

## Barristers Animal Welfare Panel

Level 2, 525 Lonsdale Street, Melbourne 3000 • [www.bawp.org.au](http://www.bawp.org.au)



14 December 2012

Dear Senator

### Live animal exports

We refer to the '7.30' program screened on 12 December 2012 on the handling and slaughter of cattle at Israel's largest abattoir, Bakar Tnuva, and ask that pending any phase-out of the live animal trade ( whether in cattle , sheep or other species), you consider at least supporting as urgent interim measures the following suggested below on the grounds stated, namely:

- (a) as such an interim measure, the appointment of truly independent 'auditors' not paid for direct by exporters: a levy for example could be collected from exporters to establish a fund from which independent auditors -approved by a body free of agribusiness or agriculture department influence -could be paid;
- (b) the '7.30' program noted how a recent exporter-paid audit of the Bakar Tnova facility recorded just a "*rusty gate causing excessive noise*". Only some two months after this audit, the footage was taken by the Israeli undercover journalist depicting confronting handling and slaughter practices, including the hoisting of cattle before loss of consciousness; electric prodder abuses to the eyes, face , anus and genitalia of disabled and distressed cattle; and the use of a restraint box to fully invert cattle for Kosher slaughter ( the permissibility of which for Australian cattle ought to be reviewed with a view to stipulating a condition for export);
- (c) the exporter-paid audit was described in the '7.30' program by the federal department of agriculture as an "initial" audit. Yet "initial" audits are required from 1 September 2012 to secure ESCAS approval for an export consignment of animals. And subsequent 'performance' audits are only conducted after arrival at the foreign market and during or at the conclusion of their processing/slaughter. So the "initial" audit is the key to export ( and thus badly named) . This "initial" audit and the timing of the subsequent "performance" audits thus bring into question the true object, reliability and rigour of the audit process. The "initial" audit compares unfavourably with that undertaken at random by the Israeli journalist. The later "performance" audits are simply too late. In any event, the agriculture department can waive further "performance" audits for cattle and buffalo

after the first five shipments: see the DAFF website on ESCAS, “Reporting and Accountability”. For sheep and goats, “performance” audits are only required every two months for the first six months, and thereafter it can fall to three audits a year;

- (d) such a deeply flawed audit process would seem to favour industry getting export approval rather than rigorously securing the animals’ welfare and protection *before* they embark on their long journey, let alone when they arrive at the port of destination. What may be done to protect the animals in any event if a “performance” audit detects a problem, knowing Australian jurisdiction ceases when the animals are unloaded dockside, such as occurred in the Pakistani sheep slaughter case;
- (e) as a further such interim measure, in foreign market abattoirs it be a condition of export that 24 hour CCTV cameras be installed, and available for review by the federal department of agriculture or, preferably, by some more independent body: Australia’s cattle and other animals need to be protected from the barbarism such footage depicted and an occasional audit will not be remotely sufficient to confer such protection. In this respect we note that a response from the abattoir owners, Adom Adom, published at the ‘7.30’ program’s website with the transcript of the report (<http://www.abc.net.au/7.30/content/2012/s3652525.htm>) states:

*As the issue was brought to our knowledge we immediately... added Security Cameras in the work area in order to increase supervision and control.*

- (f) the Adom Adom response also states:

*All workers are currently going through trainings and refresher course for company’s code of conduct and procedures. The course include special attention to proper care and treatment for animals. We held a conversation with Meat and Livestock Australia resulting in key MLA trainers scheduled to arrive on site tomorrow to provide a comprehensive assessment and retraining package to ensure full compliance with highest animal health and welfare standards.*

There is nothing new about such retraining in foreign markets in respect of Australian live animals. Ingrained attitudes to animals though have defied such retraining in other foreign export markets, with the consequence the animals remain exposed to substantial risk or barbarism whilst the live trade subsists. Such measures stand to be characterised as cosmetic;

- (g) in respect of Israel, it is important to know that Australia exports many cattle to Israel for conditioning in a feedlot for some months before slaughter. One such shipment arrived it seems in March 2012. The ESCAS rules took effect on 1 September 2012. After its review, we await from the agriculture department confirmation whether the animals in the footage were Australian in origin and what audits, if any, were scheduled in respect of any feedlot or other cattle, although not sent under ESCAS. Those with yellow tags have been confirmed to be Australian cattle however;
- (h) finally, we congratulate the caucus on the appointment of the Live Animal Export

Working Group to examine a model for an Office of Animal Welfare, and would urge the establishment of such an office urgently in respect of the live trade and animal welfare generally: indeed, as it is, the Commonwealth is de facto the major player in animal welfare by reason of the creation of model codes of practice within the Standing Committee on Primary Industries, which are thereafter incorporated into the State animal protection legal regimes to regulate the welfare of the overwhelming mass of animals, some half a billion a year. Certainly, adequate constitutional power exists for say a federal statutory authority in reliance on the corporations power , posts and telegraph power , trade and commerce power , and so on. Plainly, any such Office should be free of the control or influence of agribusiness or the agriculture department as the 'friend of industry'. The public interest has been poorly served by their self-evident conflict of interest and , for some 30 years, the abdication of their public responsibility to secure proper animal welfare.

Yours sincerely

Graeme McEwen  
**Chair**