

1. *Wholly inadequate implementation of the independent observer program*

In 2019, around 50% of eligible voyages had independent observers; in 2023 it was 12%: Senate Estimates, Rural and Regional Affairs and Transport Legislation Committee, 13 February 2024, p 77. As voyages have to meet certain criteria to be eligible in the first instance, even 50% of voyages is low; 12% makes a mockery of the program.

2. *Lack of timeliness in publishing summary reports*

As of 2 April 2024, the Department's website shows five reports outstanding from 2023, dating back as far as May. This, despite evidence from Mr Koval, acting deputy secretary, Agricultural Trade Group, that the Department is moving to 'a regular publishing time frame': Senate Estimates, Rural and Regional Affairs and Transport Legislation Committee, 14 February 2023, p 99. There is no information on the Department's website about independent observer reports for 2024. Further to point 1 above, it is unclear whether there have been any independent observers deployed since 9 October 2023 when the program (but not the export of many thousands of live animals) was paused on voyages to all ports in the Middle East region due to uncertain security conditions. I note, however, that on 22 November 2023, the department determined that deployment of observers could recommence on voyages carrying Australian livestock to ports in the Gulf of Oman and Persian Gulf.

3. *Low priority of the independent observer program a symptom of conflicting interests*

Mr Koval further stated that 'we are trying to work out exactly whether there is a pattern as to why there is no space and what that pattern looks like and what we can do to actually implement a revised independent observer policy to fill some of those issues': Senate Estimates, Rural and Regional Affairs and Transport Legislation Committee, 14 February 2023, p 99. A year later, however, Mr McDonald, acting first assistant secretary, Plant and Live Animal Exports, Welfare and Regulation Division, advised that revision of the independent observer program is 'something that we wish to proceed with' but that there is a 'need to manage our competing priorities at any given time. And there have been a lot of competing priorities in recent times.' Senate Estimates Rural and Regional Affairs and Transport Legislation Committee 13 February 2024 p 77. The low priority given to this matter is a clear indication of the conflict of interests inherent in the regulation of animal welfare by agriculture departments.

4. *Lack of detail and transparency*

The full independent observer reports are not generally available to the public, nor is footage from the voyages. The summary reports released publicly are in template format which routinely includes such statements as the 'causes of the mortalities were not considered to be linked to any systemic failure by the exporter' despite the frequent identification of routine and predictable animal welfare issues. At best, this suggests a failure to understand the systemic animal welfare problems associated with the export of live animals. In addition, concerns have been documented about differences between the original reports and the final versions: see VALE <https://www.vale.org.au/io-reports.html>

5. *The Departmental response*

Notwithstanding the limitations of the program, the summary reports produce some useful data but there is little information about the Department's response to the issues raised. According to the DAFF website, '[s]ummary reports may include information about departmental actions where these have been taken prior to publication'; in these cases, however, the Department's response is often meaningless. For example, the most recently published summary report, no. 237, noted a failure to load some pens according to the exporter's load plans. In response, the Department simply required the exporter to review and amend their processes to ensure accordance with the load plan; in other words, to do what they were legally required to do in the first place. More broadly, academic analysis of summary reports provides evidence of continuing significant and systemic animal welfare issues, but it is unknown how the Department has responded, if at all, to their identification. See, for example, Hing, Stephanie, Sue Foster and Di Evans. 2021. "Animal Welfare Risks in Live Cattle Export from Australia to China by Sea." *Animals* 11: 2862.

