



PUBLIC COMMENT FORM

Please submit this form by either:

Email: consultation@amsa.gov.au

Post: Business Support
Standards
Australian Maritime Safety Authority
GPO Box 2181
Canberra ACT 2601

Personal details

Name of organisation or individual Animal Defenders Office Inc.		
Contact name (if organisation) Tara Ward	Position (if organisation) Executive Director	
Phone	Fax	
Mobile 0428 416 857	Email tara@ado.org.au	
Postal address GPO Box 2259		
Suburb/City Canberra	State ACT	P'code 2601

Please note:

- For submissions made by individuals, all personal details other than the State or Territory in which you reside will be removed from your submission before it is published on the AMSA website.
- Submissions may be placed on the AMSA website, shortly after receipt, unless prior contact has been made concerning material supplied in confidence, or to request a delayed release for a short period of time. **Submissions will remain as public documents indefinitely.**

Please treat my submission as confidential.
By checking this box, you are indicating that you do not wish AMSA to publish your submission as part of the consultation process. Please refer to the Privacy Statement below for more information on how AMSA will handle your personal information.

PLEASE READ:

Privacy Statement for regulatory consultation

For more information about how we protect your privacy and handle your personal information, please see our [Privacy Policy](#).

In order to participate in, and contribute to, the regulatory consultation process, you will be requested to provide an email address, phone or fax number, and other personal details. AMSA collects this personal information for the purposes of informing and receiving feedback from its stakeholders on proposed regulatory changes. We will only use and disclose your personal information for any other purpose in a circumstance as described within the "use and disclosure" section of AMSA's Privacy Policy.

We may publish your responses to consultations, including your name and your State/Territory, unless you have expressly advised us not to. The format of any such publication will be as a compilation of submissions received, with other contact information removed. By making a submission you agree and authorise AMSA to publish, at its complete discretion, your submission in this format. Your submission will be treated as confidential only if you have indicated this in the submission process. AMSA reserves the right not to publish any submissions at its complete discretion. For copyright, disclaimers and information on external links applying to the regulatory consultation process, please see www.amsa.gov.au/copyright/

Provided below are comments on (this section must be completed):

Document name MO43 (Cargo and cargo handling – livestock) 2018
--

Reference (Number of Section, Clause, Table, Figure, Issue etc)	Comments (include the reasons for any change to assist AMSA in understanding your concerns)
General comments	<p>The ADO opposes the live export of animals on the grounds that it causes unacceptable levels of animal suffering regardless of the policy and regulatory settings applying to the industry.</p> <p>However, while Australia continues to export live animals, we make the following comments and recommendations regarding the draft <i>Marine Order 43 (Cargo and cargo handling — livestock) 2018</i> ("draft MO43").</p>
4 'Definitions'	<p>Should 'ACCL' precede 'ASEL' (alphabetically)?</p> <p>'livestock services' – should these include a general reference to accommodation and/or stocking densities, given that under subsection 35(1) livestock vessels are required to maintain 'livestock services at a level necessary for the welfare of the livestock'.</p>
10(2)	<p>Given the well publicised negative animal welfare outcomes associated with the live export of cattle and sheep from Australia, what is the policy justification for not requiring a pre-loading inspection of a vessel for certain voyages transporting these animals? The ADO submits subsection 10(2) be removed.</p>
13(1)	<p>Is 'the number' in subsection 13(1) the 'actual number' referred to in paragraph 7.5.1(b) in the previous versions of MO43? The note to subsection 13(1) does not clarify this issue.</p>
13(4)	<p>The wording of this provision seems to have been weakened from its previous version; ie 'person must not provide...inaccurate information regarding the actual number [etc]' (section 7.5.2), to 'must ensure the details are accurate' (subsection 13(4)). Under the new wording in subsection 13(4) the details do not <i>have</i> to be accurate. The ADO recommends that the original wording be reinstated.</p>
17(1)	<p>The ADO submits that this provision should include a reference to animal welfare. The welfare risk to animals being transported should be set out in its own paragraph and listed first (ie above damage to the vessel), to reflect the highest priority that should be assigned to animal welfare on these journeys.</p>
21(2)	<p>The ADO strongly supports the immediate phase-out of carrying livestock on more than one tier. We submit that a deadline of 31 December 2019 unjustifiable on animal welfare grounds. Double tiers are known to restrict ventilation and inspection of animals. We recommend that subsection 21(2) be removed altogether or that the deadline be brought forward to 31 December 2018 at the latest.</p>
22(2)	<p>The extremely low standard of 'avoidable suffering' should no longer be used as it is subjective and will allow considerable animal suffering to continue to occur.</p>
58(4)	<p>If these requirements are warranted from an animal welfare perspective, the sunset clause should be shortened from 5 years. The ADO recommends that at most, it be made consistent with the earlier suggested deadline of 31 December 2018.</p>
62(3)	<p>As above (for subsection 58(4)).</p>

84	The ADO supports the removal of the exemption for short voyages that was included in the equivalent of this section in previous versions of MO43. However, we suggest that in the interests of timely reporting on animal welfare issues, timeframes should be inserted into this provision eg within X days of the voyage.
85(1)(b)	The ADO submits that the number of animals who have died should be expressed as both a figure and as a percentage (rather than merely as a percentage). This would be consistent with Table 8, in which reportable mortality levels are expressed as both a figure and a percentage (as expressly acknowledged in subsection 85(5)).
Table 8— Reportable mortality levels	The ADO considers the death of any individual animal en route is a serious animal welfare issue and should be reported. We do not agree that mortality levels matter only when they reach a certain level. However, for the purposes of the draft MO43, we make the following comments: <ul style="list-style-type: none"> • Item 1: MO43-1 states that 'Sheep reportable mortality is now 1%'. It would have been useful to know what it was before. • Items 2 and 3: the same reportable mortality level should apply to both items and it should be the lower of the two levels ie 'greater of .5%' rather than '1%'.
86(1)	Subsection 86(1) states that 'AMSA <i>may</i> conduct an investigation...' (emphasis added). Why is this discretionary? Are there guidelines for AMSA in exercising its discretion in this context? In the absence of a policy rationale for making the decision to investigate discretionary, and given the high animal welfare risks involved in a live export journey with any mortality level let alone a reportable level, the ADO submits that an investigation under section 86 should be mandatory.
Schedule 2 2.3(5)	Given the importance of animal welfare and the high levels of concern in the Australian community regarding negative animal welfare outcomes in the live export industry, the ADO submits that the deadline for compliance with table 2.1 for animal spaces that are partially enclosed or not enclosed must be immediate and apply to all ships, regardless of when the ship is built.
2.4	To reduce the suffering of animals transported live, the ADO recommends that the following parts of this section be removed: <ul style="list-style-type: none"> • the compliance deadline for older ships in subsection 2.4(3); • the exception in subsection 2.4(4) which allows a lower velocity; and • the words 'as practicable' in paragraph 2.4(5)(a), so that all air provided to animals is 'clean and fresh'.
5.4	The ADO submits that the emergency water reserve stipulated in subsection 5.4(2) should apply to all ships regardless of when they were constructed or converted.
Other comments	While Australia continues to export live animals, which the ADO opposes in principle, we make the following further submissions: <ul style="list-style-type: none"> • The ADO notes that stocking densities are not dealt with in the draft MO43. We submit that AMSA is the appropriate authority to regulate stocking densities on live export vessels, and that stocking densities should be prescribed in MO43. The stocking densities should be determined with animal welfare as the paramount consideration. • To maintain the appearance of aspiring to the 'five freedoms' for farmed animals, the draft MO43 should mandate space for each animal to stretch, turn around, and adopt a normal lying posture.

Additional rows may be added by clicking the tab key at the end of the last entry.