

**STANDING COMMITTEE ON
ENVIRONMENT AND PUBLIC AFFAIRS**

PETITION 82 AND 83 — LIVE ANIMAL TRADE

**TRANSCRIPT OF EVIDENCE
TAKEN AT PERTH
WEDNESDAY, 10 NOVEMBER 2010**

Members

**Hon Brian Ellis (Chairman)
Hon Kate Doust (Deputy Chairman)
Hon Phil Edman
Hon Colin Holt
Hon Lynn MacLaren**

Hearing commenced at 10.24 am**HOOD, DR JENNIFER****Manager Animal Welfare, General and Scientific Inspector, Department of Local Government, sworn and examined:**

The CHAIRMAN: Welcome to the hearing. I must ask you now to take either the oath or the affirmation.

[Witness took the oath.]

The CHAIRMAN: You will have signed a document entitled “Information for Witnesses”. Have you read and understood that document?

Dr Hood: I have.

The CHAIRMAN: These proceedings are being recorded by Hansard. A transcript of your evidence will be provided to you. To assist the committee and Hansard, please quote the full title of any document you refer to during the course of this hearing for the record, and please be aware of the microphones and try to speak into them. Ensure that you do not cover them with papers or make noise near them. I remind you that your transcript will become a matter for the public record. If for some reason you wish to make a confidential statement during today’s proceedings, you should request that the evidence be taken in closed session. If the committee grants your request, any public and media in attendance will be excluded from the hearing. Please note that until such time as the transcript of your public evidence is finalised, it should not be made public. I advise you that publication or disclosure of the uncorrected transcript of evidence may constitute a contempt of Parliament and may mean that the material published or disclosed is not subject to parliamentary privilege. That is just a formality we have to go through. If you feel that there is any statement that you need to make in confidence, just ask me, and we will hear that in private. If you would like to make an opening statement to the committee, I would invite you to do that now; otherwise we can go straight to the questions.

Dr Hood: I think we can go straight to the questions, thank you.

The CHAIRMAN: Okay. In that case, can you please explain the role of the animal welfare branch?

Dr Hood: The animal welfare branch is that part of the Department of Local Government that is charged with administering and enforcing the Animal Welfare Act 2002. The branch was established in 2003, and I was appointed at that time as the manager and the scientific inspector. I will take you through a brief history of the branch, and if I am off the topic, you can tell me. Under the act, the Director General of the Department of Local Government can appoint general inspectors from government agencies. All WA police officers are automatically empowered as general inspectors under the act. Although the director has a right of veto over other people applying, the RSPCA’s nominees are accepted, and they are also general inspectors. Local government rangers can also be appointed as general inspectors if their local government is supportive. Under the act, they are predominantly active in their local government area only, unless there is an emergency or an arrangement with another council area. So although the Department of Local Government administers the Animal Welfare Act, it was envisaged by the intention of the act that other agencies would have responsibilities in this area if they wanted them and if that was seen to be necessary.

What has happened is that we have general inspectors appointed from the Department of Agriculture and Food and from the Department of Environment and Conservation. We do not have

any from fisheries. We obviously have a number from the RSPCA. At the moment we have two general inspectors in the animal welfare branch, plus I am also appointed as a general inspector. That is not my substantive role, but it is a very important part of what I do. I think it was envisaged that those other agencies would be active in enforcement. It is quite a good whole-of-government model, because it means that departments that have expertise in certain areas will be charged with the enforcement in that particular area—however, not exclusively. It does not rule out the RSPCA from being active, or the Department of Local Government from being active. In the beginning, I was not appointed as a general inspector in the branch. So the only person up until about 2008, when I was appointed also as a general inspector, was the director general of my department. What transpired is that in relation to livestock—which is the area where clearly we have the most complaints; and we have very large numbers of livestock in this state, and we have large areas over which they are transported et cetera—the Department of Agriculture and Food took a policy decision that its general inspectors would not enforce the act. They would help educate and provide extension to the agricultural industries, but as they are an economic development agency, my understanding is that they felt there might be some conflict there, or that they would not achieve the outcomes that they wanted. In any part of a good compliance policy, there is definitely a role for education, or, as the Department of Agriculture calls it, extension. So if I say “extension”, that is what I am talking about. That was really made formal in December 2007 when my department and the Department of Agriculture signed a formal agreement that set out that the Department of Local Government would be the lead in enforcing the act in relation to livestock, and the Department of Agriculture would be the lead in the development of animal welfare policy and in extension.

In around 2006, following the *MV Al Kuwait* court case, we were granted funding for two years for a general inspectorate with six inspectors. That really was the first time that regular monitoring of the port and the feedlots and the Midland saleyard was undertaken from an animal welfare point of view. As you know, the funding for that was not continued by the previous government and has not been reinstated by this government. I think that sums up the state of play.

The CHAIRMAN: Just to clarify, you said earlier that you were appointed a general inspector in 2006. Is that right?

Dr Hood: Yes.

The CHAIRMAN: So what are your other roles?

Dr Hood: I manage the branch in an administrative sense. When I first came into the public service in 2003, it was to be the manager, but there was only one person to manage—there was myself, and there was a level 2—so the management was not a huge part of the JDF. It was about being the state scientific inspector. That was in fact to enforce part 2 of the act in relation to scientific establishments, and also to enforce part 3, which is the general offences, when they occur or are purported to have occurred at an establishment that holds a scientific licence; so that includes schools, agricultural colleges, hospitals, universities and biotechnology companies. We have, from memory, 33 or so licensed scientific establishments, plus all of the schools, private and public. So when it was mooted that an inspectorate would be set up, clearly it was sensible to have someone apart from the director general in the department who could provide guidance and oversight to the general inspectors, so I was appointed as a general inspector. The general inspector position is described in the act as enforcing part 3 of the act, which is the general offences—the cruelty offences. So basically the act is broken up—I am speaking very roughly here—into part 2, which is scientific, and part 3, which is general. But there are some crossovers between those two sections. For example, a government department or a university may be using cattle in a commercial setting to investigate either the effects of drugs or different planes of nutrition or what have you, and they will be subject to part 2, which is the scientific trial, but they will also be subject to part 3. It may to all intents and purposes just look like a farm. People have an idea that the scientific use of animals is a rat in a laboratory. But it is much broader than that.

Hon COL HOLT: You mentioned that there are a number of inspectors in different organisations. Do you have any idea about how many there are and where they are spread across the state? Are you able to table some information about that?

Dr Hood: Yes. I could supply that on notice. I could give you a rough idea, I think, at this point in time if you would like that.

Hon COL HOLT: I am interested in the numbers and what agencies they work for and where they are located. That would be very useful, I think.

The CHAIRMAN: It would be useful if you could take that on notice and get that information for the committee.

Hon COL HOLT: You have been there since 2003 when it was first set up?

Dr Hood: I have, yes.

Hon COL HOLT: Was it set up in response to something that had happened? Why was the branch established within local government?

Dr Hood: The act came into operation in April 2003, and I was appointed on 1 September, a date indelibly etched in my mind, at the Department of Local Government and Regional Development as it was at the time. So I was not really privy to what had preceded it, beyond the fact that I had been asked as a consultant, because of my recognised expertise in the area, to look at parts of the act—or the draft I should say. There had been an animal welfare advisory committee set up that had lots of different stakeholders on it, and I did not sit on that. My understanding is that it took some eight years for the Department of Local Government to progress this bill through Parliament, so it had a long gestation. WA was actually one of the last states to have a modern Animal Welfare Act. At the moment, there is an Australian code of practice for the care and use of animals for scientific purposes. Compliance with that is mandatory under this new piece of legislation. However, prior to that, it was not mandatory, but agencies that received funding from bodies like the NHMRC had a contractual arrangement to follow that code of practice. So that was one of the really big changes, and that brought us into line with the other states. Sorry. Have I missed part of your question?

Hon COL HOLT: You may not be able to answer it at this time.

Hon LYNN MacLAREN: If I can just add something to that, Colin: the Prevention of Cruelty to Animals Act was a 1927 act that everybody else around Australia had updated. That act referred to the RSPCA and police special constables to manage it, basically. When the Animal Welfare Act came through eventually in 2002, it established a separate unit to look at that. It was just a modernisation of legislation that was a long time coming, I think.

Dr Hood: I think I can answer part of that. Sorry. You have jogged my memory. Thank you. The Prevention of Cruelty to Animals Act was in fact administered by the Department of Local Government. Historically, there was an arrangement there. That department also administers the Dog Act. So there was a link through local government in urban animal management and cruelty —

Hon LYNN MacLAREN: And rangers.

Dr Hood: Yes, and rangers, through the local government. When the model was explained to me, it was explained to me that the Department of Local Government was seen as an objective department that did not have conflicts of interest, and that the other agencies would assist in the enforcement of it.

Hon KATE DOUST: You have probably covered this, but as of today, how many general inspectors are employed in the branch and how many scientific inspectors are employed?

Dr Hood: There is one scientific inspector. That is me. I am also appointed as the manager and a general inspector. There is a senior general inspector, which is a full-time position, and there is a

general inspector position, which is currently filled by contract, and we are advertising that. So we have two full-time general inspectors, and I am a general inspector.

Hon KATE DOUST: That leads onto my next question. How much of your time is allocated to doing general inspection work?

Dr Hood: A lot.

Hon KATE DOUST: What is “a lot”—half your working day; two-thirds of your week? I want to get an idea. If you have all these other responsibilities, I want to get an idea of the timing allocation; or is it just as things happen that you pick up that other part of your role?

Dr Hood: I think animal welfare is an evolving area. I think community concerns are growing. The picture around Australia is somewhat similar. We work in the branch very long hours. It certainly is not contained within the seven and a half hours. We also operate a 24-hour emergency number for livestock after hours. The RSPCA does not have an after-hours number at this point in time. So we are trying to juggle quite a lot of things. It really is on a priority basis. We try to triage things as they come in. But it is like working in a casualty department. You get lots of things coming in—that is the nature of the job—and perhaps that shows that the system is working. We have built very good whole-of-government strategic arrangements with other departments, and some of those are really novel in Australia and are working extremely well. I think they have got a lot of promise in this whole-of-government model.

The police assist us in high-level cases, and it is really excellent to have that engagement, because, as you probably know, the penalties under the Animal Welfare Act for general cruelty are a minimum of \$2 000 and a maximum of \$50 000, and up to five years’ jail. There are continuing penalties of \$1 000 a day. The penalties for a body corporate are up to five times that penalty. My understanding is that because there is a five-year jail term, it is regarded as a significant piece of legislation, and general inspectors are empowered under the Criminal Investigation Act. So it is a fairly heavy duty piece of legislation to be administered by a government department.

The CHAIRMAN: You said that you have a heavy workload, and it is like a casualty department, with a lot of things coming in. But how many of those things relate to livestock transport?

Dr Hood: Probably, in the general cruelty, about 99 per cent. That may be because there is a loose arrangement, plus it has been made more formal in an after-hours flow chart, where different agencies have said that they will basically look after a certain area. With livestock, that grew out of the general inspectorate, which grew out of, I think, the aftermath of the MV *Al Kuwait* case and a large number of complaints about animals and the live export chain. I think it would be fair to say it also occurred because the Department of Agriculture and Food made a policy decision that they would not be actually enforcing the act. That is certainly not to imply that they should have been enforcing the act, but they could choose to enforce the act if they had general inspectors appointed. I think they have about 12 general inspectors, and I think all of them are in the north of the state, and one of them is a vet. I will need to check that, but that is the general picture.

Hon LYNN MacLAREN: There are a few bits of data that we probably need to get. I will give you a three-part question. How many complaints do you investigate, and you can give that answer from last year’s statistics or from the current number of complaints, or from whatever data you have got; and, of those complaints, how many are investigated; and what happens if they are not investigated? That is my first question.

Dr Hood: I will try to answer that one first. What I will do at this point in time is give you an overview with some numbers, and otherwise I will take it on notice. We do not have in place, really, that sort of database. The animal welfare branch has grown quite quickly and has become quite efficient in handling complaints, and some of the infrastructure is not in place, so I cannot just push a button and hand you the information. We have a spread sheet where we do collect this data. Since 2006, we have had four convictions. These are all livestock. One is still to be sentenced. We have

had one prosecution withdrawn. We have had one prosecution lost. We have 18 current investigations. We have two current dual or joint investigations with another agency, and we have two completed joint investigations with other agencies. We have 11 complaints awaiting investigation. These figures can change really rapidly, because we might get five complaints in a day, and then it might be one in a week. I do not have figures on me for the scientific complaints. We also have investigations under the scientific side. I have one major one at the moment.

Hon LYNN MacLAREN: I assume that there could be quite a time lag between when you get the complaint and when you are able to investigate it.

Dr Hood: Yes, that can happen.

Hon LYNN MacLAREN: Do you have expertise with regard to investigations and how to forensically collect the data that you might need to carry a case through to prosecution? How is that managed?

Dr Hood: Without blowing our own trumpet, so to speak, I think we do quite well on that front, for a number of reasons. The senior general inspector is a ranger with quite a lot of investigation experience. We also liaise very closely with the State Solicitor's Office and the police. I have a PhD in veterinary science, and there is a remarkable similarity between conducting a scientific experiment and collecting evidence. A lot of it is a logical progression. There are some rules that we do or do not do. So although I do not have formal qualifications as an investigator, I do not think I would embarrass myself. I certainly know how to handle forensic evidence, and we do undertake a lot of further information gathering about these types of things, because we find it very interesting. On your question about how long it might take us to progress it, that depends very much on what is on the go at the moment. Some of these cases do not involve individual animals. They involve large numbers of animals. That can make investigation and the time taken to work through those certainly more difficult.

[10.50 am]

Hon LYNN MacLAREN: I want to focus on livestock exports—on two questions. You mentioned that often in areas where there are issues, the rangers are skilled up to be able to investigate. I wonder: can local government take a role in enforcement in an area where you might not be able to get to?

Dr Hood: Not in livestock.

Hon LYNN MacLAREN: That is exactly my question. How is the City of Fremantle, local government, involved at all? If there is a complaint raised, who does someone go to? Or is it down to the two of you in the animal welfare unit to investigate that? Who are your deputies out there in the field?

Dr Hood: Fremantle is a special case in point because of the large number of animals that go through the port. I think last year it was two and a half million sheep, which is a lot of sheep. To the best of my knowledge, the City of Fremantle does not have any general inspectors appointed—unless they have done so recently; they have not had any in the past. It is a choice that local governments make, and some do and some do not; and Fremantle does not. We have, as I mentioned, a 1300 number for livestock emergencies, which is manned by people in the animal welfare branch.

Hon LYNN MacLAREN: And who is that? That is you and who?

Dr Hood: I do not take the after-hours calls—the phone—very often. I carry my personal mobile so that my staff can contact me, but the dedicated phone that someone has at all times and that will be answered is carried either by the general inspector Louise Broun or the other general inspector that I told you about. Also, people can call the RSPCA during office hours. They can also call the police,

if the matter is very serious. I think, clearly, all of us would only want the police involved if the matter is very serious, but there are cases where that would be appropriate.

Hon COL HOLT: For me, this inquiry is about resourcing and what sort of resources you have to carry out a job.

Dr Hood: Yes.

Hon COL HOLT: What about responses to adverse seasonal conditions or unusual events? It is pretty widely known that we have pretty poor season in regional WA.

Dr Hood: Yes.

Hon COL HOLT: What sort of plans or resources do you have to tackle some of the potentially more reportable situations or reporting of those situations?

Dr Hood: Do you mean in a proactive sense?

Hon COL HOLT: Yes.

Dr Hood: That really is more of the role of the Department of Agriculture under the formal agreement between the departments that they are there to support and educate industries. If you were talking about how to deal with drought conditions, how to move the animals before it is too late—all of that type of thing—that really is the bailiwick of DAFWA. That is not to say if we had time, we would not offer support. If DAFWA called us and said, “Look, can you assist us?” or if the RSPCA said, “Could you assist us?” and vice versa, we would also assist. But, generally, the branch is the pointy end.

Hon COL HOLT: Yes. But you have no plans to ask for a few extra resources during this dry season period, or you do not see a need to?

Dr Hood: The matter of resourcing, really, is a policy matter for the minister.

Hon COL HOLT: Okay.

Hon LYNN MacLAREN: As part of our materials, Dr Hood, we have the AQIS mortality investigations from 2006 to current, I guess. There are 34 investigations shown here. As you would know, these are only shipments that actually trigger an investigation—the mortalities are so high that you have got to look into it.

Dr Hood: Yes.

Hon LYNN MacLAREN: I want to tease out how our own animal welfare unit is involved in this. Some of these are really extremely high mortalities: 12 and a half per cent of goats that went to Mauritius from Fremantle; six and a half per cent of the goats that went to KL; and 11 per cent of the cattle in a shipment to Malaysia died—I do not think that was from Fremantle; that may have been from Portland. With the shipments that go from Fremantle that have triggered investigations, how does the animal welfare unit get involved?

Dr Hood: That is a very good question. In a nutshell, AQIS does not inform us when they conduct an investigation. We have been attempting—not so much in the last two years maybe, but we did have a live export way forward strategy in place. That was about developing a better working relationship with AQIS so we could have information transfer. AQIS supplies us with adverse incident reports at its export abattoirs, but we do not have a system in place for live export and that is something that I think needs addressing. So we would find out about reportable incidents from the parliamentary webpage where every six months —

Hon LYNN MacLAREN: The same as us.

Dr Hood: Exactly. To be honest, I have not been routinely checking those for some time because we are fully occupied at ground level here. What has been happening is that animal welfare groups seem to be putting in FOIs to AQIS to get the details of these investigations and then sending them

to my minister, the Premier or to our department for investigation. The Animal Welfare Act applies up to 200 nautical miles off the WA coast.

Hon LYNN MacLAREN: In these extreme cases where huge mortalities have occurred, we do not know how many of those shipments were inspected before they left Fremantle.

Dr Hood: You mean inspected by whom?

Hon LYNN MacLAREN: By either a designated officer from the ag department or someone in your own department. Is there no-one from WA with a lens of animal welfare in Western Australia? Do we know if they had a look at these animals as they went on board to be able to determine if there were going to be any potential issues—a risk management approach?

Dr Hood: Live export is covered by a fairly complex raft of commonwealth legislation and a simpler state arrangement. All of the animals that board a vessel are inspected by the AQIS-accredited veterinarians; they are accredited by AQIS but employed by the exporters or their offshoots—their welfare people. The only people who check animals individually—that individual check really happens as the animals are being loaded onto the vessel—is done by an AQIS-accredited vet. They used to be called third party vets before the Keniry review. The AQIS vet—the vet employed by AQIS—will come and see the situation. They would not be at loading the whole time—that is my understanding—but they issue the health certificate and the export permit, so the ship can actually leave. Where there is a potential crossover is that whilst the commonwealth legislation refers to animal health and welfare issues, in that you cannot load an animal that is blind in one eye, that is not eating, that is lame—the whole of those things; they are in the Australian standards for the export of livestock that are part of the commonwealth legislative regime—but they also are synonymous because if an animal is loaded onto a vessel and it is lame or not eating, then that is potentially an offence under the Animal Welfare Act, because section 19 says that you cannot transport an animal in a way that causes or is likely to cause it unnecessary harm. So if you load an animal to go for a very long journey and it is not chipper, then it is more likely—it is a riskier exercise than if it were a fit and healthy animal. The catch-22 in this system is that whilst AQIS's standards certainly are very comprehensive in relation to health and welfare of each animal, if their legislation is breached, there are no cruelty provisions at all. The penalty is that your export licence can be withdrawn. The only cruelty penalties that are in place are in the state legislation. Now, this is envisaged by the commonwealth government and there is an Australian position statement on live export that clearly sets out that there are responsibilities in the three spheres of government in relation to the welfare of animals in the live export chain.

Hon LYNN MacLAREN: But how do you know, if you are not there, that the animal welfare laws in WA have been upheld?

Dr Hood: I don't.

Hon LYNN MacLAREN: Does AQIS tell you if there is an issue?

Dr Hood: No.

Hon LYNN MacLAREN: Do they have any requirement to tell you?

Dr Hood: No.

Hon LYNN MacLAREN: How many shipments does your inspectorate look at and inspect?

Dr Hood: Since the general inspectorate has been disbanded, we have had zero routine inspections at the port or feedlot.

Hon LYNN MacLAREN: Zero.

The CHAIRMAN: But what you are telling us is that every ship is inspected and has to be approved before it goes out. That is what AQIS is doing.

Dr Hood: Yes.

The CHAIRMAN: So, on the question about live sheep exports being inspected, the answer is, yes, they are being inspected by AQIS-accredited veterinarians or AQIS-accredited stockfeed people who are handling the sheep?

Dr Hood: They are not inspecting them with reference to the Animal Welfare Act. They are inspecting them to see if they comply with their export —

The CHAIRMAN: They are inspecting them to see if there are healthy animals boarding that ship.

Dr Hood: Yes.

Hon KATE DOUST: You referred earlier to a range of other people who can perform the role of a general inspector. You made reference to police, RSPCA nominees and local government rangers, and I assume a number of other people across different government agencies. I was wondering what sort of training is provided to police officers, and is it given to all police officers or to a select area that get involved in animal welfare? And the same question would apply to the RSPCA nominees and the local government rangers and others. Is there a formal training program for them to engage as a general inspector for the purpose of a particular event?

Dr Hood: The RSPCA has quite a comprehensive training program that it runs itself. My department will help train rangers if they are requested, and if we have time. But it is something that we do try to prioritise.

Hon KATE DOUST: It does not sound as though you would have a lot of time.

Dr Hood: No, correct. With the police, it has been a gradual learning process between the two agencies. There has just been much more exposure, and traditionally there were areas like the stock squad, which has been disbanded, that was an animal-oriented unit. We are hopeful that we will have a more formal engagement with WAPOL, but particularly in the rural areas the police will call us and say, “We are handling this situation.” They have called the ranger; the ranger is assisting them or whatever else. It may not be a formal arrangement, but more and more police from rural areas, in particular, do call us to say, “What can we do about this? Or, “We have this situation. Can you give us advice?” And we have done that. We can assist, and that has actually been really quite good.

Hon KATE DOUST: And the same would apply for the RSPCA?

Dr Hood: The RSPCA is independent and runs quite a comprehensive training program for its own general inspectors. But, yes, if they had a query about some aspect of the act, then they would contact us and we would meet with them.

Hon KATE DOUST: My other question goes to that issue of funding. You made the comment that funding or budget allocation is really a policy decision for the minister. But at some point a minister has to take advice about what is needed for a particular area of work. How is that information presented to your minister from your agency—from your branch—about your staffing requirements, your other types of resources or facilities? Does that just come under the local government budget bid, or are you able to present your own information?

Dr Hood: Clearly, as manager, I would communicate my views on that subject to my executive director, and that would then go to the director general and then it would go to the minister.

Hon LYNN MacLAREN: Dr Hood, how many inspectors do you think are required in order to do the job of investigating all the complaints that you get?

Dr Hood: I do not think I can answer that. Every public servant could say more, and it is more, but —

Hon LYNN MacLAREN: But in your long history of working there, at one point you had six inspectors and now your numbers are down —

Dr Hood: Even with six, and it was only for two years, we had trouble actually getting the staff we wanted. It was not the beginning, but we were in the boom still and a lot of people did not want to work for two years et cetera, et cetera for fairly low pay compared with the mining sector et cetera, et cetera. I think I can say that I do not think we had the full complement at any one time. The guys also worked shift work, so certainly the six model helped enormously, but WA is huge and even then we were really only doing the feedlot, the Midland saleyards and the port. I would sort of like to—may I respond? Mr Chairperson, you asked me about where the animals were checked. That is at the final stage of the live export chain in Western Australia. So, before that, the animals spend three to five days in large pens of 7 000 at a feedlot. They come from farms. The live export chain starts on the farm.

The CHAIRMAN: They are checked at the feedlot though, are they not? That is my understanding.

Dr Hood: The livestock export standards say that no animals that are not fit should be accepted at the feedlot, and no animals that are not fit should leave to go to the port. Now, that is not the case. Quite recently there were 800 rejects of sheep that left Fremantle port. So with those 800 sheep, unless 800 sheep were actually injured on the way between Baldivis and the port—which is not the case as I have seen for that particular occasion the breakdown of figures—and, yes, some would be from lameness et cetera, but a large percentage of animals had eye problems and scabby mouth. To me, that is a breakdown in the system; it has nothing to do with the politics of live export. The commonwealth has a regime in place. If the commonwealth enforced their regime, it would take a lot of pressure off the state because the animals, in my view and from my experience, are not being checked individually, even though the commonwealth laws say that they should be. The only place where there is a run through—the sheep goes in a race up into the ship and it is that quick! Just like that!—really should be at the port. Fremantle, to my knowledge, is the only port in Australia where the individual checking of the animals occurs only at port side. There have been significant improvements, I believe, in the last year or so and I think DAFWA has been putting in extra support to try to get a better outcome from the feedlot, but we also have the problem of people loading sheep from farms, and they are not fit to go right from the start. They are arriving at the feedlot with injuries, sometimes days or even weeks old. So we have got a lot of animals being moved around the state. I do not think, even if we had 20 inspectors, unless we get the overall system of checks working, particularly at aggregation points where large numbers of livestock are accumulated, we are not going to get the sort of outcomes that we want. But we could certainly do a better job.

The CHAIRMAN: Just on that: you must be doing something right in education and through the efforts of inspectors, because since 2009 the mortality rate in the live sheep export is less than one per cent and with cattle it is 0.32 per cent.

Dr Hood: I am sorry, but from a scientific point of view, with great respect, I do not think that is the correct reading of those.

The CHAIRMAN: These are the figures given to us by the Minister for Local Government.

Dr Hood: Yes, but may I —

The CHAIRMAN: — and also by AQIS, which refutes some of those figures.

Dr Hood: May I explain?

Hon LYNN MacLAREN: Yes, please do.

The CHAIRMAN: Please go on.

Hon COL HOLT: While you are doing that, the 800 sheep you referred to, were they rejected at the port and they did not actually get on the boat?

Dr Hood: Correct, so they then get transported back to either Baldivis or in some cases down to Kojonup.

Hon LYNN MacLAREN: That was an experienced exporter who sent 800 animals to the port to be loaded and they were rejected?

Dr Hood: Yes.

Hon LYNN MacLAREN: Right.

Dr Hood: The figures that I have seen on other vessels have not been—not that we see all of these reject slips; it is something that I am trying to negotiate with AQIS to get hold of routinely, because it gives us an idea of how the loading is going and how the whole process is going. If you do not get a lot of rejects from the port, you hope that things have been quite good. There are a lot of animals going onto these vessels, and certainly if you were loading 100 000 sheep—I have seen figures of like 350 rejects, and yes it can be argued if you put that down to a percentage that is a very low percentage, but the problem is the Animal Welfare Act refers to individual animals—as it should sensibly. Mortality rates, I believe as a scientist, are misunderstood and misused, so I might just explain a little about them. You can have a 100 per cent mortality rate and have brilliant animal welfare. For example, if a live exporter—if there is a vet on that vessel—said these animals have got X disease and in three days they are all going to die horribly—or, 80 per cent are going to die horribly, and the exporter might then say, “Well, look, I do not want any of them to suffer. We know 80 per cent are going to die, go around and euthanase the whole lot. Get a captive bolt and kill all your sheep.” So on your mortality figures that would go back to AQIS, you would have a whopping high mortality rate.

[11.15 am]

But the animals would not have suffered and there would have been zero welfare issues, and I would have said, “Well done.” When you say that there is less than one per cent mortality on most of the vessels, that is right, but that has been the case for a very long time. The Department of Agriculture publishes each year the “National livestock export industry shipboard performance report”, which sets out what the mortality rates are, and certainly since the 1970s there have been some really big improvements. But over the last couple of years it has been steady, or in fact it has increased slightly. Say we are talking about sheep, you can have certain lines of sheep, as occurred in *MV Al Kuwait*, in the court case of a few years ago. From memory, that vessel had a mortality rate of 1.33 per cent of 103 400 sheep; I have brought a calculator, but I think that is roughly around 1 000. Now, that sounds quite good, but, unfortunately, some lines of sheep such as the heavier wethers—the A-class wethers, which are known to be riskier animals—had, in the second half of the year, a mortality rate of, I think, 3.4 per cent. If that had been a whole shipment of those sheep—if it had all been A-class wethers—you would have had a mortality rate that would have been a reportable incident that would have to have been investigated. I think the mortality figures, when they are given for all the different types of sheep with their different risk factors, can be quite misleading. I prefer to look at the mortality rates of classes of sheep, and there are riskier classes of sheep.

The CHAIRMAN: Are there any figures for the mortality rate on farms?

Dr Hood: Yes—in fact, thank you for bringing that up; that is really useful. I think, again, as a scientist, I really like dealing in facts. My understanding of what we are doing here today is to try to understand this topic better.

Hon LYNN MacLAREN: Yes.

Dr Hood: That is the only thing that is motivating me. I am obviously very interested in animal welfare, but as you can probably see, I walked in with a leather handbag. I like to think that I do my job very objectively; I like facts. The facts are that when you talk about a mortality rate of one per cent over the year, to most people that sounds like only one per cent of sheep died over a year; no, that is one per cent of sheep over 21.5 days going to the Middle East. If you extrapolate that over 12 months, you get a mortality rate that is about 15.6 per cent, and the on-farm mortality

rate for sheep from the Australian Bureau of Agricultural and Resource Economics is 1.56 per cent, I think, for last year. So for last year, you have got about 15.5 per cent on a live export vessel if you look at it as a journey of 12 months, as opposed to about 1.56 per cent on farm. The other thing that needs to be taken into account and acknowledged and worked out how we can do this thing better is that the animals that are being loaded for export are prime animals. The figures on farm include old animals, animals being born et cetera. But, again, under the Animal Welfare Act, it is not the mortality rate that triggers our interest in it whatsoever; the interest is what happens to the animals. Are they detected on board the vessel before they succumb to inanition and salmonellosis? Are they euthanased or are they found dead? That type of thing. The mortality rates are very interesting, but I do not think they are widely understood.

Hon LYNN MacLAREN: Can I just ask a question in relation to, again, the AQIS report and the incidences that triggered investigations, and just bring that out? Apart from those rare cases where it was a ventilation breakdown and a massive number of animals died, or if it was a crate that collapsed and those cattle died, most of the other massive mortalities are still due to this salmonellosis —

Dr Hood: In sheep.

Hon LYNN MacLAREN: — and inanition.

Dr Hood: Yes; 75 per cent of all deaths are attributed by the Department of Agriculture to inanition and salmonellosis.

Hon LYNN MacLAREN: Did we not, a long time ago, work out that if it is a shy feeder and if it is not adjusting to the pelletised diet, or if it is not getting access to the feeding troughs or whatever, that should not be exported, or that ship should not be used?

Dr Hood: Yes.

Hon LYNN MacLAREN: These are not new scientific reasons to die; these are reasons we have always known. So is our system working? Because we have identified these reasons and we are still having huge mortalities.

Dr Hood: I do not know if I would describe them as huge mortalities, but if they were humane deaths, I would be viewing it differently. You have a lot of deaths in an abattoir, but it is, by and large, very humane.

Hon LYNN MacLAREN: It is supposed to be quick.

Dr Hood: This was one good thing that came out of this way forward live export strategy that was put up. The third part of it—I am referring to a document; there is a report on this—was that the industry, the Australian Livestock Exporters' Council and LiveCorp, did take on board the concerns about inanition and salmonellosis. There are, I think, four projects underway at the moment investigating this issue, which I think demonstrates that it is known to be a serious issue. I guess shy feeding is such a tricky problem because detecting it in a feedlot where you have pens of 1 000 sheep is very, very hard. It is very, very hard to know which sheep is eating and which is not without using a marker bar on the animals to see when they eat; that used to be done in some research trials. There are lots of logistic reasons, and I suppose I am providing background to you here.

The other thing is that there is not a lot of research, and that is the other thing: the research that is quoted in this latest document is mainly from the 1980s and early 1990s, so that also affects it. Of the research that has been done since then, a lot of it is not published in peer-reviewed journals so it is hard to actually access that scientific data. People have quoted that, say, of all animals in a feedlot, you might have five per cent to 10 per cent of them that are shy feeders; however, the vast majority of those will go on to eat on board the vessel, but a small percentage do not, if we are just dealing in percentages. They, invariably, die from inanition and salmonellosis. Salmonella is a

bacterial disease characterised by diarrhoea, dehydration, depression, and fever in its general presentation.

Certainly my understanding is that a lot of these animals are found dead; they are not identified and then killed beforehand. That may be changing on some of the newer vessels, but that is my understanding of what occurred on *MV Al Kuwait*; the figures were that about 80 per cent of the deaths were sheep found dead and, naturally, as a veterinarian, that concerns me. There are some very good exporters. Live export is not homogeneous; some parts of the live export industry are far less risky than others. But when we are talking sheep and cattle to the Middle East, in my view that is a long-haul voyage and it is inherently more risky. That is referred to in the Keniry report.

The CHAIRMAN: Can I just get you to name those reports for Hansard, and if we could have a copy of the last report you mentioned, please?

Dr Hood: Yes.

The CHAIRMAN: Also, can you get a copy of the way forward report for us?

Dr Hood: I do not have that here; it was not a published report.

Hon KATE DOUST: What we have is the earlier version from 2002.

Hon LYNN MacLAREN: Do we not have the final one?

The CHAIRMAN: Could you just state the name of the report?

Dr Hood: Sorry; thank you for reminding me.

The Keniry report was the “Livestock Export Review Final Report”, which was a report to the Minister for Agriculture, Fisheries and Forestry dated 23 December 2003. It is called the Keniry review or the Keniry report, and the conclusions included things like —

5. The livestock export industry is uniquely and inherently risky because it deals with sentient animals along an extended production chain, from farm to discharge into the market.
— the preparation of an export consignment must recognise the risks at each stage of the chain and an exporter must be able to demonstrate that appropriate systems are in place to ensure the risks have been met in accordance with government regulatory requirements and industry quality assurance systems.

So saying something is riskier, I am not making any comment on whether or not the trade should exist or not exist. The trade is legal and it exists, and there are ways of managing risks. A risk is like a conflict of interest; it depends on how you manage it. In itself, it may not be wrong.

Hon KATE DOUST: Based on those sort of comments and your experience, do you have any suggestions or thoughts about how compliance with the Animal Welfare Act or any other regulations or standards could be addressed or improved?

Dr Hood: I am not able to make comments on policy. What I can say is that —

Hon KATE DOUST: I am not asking about how the legislation could be improved, I am just asking whether you think compliance with the legislation or any associated standards or regulations could be improved.

Dr Hood: We have to get engagement with the commonwealth government—AQIS. They are providing licences, in my view, to these people to move animals from farms in Western Australia right through—from up north—to ports, including Fremantle, and the exporters have to submit to the commonwealth government, for example, a consignment risk management plan in the beginning and a notification of an intent to export. So Canberra does in fact receive detailed information about what animals are being moved from farms right through. When they arrive at a feedlot, as with any other aggregation point, risks go up, so you really need to ensure that fit animals are being

transported from the farm, only fit animals are allowed to get off the trucks at the feedlots to go into those feedlots for three to five days, and they should only also be fit for leave for loading from the feedlot. Again, at the port they should be checked, as they are being checked now, but that should be like the icing on the cake, just to pick up anything that has not been picked up earlier. Also, at a state level I think the whole-of-government approach and using expertise in various areas is a good way of doing it. Animal welfare is not isolated; it is really a part of a lot of every day—I am not talking about live export specifically. If you have a police officer out the back of Bourke going to check because there has been rustling, it is sensible, in my view, that he also checks on welfare like when people come in through borders, or with Main Roads WA when they do inspections for chemicals and truck safety. I think there are a lot of cost effective ways that could be investigated to improve the outcomes, and I think WA has already shown that we are able to get some good outcomes.

Hon COL HOLT: Just as a follow-up to that: you said we need engagement with AQIS.

Dr Hood: Yes.

Hon COL HOLT: Why is that not happening now? What is the barrier there; what is going on?

Dr Hood: I should say that we have had a breakthrough; we have a memorandum of understanding with AQIS's compliance branch in Perth. That has been up, I think, for about a year—I may not be right on that date. I think, traditionally, it just has not been in place, and it is a very valuable trade and when you seek a lot of the information you are told it is commercial-in-confidence. I think it can be improved. I think there have been some improvements recently, but, traditionally, I do not think there has been the information transfer on the live export side. As I said to you, AQIS does provide export abattoirs—export abattoirs are where animals are turned into meat—to leave adverse incident forms. There is actually an on-plant veterinary officer who is employed by AQIS there; he or she will write us a report, and we do, in fact, investigate those. Having said that, that system is not, in my view, working perfectly in that some abattoirs do not send us any reports, but the ones that do, we can really do stuff about that. The sort of stuff they find, I think, would also be happening in the live export chain. The live export chain, people think of it as some entirely different system, but at any one time if you see a truck leaving a farm it could be on its way as part of the live export chain, or it could be part of the domestic meat chain. I think that looking at it in a holistic way is much better.

Hon LYNN MacLAREN: The petitions presented to the committee raised concerns about the lack of routine inspections along the export chain that you have just described, road transport, quarantine, the feedlot and the loading.

Dr Hood: Yes.

Hon LYNN MacLAREN: Are all stages of this export chain subject to the inspections; and how often would the inspections occur?

Dr Hood: AQIS does not inspect on farms routinely—they might, I think, if there was an emergency or something. So the first place in the chain where AQIS would look would be at the feedlot to grant leave for loading. But their legislation clearly states that they do not have to be assured of the health and welfare of each individual animal to say that they are fit to leave; that is, in fact, the role of the AQIS-accredited veterinarian. So they are checked at the feedlot by the AQIS-accredited vet and by an AQIS vet, and then again at the port. From a state point of view, we are not routinely inspecting at any place.

Hon LYNN MacLAREN: So that begs the question, to what extent are parties in the export chain compliant with the Western Australian Animal Welfare Act?

Dr Hood: Look, I think the vast majority probably are compliant, but we are not in a position to know. I think that is a concern from the industry point of view. I mean, we have a very valuable industry here and the domestic meat market is also very valuable, but there are some players who

will let it down and that will be really damaging across the board if these risks are not managed properly.

The CHAIRMAN: Thank you for that; it has been very interesting and very helpful.

Hon LYNN MacLAREN: Did you have anything that you wanted to say that we have not covered?

Dr Hood: I do not think so. My head is just a little jangled at this point.

Hon LYNN MacLAREN: You have given us a lot of information. One thing that came up was the way forward report, and I might have confused matters because we had an earlier report. Have you got the later version of the way forward document? You could submit it to the inquiry as a private document that would not be released to the public, if you do have it.

Dr Hood: Right; okay.

Hon LYNN MacLAREN: We can make that private.

Dr Hood: Okay. I have these documents, which I can leave with you now.

The CHAIRMAN: Once again, thank you for coming in and being patient and putting up with our questions. Before you go, can you formally itemise those so that we know what documents they are.

Dr Hood: Attachment 1 is the Keniry report that I have already named; attachment 2 is the Australian Position Statement on the Export of Livestock; attachment 3 is the Department of Local Government 2008/09 Internal Audit Review Report; attachment 4 is the decision in the Emmanuel Exports case; attachment 5 is the National Livestock Export Industry Shipboard Performance Report 2009; attachment 6 is Australian Commodity Statistics 2009; attachment 7 is the Australian standards for the export of livestock; attachment 8 is the Animal Welfare Act; attachment 11 is Bills Digest No. 165 2003-04; and attachment 12 outlines animal welfare staffing since 2003.

The CHAIRMAN: Thank you for that.

Hon KATE DOUST: We will just reaffirm that we are able to get a copy of that way forward, the strategy document.

Dr Hood: Yes; they are two interrelated documents.

Hon KATE DOUST: Right; okay.

The CHAIRMAN: Good. Thank you for that.

Hearing concluded at 11.38 am.
