaded in Perth.

2. The IO continues: “I observed crew using a special flat headed “stirring” spade to turn over fodder not yet consumed. This effectively freshened the fodder remaining in the trough...This task was supposed to be carried out on a daily basis however toward the end of the voyage, I did observe numerous troughs, both sheep and cattle, with mouldy fodder solidified in the bottoms.....Fodder availability and accessibility for cattle was excellent ....My only concern was that I observed fresh fodder routinely being placed on top of fodder not yet consumed. This resulted in mouldy pellets being found in the bottom of some troughs.”
3. There were further issues noted with sheep: “Fodder availability and accessibility for sheep was generally very good throughout the voyage except in pens that had a higher stocking density. In these pens, I regularly observed shy feeders, and animals with ocular lesions reluctant to ‘push’ past other sheep in order to source fodder”. This fact was not included in the IO Summary. Ocular lesions are a criterion for exclusion of animals from loading.

4. In addition, further problems were evident during discharge in Kuwait when livestock were without fodder for two sequential feedings (30-32 hours) and sheep were observed to vocalise loudly for the only time in the voyage. The time period of food withholding was redacted from the documents received under FOI. It is interesting that even with the reduced stocking density, the IO has noted that sheep still have difficulty accessing troughs.

SUMMARY REPORT: "On approximately eight days of the voyage, the IO observed sheep open mouth breathing and attempting to gain position around the ventilation vents on all open and closed decks. This was more notable on hot days with higher humidity. In these instances, death by smothering was an observed outcome and six to eleven of the observed mortalities around the ventilation vents could have been attributed to smothering. This situation appeared to be more apparent in pens with higher density."

**NOTE** in daily voyage reports obtained under FOI legislation, there was no mention of open mouth breathing or smothering. This is not acceptable.

FOI Documents: the information in the IO Summary was redacted by the Department in the FOI Documents.

VALE COMMENT: This is a ridiculous position where some publicly available information (ie in the IO Summary) has been suppressed in documents released under Freedom of Information legislation. Whoever has done this is not familiar with the relevant legislation. More importantly, the observations of high levels of heat stress noted in the Summary Report have been deleted in the FOI Documents. The obvious question is "why"?

IO SUMMARY: Temperature and humidity readings were recorded every four hours during the day on each deck. Wet and dry bulb thermometers were well positioned along the aisles of each deck. The positioning gave an effective representation of the environmental conditions.

VALE COMMENT: WBT monitoring appears to have been satisfactory.

IO SUMMARY: "The IO found that the closed holds had consistently higher temperatures and humidity than the open holds. The IO surmises that this may have been partly due to the oil fuel heaters being left on during the equator crossing. These oil fuel tanks were located against the walls of the closed holds. The oil fuel is heated in order for it to flow efficiently through the engines. When this concern was raised to the AAV, CO and Master, the heaters were immediately shut down and temperatures were significantly reduced within 48 hours."

VALE COMMENT: in our view, had the IO not reported this, sheep would have been exposed to the increased heat from the oil fuel heaters.

IO SUMMARY: "Deck nine was observed to contain livestock with consistently elevated respiratory rates. This was likely related to the dark coloured steel roof surface absorbing radiated heat from above."

IO REPORT: sheep were not fed for 30-32 hours and also had fouled water troughs due to inadequate personnel.

VALE COMMENT: this is contrary to OIE recommendations.

## **REPORT 8**

*MV Maysora*: Fremantle to Turkey, May 2018

Voyage Summary - closed (6 below Main deck 7) and open (Decks 7-11) deck ship – 68,039 sheep and 3,008 cattle to Turkey - May 31 to June 21, 2018 22 days - 0.23% mortality sheep (155) - 0% cattle.

IO SUMMARY: the IO observed that with the new stocking densities there was actually a large amount of unoccupied space in most pens due to the animals' tendency to mob together. More than half of the stock in any pen were able to lie down at any one time.

VALE COMMENT: All of the animals should be able to lie down at the same time.

FOI Documents: "Panting scores for cattle did not exceed 2.5 during this voyage" and "The maximum panting score reached by sheep was 2 and by cattle was 2.5 on Day 15 and 16."

VALE COMMENT: These panting scores indicate the heat stress threshold has been exceeded for some animals for at least 2 days.

FOI Documents: "about 50% of animals within a pen displaying a panting score of 1 by Day 5." ... "From Day 5 the conditions were a bit warmer and humid as the vessel moved toward the Equator (Day 9) to the Gulf of Aden (Day 12). There was only 1 day within this time where a maximum of 33°C and humidity of 79% was reached. This was the maximum reached for the entire voyage (Day 15). "...these temperatures are almost exactly similar to the last voyage..."rain between Days 9-11 and stronger winds and gale between Days 12-13 allowing for a much cooler than normal second stage of the journey"... "As the vessel moves into the Gulf of Aden... Sheep: During this stage more than 95% of sheep displayed panting scores of 1 within a pen whilst only 5% would demonstrate scores of 2. There would be an occasional animal with mouth open breathing but even this would be in interrupted with cud chewing and back to mouth-closed nasal ventilation. ... Cattle: 90% of cattle had panting scores rise to 1 during this stage. The rest of the 10% (mainly European breeds) displayed between 1.5-2.5 Respiration rates within the European breeds elevated from 35 breaths/min to about 50 breaths/min between days 13-15.

Respiratory rates within the pastorals were generally between 40-45 breaths/min even during this period.”

VALE COMMENT: heat stress seems to have been reasonably continuous on this voyage.

IO SUMMARY: The wash down plan, which is usually performed every four days on cattle decks wasn't performed for the first time until day 8 of this voyage. This was due to the conditions being deemed acceptable at day 4 and day 6 and also an overloading of feed in fore compartments of the ship. The additional feed in the fore meant that the required trim for safe operation of the ship during washing could be attained until after day 8.

VALE COMMENT: it is contrary to *Marine Orders Part 43* for a vessel to sail with a trim that does not allow appropriate drainage from pens at washdown.

IO SUMMARY There was a large amount of powdered feed left in stores from the previous voyage. The AAV instructed that this be removed as much as possible from troughs on each feeding and used to keep pens dry so that animals had access to pelletised feed.

VALE COMMENT: How can feed be used to keep pens dry? Powdery feed was previously identified as a problem on this ship (Report 1). It is unacceptable it should occur again.

IO SUMMARY: THE IO did not note any health and welfare issues.

FOI Documents: 6 lambs were born during the voyage

VALE COMMENT: this indicates failure to comply with ASEL. The IO Summary made no mention of the lambs

IO SUMMARY: no problems with animal welfare

FOI Documents: “If they [ill animals] still show clinical issues at discharge time, but are evaluated as being able to safely and humanely walked [*sic*] out the ramp, then they are kept separate and discharged as a group of hospital animals at the end of discharge.

VALE COMMENT: This is a significant discrepancy, suggesting the Department has sanitised the IO report.

## **REPORT 9**

MV *Al Messilah*: Fremantle to Kuwait, Qatar and UAE, June 2018

Voyage Summary - closed deck ship – 57,428 sheep and 104 cattle to Kuwait, Qatar and UAE 6 June to 26 June ie 21 days (not including loading days) - 0.53% mortality sheep - 0% cattle

IO SUMMARY “The IO did not note any animal welfare concerns at loading”

FOI Documents: “I was not present during the pre-loading or loading phases of the voyage”.

VALE COMMENT: The Department has invented this statement. Why?

FOI Documents: “powdered feed was removed off the surface of the fodder troughs “

VALE COMMENT: powdered feed also noted in other IO reports eg Reports 1 and 8, Maysora and Report 7, Al Shuwaikh. This does not appear in the IO Summary.

FOI Documents: hospital pens not aligned with ventilation shafts; pens porous to lambs and small sheep; abraded knees due to the abrasive surface occurred on “free-ranging” sheep; food and water trough supply dictated by the available fence space for pens.

VALE COMMENT: no mention of this in the IO Summary. How could animals be ranging freely on a live export ship designed to keep them in pens?

IO SUMMARY: “each of the decks has just one thermometer...central and handy to access for reading but are unlikely to be representative of the worst environmental conditions on the particular deck”

FOI Documents: Each of the decks/half decks has one thermometer....The effect of these varied setups is unknown however the critical nature of temperature and humidity assessment to the management of livestock that are at risk of heat stress should mandate the capacity for increased and better quality surveillance. Toward the end of the voyage I came across several thermometers where the wet bulb temperatures was as high and in one case higher than the dry bulb reading with highlighted to me the importance of maintenance to the usefulness of these rudimentary thermometers.”

VALE COMMENT: this ship has been a livestock carrier since 1995. Despite being the subject of a heat stress high mortality investigation in 2016, this ship still uses single, poorly placed and rudimentary thermometers. The omission of this crucial commentary from the IO Summary is unacceptable. Once again, this is evidence of the Department sanitising reports.

SUMMARY REPORT: more than half of the stock in any pen were able to lie down at any one time.

VALE COMMENT: this suggests that not all stock in a pen were able to lie down at the same time, something that is necessary under OIE recommendations.

IO SUMMARY / FOI Documents: issues with livestock handling noted with the comment that there was a “general lack of experience in animal handling [including] attempts to move baulking sheep by physically handling them by the forelimbs

VALE COMMENT: unacceptable.

FOI Documents: the IO provided a detailed report of issues affecting the sheep, notably enterotoxaemia [preventable by vaccination], keratoconjunctivitis, a predominant contributor to morbidity with 20% affected in some pens and shearing cuts with survival after body cuts (photos provided) but a comment that cuts on limbs especially hocks results in secondary infection and death or euthanasia. The IO report clearly detailed (with photographs) heat stress in sheep yet there is no mention in the summary report and none of the photos show severe heat stress (ie with open mouth breathing). The IO noted that 5-6 blind sheep were unloaded. Some attempts to kill animals with captive bolts were not successful.

VALE COMMENT These are critical indications of animal welfare problems which have been deleted from the published report. This is unacceptable. The Department should be asked why these deletions were made.

VALE COMMENTS:

1. Sheep with shearing cuts should not be loaded under ASEL. Shearing cuts also contributed to mortalities on the MV *Yangtze Fortune*, Report 4. Both reports note that cuts on hocks were particularly problematic. The new version of ASEL has only provided 2 days for sheep to recover from shearing which is clearly insufficient for this recognised cause of mortality.
2. Blind sheep should have been euthanased before leaving the ship as this is a clear welfare issue: see ASEL Standard 5.7.
3. Heat stress should have been detailed in the summary report and in the representative photos. At this stage, it appears that the Department is removing all references to heat stress from the published summary reports.

## **REPORT 10**

MV *Baihjah*: Fremantle to Haifa, June 2018

22 day voyage, 9227 sheep, 3695 cattle. Reported mortalities were 0.18% for sheep and 0.03% for cattle.

FOI Documents: The causes of the mortalities were not considered to be linked to any systemic failure on behalf of the exporter.

VALE COMMENT: It is irrelevant whether causes of mortalities can be linked to failures by the exporter. The function of the IO (and the AAV for that matter) is simply

to report on animal welfare. Even though this was a 'low mortality' voyage, with a relatively small number of sheep aboard (9,227) it is apparent that all sheep suffered heat stress for many days.

FOI Documents: There was a small percentage of sheep in the consignment (less than 2%) with wool in excess of the HSRA submitted to the department for this consignment.

VALE COMMENT: There were only 9227 sheep yet it appears that not all sheep complied with ASEL regarding wool length. The actual sheep number was not specified but the IO then noted that these particular sheep (presumably more than 90 (1%) and less than 180 (2%) experienced worse heat stress. For these sheep, excessive wool length had negative welfare consequences.

FOI Documents: More than half of the stock in any pen were able to be recumbent at any one time. As the voyage progressed more sheep remained recumbent and often nearly all the sheep would be recumbent.

VALE COMMENT: sheep clearly preferred to be recumbent as the voyage progressed thus it is imperative that adequate space be provided such that all sheep can lie down at one time. Even with the mandated 17.5% space increase on this voyage, the report suggests that not all could lie down at one time

FOI Documents: There was a lack of veterinary supplies noted a couple of days into the journey and drugs were not always stored in accordance with manufacturers specifications.

VALE COMMENT: unacceptable and in breach of ASEL.

FOI Documents: Temperatures were recorded every four hours by the crew with a handheld device and averages were collated for the daily report. There were also wet/dry bulbs on each deck to observe real time temperature. The IO felt that given an average was being reported that this did not reflect the daily maximum temperature and humidity levels.

VALE COMMENT: The issue of the accuracy of temperature and humidity measurements, which are critical in the assessment of risk to animal welfare, must be addressed by imposing a requirement that there be continuous measurements by data loggers at key sites.

FOI Documents: Sawdust was laid for presentation purposes after the final wash and subjectively the cattle benefited greatly from its application.

VALE COMMENT: bedding should be available for all cattle on all voyages.

FOI Documents: There was a spike in pink eye cases early in the journey but most cases resolved by date of discharge.

VALE COMMENT: this is a painful condition and will have contributed to morbidity.

FOI Documents: A degree of heat stress existed for the sheep on board the vessel from the equator until passage of the Suez Canal. There was a low level of discomfort and elevated respiratory rate of almost all sheep during this time. There was only one afternoon where this was observed to progress to open mouth panting and higher levels of heat stress existed across the ship.

VALE COMMENT: The extent of the heat stress suffered on this voyage was in our view unacceptable, and exceeded the threshold recommended in the McCarthy Report and the AVA Submission.

FOI Documents: The IO noted that a degree of heat stress occurred on part of the journey, and was unavoidable in the conditions.

VALE COMMENT: Both VALE and the AVA have emphasised that, because of the inevitable high risk of heat stress, sheep should not be transported between 1 May and 31 October.

FOI Documents: Sheep were under more heat stress with increasing amounts of wool.

VALE COMMENT: ASEL specifies the wool length permitted for these voyages. The sheep that were in excess of the specified wool length had more severe morbidity

## **Report 11**

MV *Jawan*: Broome to Indonesia, June 2018

No FOI Documents

## **Report 12**

MV *Yangtze Fortune*: Portland to China, July 2018.

16 day voyage.

No FOI Documents

The IO Summary was released as this report was being prepared (August 2019).

There was a reportable mortality incident, with 33 cattle (1.51% of the 2,192 loaded) dying during the voyage. The report of the investigation by the Department has been published: <http://www.agriculture.gov.au/export/controlled-goods/live-animals/livestock/regulatory-framework/compliance-investigations/investigations-mortalities/cattle-china-report-74>

The investigation found that heat stress was the main cause of mortality. It also noted that wet bulb temperatures exceeded 28 degrees Celsius WBT from day 8 of the voyage until discharge. There were significant indications of heat stress (panting) from day 7 of the voyage, with the AAV noting the animals were 'struggling'. Critically, the AAV noted that the water supply was 'unreliable', such that it could not be left on continuously. It appears animals were able to knock water troughs from their fittings.

Apart from the high temperatures and humidity levels experienced, it appears that the risk to the cattle was exacerbated by their sourcing at a time of extreme low temperatures in Victoria.

The published IO Summary adds little to what is said in the investigation report.

The exporter, Phoenix, has had a previous reportable high mortality incident. The Department suspended its licence, but this was reinstated after the exporter promised to undertake certain actions.

VALE COMMENT: It is unacceptable that this exporter should still be exporting animals, given what happened on this voyage and on a previous voyage. Our concern is that there is an unacceptable animal welfare risk associated with long sea voyages to China, particularly with *Bos Taurus* cattle from southern Australian ports. The results of this voyage support our concerns.

### **Report 13**

MV *Jaiwan*: Broome to Indonesia, July 2018

9 day voyage, 0.06% cattle mortality (6164 loaded)

The Summary Report contains no indication of how and when temperatures were recorded. It also notes that only 50% of the cattle were able to lie down at one time.

VALE COMMENT: both of these failures are unacceptable.

### **Report 14**

MV *Jaiwan*: Broome to Indonesia, August 2018

7 day voyage, 0.06% mortality (6342 loaded)

Once again, the Summary Report indicates that only half of the cattle were able to lie down. This is not acceptable.

## **Report 15**

MV *Gudali Express*: Broome to Indonesia, August 2018

11 day voyage, 0.08% mortality

The Summary Report does not indicate how or when temperature and humidity was measured. It also suggests issues relating to hooves contacting flooring, probably because of the absence of bedding.

VALE COMMENT: both unacceptable.

## **Report 16**

MV *Yangtze Harmony*: Fremantle to China, August 2018

14 day voyage, 0.13% mortality (2190 cattle loaded)

No AAV.

SUMMARY REPORT: all cattle were able to lie down.

SUMMARY REPORT: temperature and humidity readings were taken at 8.30am each day.

VALE COMMENT: this is not acceptable.

SUMMARY REPORT: there was a regular problem with water troughs being dislodged by animals. Discharging water caused wetting of faecal pads. Some pens were difficult to dry out. There were some instances of flooding.

VALE COMMENT: unacceptable.

SUMMARY REPORT: There was some evidence of heat stress, with some recumbent cattle.

VALE notes that AMSA found that ventilation systems were not working prior to sailing: <https://thewest.com.au/news/wa/live-sheep-export-row-hits-cattle-ship-that-fails-inspection-leaving-fremantle-ng-b88929262z>

## **REPORT 17**

MV *Gloucester Express*: Geelong to China, August 2018

20 day voyage, no AAV

VALE COMMENT: the Department formerly imposed a requirement for an AAV to be on all voyages greater than 10 days in length. These longer voyages to China now

seemingly do not have a veterinarian on board, despite some of them being as long as voyages to the Middle East. There have been significant incidents of high mortality on some voyages to China in 2018. This clearly indicates some of these voyages are high risk, and that the policy of not requiring onboard AAVs should be reviewed, if not the advisability of allowing these voyages.

IO SUMMARY: food and chaff was sufficient for a 15 day journey, with a 3 day contingency.

VALE COMMENT: This was demonstrably inadequate for a 20 day journey. The obvious conclusion is a 3 day contingency is not sufficient for these voyages. There should be a 5 day contingency allowance for extra food, at least.

IO SUMMARY: there was one pregnant heifer which had to be killed while giving birth.

VALE COMMENT: this is a recurring theme. In VALE's view, exporters should be penalised for this type of breach of ASEL. We think the risk of loading pregnant cattle is increased by the authorisation of lay pregnancy testers. As a generality, we strongly believe that a system should be in place to allow a (independent) regulator to impose 'on the spot' fines for this sort of breach. These fines should be sufficient to deter exporters from doing this sort of thing.

IO SUMMARY: cattle were not offered food within 12 hours after loading, as required by ASEL (Standard 5.4).

VALE COMMENTARY: this is, in our view, a significant breach of the law, which should be punished by 'on-the-sport' fines (see above).

### *High mortality voyage 75*

August 2018, Frontier International Northern

1,653 cattle and 487 buffalo to Vietnam, on a 12 day voyage. Mortality rate was 1.23% for the buffalo. The main cause of death was pneumonia. There was no AAV on board. There was no IO on board. The investigation report noted a statement by the stockman there was insufficient space under ASEL for buffaloes.

See

[http://www.vale.org.au/uploads/1/0/4/3/10438895/mortality\\_investigation\\_report\\_75\\_buffalo\\_exported\\_by\\_sea\\_to\\_vietnam\\_in\\_august\\_2018.docx](http://www.vale.org.au/uploads/1/0/4/3/10438895/mortality_investigation_report_75_buffalo_exported_by_sea_to_vietnam_in_august_2018.docx)

VALE COMMENT: There should have been an IO on this voyage, as for all voyages.

## **REPORT 18**

MV *Jawan*: cattle to China, August 2018

At the time of writing, the Department website indicates the summary IO report is 'in progress'.

VALE COMMENT: unacceptable

## **REPORT 19**

MV *Ocean Swagman*: Portland to China, September 2018

6,841 breeder cattle, 20 day voyage

IO SUMMARY: most, if not all, animals could lie down at once

VALE COMMENT: all animals should be able to lie down at once. The lack of detail here is not acceptable.

IO SUMMARY: temperature and humidity readings were recorded at 8.30 hrs each day.

VALE COMMENT: unacceptable. These welfare-critical data should be measured at the time of maximum temperature and humidity, and ideally should be made by continuous automatic data logging.

IO SUMMARY: deck 5 had consistently lower temperature and humidity readings because the thermometer was directly opposite a ventilation shaft.

VALE COMMENT: unacceptable. Placement of data readers must be in the places most relevant to animal welfare, that is, as close as possible to the animals concerned. There should be monitoring in multiple positions on large decks.

IO SUMMARY: some decks became 'wet or sloppy' for a variety of reasons, including leaking water, bilge pump issues and wave action.

VALE COMMENT: unacceptable. The only way to incentivise exporters to do something about these sorts of issues is to impose set fines, based on the severity of these sorts of incidents.

## **REPORT 20**

MV *Bahijah*: Fremantle to Israel, September 2018

5,907 cattle, 20 day voyage. 0.07% mortality. AAV present.

IO SUMMARY: one of the mortalities was attributed to an animal being loaded that should have been rejected. No more details were provided, although there is a comment about a bull being found not to meet importing country requirements, requiring it to be killed on board. It seems the exporter has promised the Department this will not happen again.

VALE COMMENT: unacceptable. The exporter should be penalised for this failure. The report should have included detail of the reason the animal did not comply with importing country requirements.

IO SUMMARY: temperature recordings were made every four hours, and an average recorded for each deck.

VALE COMMENT: the individual recordings, plus the times taken, should have been reported.

IO SUMMARY: cattle pulled off water hoses.

VALE COMMENT: this should not be possible. The design of the watering system should be changed to prevent this.

IO SUMMARY: a ventilation intake tower located close to open engine room doors increased temperatures in pens behind the engine room and several pens.

VALE COMMENT: unacceptable. Ventilation design must be changed. The summary indicates the Department will 'monitor' system performance 'in warmer periods'. Why will 'monitoring' improve things? The ventilation system should be changed to prevent this happening.

IO SUMMARY: there was difficulty keeping pens clear of faeces.

VALE COMMENT: unacceptable. Another example of where a penalty should be applied to provide an incentive to the exporter to improve things.

## **REPORT 21**

MV *Maysora*: Israel and Jordan, September 2018

At the time of writing, the Department website indicates the summary IO report is 'in progress'.

VALE COMMENT: unacceptable

## **REPORT 22**

MV *Gloucester Express*: Fremantle to China, September 2018

14 day voyage, low mortality of cattle (1/1,952)

Seemingly no AAV

IO SUMMARY: Once daily from 11:00am, a crew member moved through each deck with a whirling hygrometer to obtain an average daily wet and dry bulb temperature reading for each hold and to determine the relative humidity for each.

VALE COMMENT: once daily readings are not necessarily representative. Actual details are not provided but given the deteriorating condition of the pad with increasing humidity, it is highly likely that some heat stress was present. Temperature readings should be published.

IO SUMMARY: "The operation of the ventilation system led to exhaust fumes from the vessel engine being drawn into Hold 3. Temporary measures were taken by the crew to minimise the intake of exhaust fumes and the CO advised the observer that permanent modifications would be undertaken to raise the exhaust funnel using a large diameter length of piping stowed on the upper deck. Modification works to rectify the problem were subsequently undertaken in January 2019. "

VALE COMMENT: this ship has been used for exporting cattle for many years usually on voyages with no veterinarian present. It would appear that this problem has only become evident once an independent veterinarian was present to identify the problem. In our view, this once again illustrates the need to apply a penalty to the exporter for allowing these conditions to happen.

IO SUMMARY: The pad .... The texture was initially crumbly but progressed to variably tacky to sloppy mud by Day 7. The stockperson provided instructions on day 9, 10, 11 and 12 for crew to spread sawdust on wet pens. The observer recorded that there were a number of pens where this instruction could apply however the availability of sawdust and capacity of crew to competently evaluate the pens eroded the effectiveness of this direction.

VALE SUMMARY: heat stress possible. Inability to deal with conditions concerning

IO SUMMARY: Deck washing was considered however the stockperson was concerned over the mess from washing, physical effort required by the crew, associated cattle stress and the replacement of a cushioning, if variable pad with a denuded wet floor. The pad dried out when the humidity dropped toward the end of the voyage.

VALE SUMMARY: it is not usual to have a 14 day voyage with no deck washing. If not enough bedding is provided to give a cushioning pad, then ASEL is clearly deficient (as noted in many submissions to the ASEL review).

IO SUMMARY: A large number of on-shore personnel with sticks were stationed along the discharge ramp which hampered the movement of the cattle. The observer

noted that the frequent interjection from the stockperson prevented the situation from developing into a possible welfare incident.

VALE COMMENT: this highlights the difficulty in ensuring good animal welfare at end destination.

VALE COMMENT: the photos in the summary report indicate inadequate space for all cattle to lie at one time.

### **REPORT 23**

MV *Ganado Express*: Portland to China, October 2018

18 day voyage, 0.03% cattle mortality

IO SUMMARY: temperatures recorded mid-morning

VALE COMMENT: temperatures must be published. Once daily readings will not represent peak temperature and humidity

IO SUMMARY: cattle were not able to lie down at the same time

VALE COMMENT: unacceptable

IO SUMMARY: pad conditions were 'very challenging' due to hot conditions

VALE COMMENT: no mention of heat stress. Did this occur? Critical to provide temperature and humidity readings, particularly given the comments on the faecal pad. The photos provided do not reflect these comments.

### **REPORT 24**

MV *Gudali Express*: Broome to Indonesia, October 2018

3,817 cattle, 0 mortalities, 6 day voyage. No AAV. No deck wash.

IO SUMMARY: not all of the cattle could lie down at one time

VALE COMMENT: unacceptable

IO SUMMARY: temperature readings ranged from 28 to 34 degrees Celsius and humidity ranged from 68% to 75%. There was no heat stress.

VALE COMMENT: The details of these readings should be published. The extremes of temperature and humidity correspond to a WBT of about 30 degrees Celsius (see AVA Submission), which is probably several degrees above the heat stress

threshold for cattle (see Caulfield et al.). In our view, it is likely at least some cattle suffered heat stress. For this reason, the original IO report should be published.

We reiterate our view that short voyages of this sort may be possible while maintaining acceptable levels of animal welfare. However, the details of the original report should be released to enable proper assessment of animal welfare during the voyage.

### **Reports 25-29 (voyages in October and November 2019) are 'still in progress'**

#### **REPORT 30**

*MV Galloway Express*: Townsville to Indonesia, November 2018

10 day voyage, 3,610 cattle, 0 mortalities. No AAV.

IO SUMMARY: IO not present during loading. Cattle not loaded in accordance with load plan.

VALE COMMENT: unacceptable. Penalties should be applied to the exporter.

IO SUMMARY: one temperature reading per day, at 10.00hrs. Data not given. Pens near the fuel tanks and engine rooms were 'noticeably warmer'.

VALE COMMENT: unacceptable. All data should be published. The comment about some pens being warmer is a concern.

### **Reports 31 and 32 (voyages in November 2018) are 'still in progress'**

#### **REPORT 33**

*MV Greyman Express*: Townsville to Vietnam

12 day voyage, 0.16% cattle mortality (2,437 loaded).

IO SUMMARY: once daily temperature reording

As a generality, the issues we regard as of concern need to be checked against the original report, as we have clear evidence of the Department sanitising reports.

VALE COMMENTS: unacceptable

IO SUMMARY: After loading, some of the larger framed cattle were noted with minor trucking injuries and abrasions.

VALE COMMENT: under ASEL only healthy cattle should be loaded and animals with trucking injuries and abrasions should have been rejected at Port. The loading of these cattle indicates noncompliance to ASEL contrary to IO assertion.

IO SUMMARY: Some larger framed cattle were having some issues with access to feed troughs because of their size. Troughs were placed on the floor in the front of the pens to improve the fodder access.

VALE COMMENT: trough design noted infrequently to be poor for cattle in the IO reports. Throughout the voyage and discharge, the livestock were never without access to good quality uncontaminated fodder.

SUMMARY: "Temperatures were recorded on each deck immediately before noon on each day using a whirling thermo-hygrometer. The temperature ranges were 30°C - 32°C and humidity ranged from 73% to 80%. The observer noted that deck four flooring was warmer due to the location of the engine under deck four

VALE COMMENT: only once daily temperature monitoring.

SUMMARY: "The older, larger framed line of cattle had a temperament that did not settle during the voyage and initially had a higher incidence of trucking abrasions and minor injuries. Troughs were placed on the floor to improve water and fodder access for the larger framed cattle."

VALE COMMENT: see comments above

## **Report 34 voyage to Vietnam 'in progress'**

### **REPORT 35**

MV *Rahmeh*: Darwin to Indonesia, November 2018

10 day voyage, 0.05% buffalo mortality (438 loaded), 0.45% cattle mortality (5,935 loaded). No AAV.

IO SUMMARY: once daily temperature readings between 11.00hrs and 12.00 hrs. The area on deck 4 nearer the engine 'appeared warmer'. The exporter loaded cattle in this area 'more likely to cope with heat' at a 'lower stocking density that was less than ASEL'.

VALE COMMENT: once daily temperature readings are inadequate. We are concerned about the commentary relating to hotter areas. What was the temperature and humidity in those areas.

IO SUMMARY: no conclusive information was available as to the cause of illness or death of the animals found dead or euthanased.

VALE COMMENT: unacceptable

### **REPORT 36**

MV *Al Shuwaikh*: Fremantle to Kuwait, Qatar and UAE, November 2018

25 day voyage. 0.26% overall sheep mortality (58,885 loaded); also 312 cattle.

17.5% extra space above ASEL for sheep. AAV aboard.

IO SUMMARY: 'sheep were allocated an additional 17.5% space'

VALE COMMENT: without independent assessment of the number of sheep loaded, for example by weighing trucks, there is no way the IO could know this.

IO SUMMARY: there were some 'soft' sheep pads

VALE COMMENT: without access to the original report, it is impossible to know whether this caused problems.

IO SUMMARY: no temperature or humidity records.

VALE SUMMARY: unacceptable.

### **REPORT 37**

MV *Shorthorn Express*: Broome to Indonesia, November 2018

8 day voyage, 0.03% mortality of 2,875 cattle loaded. No AAV.

IO SUMMARY: indicates that not all cattle were able to lie down at the same time.

VALE COMMENT: unacceptable

IO SUMMARY: temperatures 28 degrees Celsius WBT and 79% humidity. No detail of how and when measurements made.

VALE COMMENT: unacceptable. Details of these critical parameters must be published.

IO SUMMARY: no deck washing

VALE COMMENT: unacceptable for a voyage of this length.

**Reports 38 and 39 cattle to Vietnam and Indonesia, November 2018 'in progress'**

## REPORT 40

MV *Ocean Ute*: Portland to China, November 2018

22 day voyage (6 days longer than expected), mortality 0.84% (of 5,606 breeder cattle loaded). No AAV

VALE COMMENT: A voyage of this length, with concomitant animal welfare risk, should have been accompanied by an AAV.

IO SUMMARY: No mention of routine for taking WBT, one of the few reports that does not provide detail on this issue.

VALE COMMENT: unacceptable

IO SUMMARY: "Sufficient pellets and chaff were loaded in accordance with .. ASEL.. to cover feeding of the loaded cattle on the exporter's projected 16 day voyage, along with the required three day contingency. However the voyage went longer than expected at 22 days..... A longer than expected voyage and competition for fodder resulted in reduced intake for cattle that were shy feeders or lame."

VALE COMMENT: This voyage highlights the extreme risk of these live export voyages to China. There was inadequate food for ill animals. This would be contrary to OIE recommendations. Clearly the food contingency allowance is inadequate.

IO SUMMARY: "Early in the voyage, the pad condition appeared to be comfortable but particularly the lower decks became wet and very sloppy from day eight as the temperature and humidity increased. The first deck wash had to be pushed out to day 10 due to proximity to land. The decks appeared to be in an acceptable condition the rest of the voyage. All decks were washed twice during the voyage. The deck washing improved the pad condition and the cattle appeared to be more comfortable."

VALE COMMENT: it is clear that conditions were not comfortable for these breeder cattle on this long voyage. Vessel washing could not be conducted when necessary because of maritime rules – a repeated risk issue on live export voyages

IO SUMMARY: "Over the course of the voyage, the cattle were subject to a wide variation of weather and sea conditions. The weather during loading at Portland was wet and cold (temperature below 10 degrees Celsius). The temperature and humidity increased as the vessel travelled north. Humidity reached a maximum of 86 per cent (in conjunction with 32 degrees Celsius) on Day 6. The initial pen wash occurred on day 10 and improved the conditions for the cattle. The temperatures and humidity remained similar (without any relief at night) until day 15 of the voyage. After day 15 of the voyage, the temperature decreased on a daily basis. By day 17, the temperature on the deck was around zero. The heat/humidity and subsequent

cold temperatures appeared to adversely affect the health of some of the cattle, particularly those in poorer condition. The sea conditions were rough for the first two days and nights improving as the vessel travelled north. The conditions were calm through the tropics but were rough between days 12 and 17.”

VALE COMMENT: unacceptable that breeder cattle from winter Victoria should be expected to cope with such extreme temperature variations. The animals were feedlotted at less than 10 degrees Celsius, then experienced temperatures in excess of WBT 30 degrees Celsius for 5 continuous days with no respite. The temperature fell to about 0 degrees Celsius between days 16 and 17. It is remarkable there is no mention of heat stress, and therefore this cannot be disregarded without checking the original IO report.

IO SUMMARY: a significant number (not specified) of cattle became lame during the voyage. They were treated with varying success. Some lame cattle were unable to rise, or seemed to develop bovine respiratory disease. These were the main causes of mortalities.

VALE COMMENT: Clearly the treatment of lameness was inadequate.

IO SUMMARY: some pens were not available for holding cattle because they were used for voyage. Cattle were moved during the voyage to ‘improve animal welfare’.

VALE COMMENT: this suggests that not all animals were provided with the mandated space allowance. Was animal welfare impaired? Again, without seeing the original IO report, it is impossible to know whether or not the Department has glossed over these issues.

IO SUMMARY: The cattle were subject to adverse environmental conditions that included cold and wet conditions at loading, rough seas for approximately seven days in total, increased temperature and humidity in the tropics and conversely very cold conditions on arrival in China. The adverse vessel management factors include the availability of fodder, sloppy pen conditions whilst subject to humid tropical environmental conditions and reduction of availability of some pens because of fodder storage. Overall the environmental and vessel factors appeared to result in some lameness and subsequent mortalities, poor condition of the pad before the first wash and some loss of condition of shy feeders and lame cattle.

VALE SUMMARY: animal welfare was clearly poor on this difficult, prolonged voyage. No reasons were provided to explain the extra 6 days required above expected. Animals suffered due to length of voyage in addition to extreme conditions on this voyage. Again, mortality is an inadequate indicator of animal welfare with this IO clearly detailing significant animal welfare issues. It is crucial the original report be made public. VALE will be applying for the IO Report under FOI.

## **REPORT 41**

MV *Ganado Express*: Townsville to Vietnam, November 2018

12 day voyage, 0.12% cattle mortality (of 2,507 loaded).

VALE COMMENT: Temperature recordings were only taken once daily.

IO SUMMARY: Two of the cattle were spooked by the feeding process and fractured their leg when it was caught on the pen rails. The cattle were euthanased by the stockperson. These two cattle were in the 500 to 700 kilograms bodyweight range and were euthanised using a captive bolt that did not appear to be powerful enough for the size and breed of the cattle. The stockperson showed experience in technique and placement of the captive bolt, however both cattle required six applications of the captive bolt. ....The Master and stockperson were unable to recall what class of activators were available or used on this particular voyage.

VALE COMMENT: It took 6 applications of the captive bolt to kill each beast and the stockperson doesn't remember what class of activators used. Unacceptable death and unacceptable response to an apparently unusually protracted killing procedure.

Representative Photos: Note the very crowded conditions in the photos from Day 6 and Day 8

## **REPORT 42**

MV *Anna Marra* (formerly the *Awassi Express*): Townsville to Indonesia, November 2018

16 days, 0.08% cattle mortality (of 17,450 cattle loaded). Unusually an AAV was present.

IO SUMMARY: "Temperature readings were taken on each deck at least twice daily. The maximum recorded temperature and relative humidity was included in the daily reports. Wet bulb temperatures were generally in the range of 29 – 31 degrees Celsius with relative humidity of 86 – 90%. Increased temperature was recorded when stationary and humidity increased during wash down.

VALE COMMENT: What were the increased temperatures in the stationary periods, and during washdown? When were the temperatures recorded, and how many observations per deck were made?

IO SUMMARY: "The observer noted a less ventilated area on Deck D. The recorded pen temperatures on this deck were not excessive.

IO SUMMARY: The tropical cattle appeared unaffected by the hot and humid conditions.

VALE COMMENT: given its past history VALE believes that this vessel should be restricted to carrying only tropical cattle if it is allowed to continue exporting livestock.

IO SUMMARY: The *Bos indicus* cattle appeared unaffected by the hot and humid conditions. The majority of the cattle gained weight on the voyage but a relatively small number of poorer cattle were evident. The cause of some of the cattle performing less favourably was not clear.”

VALE COMMENT: Numbers of ‘poorer cattle’ should be given. What symptoms did these animals exhibit? This should be a subject of investigation.

IO SUMMARY: “ at the end of the voyage, one animal showing signs of ill thrift that had not been previously detected was euthanased because it was injured during the discharge process.

VALE COMMENT: this again highlights why individual animals are not protected by the processes. Neither AAV, stockperson, IO or crew noted this animal during the voyage

#### **REPORT 43**

*MV Ocean Swagman*: Fremantle to Vietnam, November 2018

11 days, 0.12% mortality of 4,251 cattle loaded.

IO SUMMARY: temperature and humidity records were taken daily at 4 hour intervals from 4.00hrs.

VALE COMMENT: the regular collection of data is good, but details are needed of values and locations.

IO SUMMARY: on average cattle maintained their loading weight

VALE COMMENT: presumably this means that significant numbers of cattle lost weight. This needs to be quantified.

#### **REPORT 44**

*MV Rahmeh*: Portland to China, December 2018

24 day voyage, 0.09% mortality of 6,376 cattle.

IO SUMMARY: After adjustments, at least 50% of cattle could lie down in each pen. In some pens, all cattle could lay down at once.

VALE COMMENT: contrary to OIE recommendations, all animals cannot lie down at one time on Australian cattle export ships.

IO SUMMARY: Radiated heat from the engine room on middle decks was noticeable but not excessive.

VALE COMMENT: this could be an issue on hotter voyages or with Bos taurus cattle

IO SUMMARY: Other causes of death included unresponsive recumbency or injury.

VALE COMMENT: unresponsive recumbency is not a cause but an effect. No reason is provided as to why only 3 of the 6 dead cattle were necropsied.

## **REPORT 45**

MV *Yangtze Fortune*: Geraldton to Indonesia and Malaysia, December 2018

13 day voyage, 0.2% mortality of 5,175 cattle loaded

IO SUMMARY: "The observer noted that more than 50% of animals were able to lay down."

VALE COMMENT: contrary to OIE recommendations, not all animals are able to lie down at one time

IO SUMMARY: A generator failure during discharge at Belawan resulted in loss of ventilation for 35 minutes. The temperature rose from 29°C to 31°C dry bulb but there were no significant impacts on animal welfare as the ventilation was restored quickly.

VALE COMMENT: this incident highlights the potential seriousness of mechanical issues with a 2 degree DBT rise in 35 minutes.

IO SUMMARY: The temperatures were generally taken at around 10:00am. There was no significant variation between the morning and afternoon temperatures.

VALE COMMENT: As temperatures were only taken once daily, one wonders how the IO knew there was no difference. Once daily temperature readings are not acceptable. The data should have been given in the report.

Representative photos VALE COMMENT: the usual overcrowding and inadequate space allowances evident in photos. ASEL space allowances are contrary to OIE recommendations.

## **Reports 46-52 'in progress'**

## REPORT 53

MV *Ocean Swagman*: Fremantle to Vietnam, December 2018

16 day voyage, mortality 0.05% (of 4,335 cattle loaded).

The Summary Report indicates this was an uneventful voyage.

## REPORT 54

MV *Anna Marra*: Darwin to Indonesia, December 2018

13 day voyage, 0.05% mortality (of 15,314 cattle loaded).

AAV present.

IO SUMMARY: 20% extra space; 50% of the cattle were able to lie down at any one time.

VALE COMMENT: all of the animals should be able to lie down at the same time.

IO SUMMARY: no details given of when temperatures were measured. No evidence of heat stress (note that highest temperatures were about 31 degrees Celsius WBT).

VALE COMMENT: we presume these were *Bos indicus* cattle, given the port of loading. This strain has a higher heat tolerance, so it is possible they did not indicate symptoms of heat stress. However, details of timing of temperature measurements should be given.

IO SUMMARY: no wash down of pens

VALE COMMENT: unacceptable for a 13 day voyage.

IO SUMMARY: some heavy bulls were observed not to be able to access feed and water troughs 'because of their size'. Temporary measures were instituted in an attempt to remedy this.

VALE COMMENT: unacceptable. This vessel should be configured to supply feed and water at all times to all animals. If there is an issue with over-large animals, this should be reported in detail and modifications made to standards to ensure that over-large animals are not loaded. Under ASEL as it stands, cattle weighing more than 600kg must have an extra space allocation. It may be they also require purpose-designed feeding and watering facilities.

IO SUMMARY: one calf was born

VALE COMMENT: unacceptable. This should not happen on a voyage carrying slaughter cattle, as ASEL requires animals to be certified as non-pregnant. This is

one of those examples where an independent regulator should be able to apply an 'on the spot' fine.

## **Report 55 'in progress'**

### **REPORT 56**

*MV Yangtze Harmony*: Portland to China, December 2018

IO SUMMARY "The observer noted that ad lib supply of water to the upper decks was not continuous on days 5, 7, 10, 11, 12, 13, 15, 17 and 18 as evidenced by the presence of empty water troughs. Remedial action by the crew was undertaken on each occasion to resolve the issue and supply water. After longer outages, the cattle were queuing to drink. In addition, some water troughs were identified as contaminated with faeces early in the voyage.

VALE COMMENT: cattle queuing to drink indicates that the cattle were thirsty and must have had significant water deprivation. This is inconsistent with OIE recommendations.

VALE COMMENT: Temperature monitoring was only performed once daily which is nonrepresentative and inconsistent with normal practice on other ships. The IO noted heat and humidity through the Equator but apparently none of the cattle displayed heat stress. What is concerning however is that these same cattle were then subjected to very cold temperatures in China (with wet, muddy and sloppy pens).

IO SUMMARY: "The water supply system struggled to meet the demands of the cattle on the upper decks. Ad lib water supply was not supplied on various upper decks on nine individual days of the voyage. The lack of drainage in walkways, water leaks and overflow from the bilge contributed to numerous incidents of wet pens with repairs and clean-ups required. Overall, the water issues and pen issues did not appear to adversely impact on the health and welfare of the livestock.

VALE COMMENT: if lack of water supply was of sufficient duration that cattle queued to drink it, then it was a significant welfare issue in addition to being "non-compliant" with OIE. One would also have to question the statement that poor draining did not impact on livestock welfare. Animals do not choose to stand in wet conditions routinely but were forced to do so on this voyage. It is unacceptable that such poor drainage should exist on a regular cattle carrier.

VALE COMMENT: Note the unacceptable lack of space for cattle to lie down in Photo 15. It is unlikely that all cattle would have been able to lie down at one time. There was no reference to space allowances in the IO summary.

## **Reports 57-65 'in progress'**

### **REPORT 66**

MV *Greyman Express*: Darwin to Indonesia, January 2019

7 day voyage, 0.03% mortality (of 3,558 cattle loaded).

No AAV.

IO SUMMARY: temperature readings once per day at 10.00hrs. No details of where readings were taken.

VALE COMMENT: unacceptable. Temperatures should be taken frequently, and certainly at the time of peak temperature. Locations of readings should be recorded.

## **Reports 67-122 'in progress'**

### **REPORT 123**

MV *Al Messilah*: Fremantle to Kuwait and UAW, May 2019

21 day voyage, 0.16% mortality for sheep (of 58,568 loaded) and 0% for cattle (474 loaded).

AAV aboard.

IO SUMMARY Temperatures were recorded daily by the crew and logged at the bridge. ...Thermometers were located on each deck. The AAV monitored the wet and dry bulb temperatures daily. The observer noted 50–100% of sheep were able to lie down during the voyage. Cattle were also observed to have had sufficient space, where greater than 50% could lie down at any one time.

VALE COMMENT: The time of recording temperatures must be stated, as it is important that records are available at several times during the day, and particularly at the times of peak temperature. Temperatures should be recorded with automatic continuous data logging.

Even with increased space allowance, it appears that 100% of sheep cannot always lie down at one. This is unacceptable.

IO SUMMARY: "Temperatures for the voyage below decks reached a maximum of 34°C dry bulb, and wet bulb of 31.7°C. The average heat stress score was 2, with open mouth breathing observed in several sheep per deck during the hottest part of the voyage (heat stress score 3). No animals were observed with a heat stress score

of 4 (open mouth, tongue out). Lambs travelled well in the higher wet bulb temperatures with the least mortality rate encountered.

VALE COMMENT: mortality may have been low but there is no doubt that sheep will have suffered with WBT of 31.7, consistent with being in Heat stress 2 for some unspecified period of time and with some sheep showing Heat stress score 3. Actual "heat score" used is not provided but if using a McCarthy type score, Heat stress 3 is severe heat stress.

Representative Photos Open mouth panting evident in Day 7 and Day 10 consistent with the high WBT recorded.

VALE CONCLUDING COMMENTS: this clearly indicates that welfare is poor, with significant heat stress evident, even during a May voyage (ie at the beginning of the northern hemisphere summer). This is unacceptable.

