



PO Box 252  
**BRIDGEWATER TAS 7030**  
Phone 0420 988221  
Email [stoptac@internode.on.net](mailto:stoptac@internode.on.net)

February 7, 2012

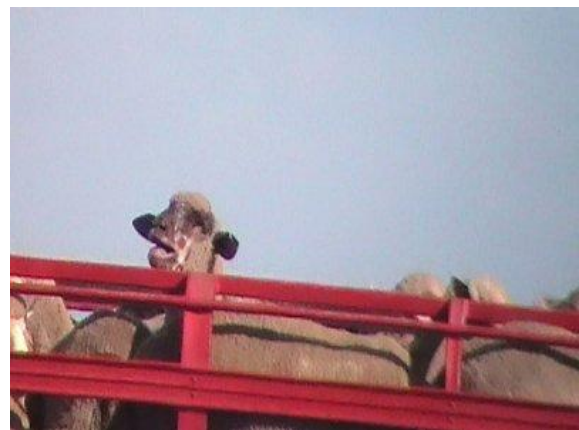
Mr Dean Merrilees  
Assistant Secretary  
Animal Export Operations  
PO Box 858  
**CANBERRA ACT 2601**

Dear Dean

We refer to the loading of the M/V *Ocean Shearer* on 25.01.2012 and 26.01.2012 in Fremantle.

Observers at the port on the two days of loading state that the temperatures were 40 degrees Celsius and 42 degrees Celsius respectively. We have included below clear photographic evidence of distressed, panting sheep on trucks which appear to have excessive numbers of animals for the conditions, particularly on the top decks. We are advised that they remained on the transports for an average of 1.5-2 hours on the cement or tarmac road at the wharf following an approximately 1 hour journey from the 'registered premises'.

Film footage can be viewed at  
<http://www.youtube.com/watch?v=KfIEsDTksS8&feature=youtu.be>





These are just a representative sample of the photographic and video footage of this incident.

Organisation for Animal Health (OIE) standards, whilst not being especially prescriptive, inform as follows:-

**Article 7.3.5.**

**1. Planning the journey**

**Other considerations**

- a. Extreme weather conditions are hazardous for animals undergoing transport and require appropriate vehicle design to minimise risks. Special precautions should be taken for animals that have not been acclimatised or which are unsuited to either hot or cold conditions. **In some extreme conditions of heat or cold, animals should not be transported at all.**
- b. In some circumstances, transportation during the night may reduce thermal stress or the adverse effects of other external stimuli.



### 3. Fitness to travel

- a. Risks during transport can be reduced by selecting animals best suited to the conditions of travel and those that are acclimatised to expected weather conditions.
- I. Animals at particular risk of suffering poor welfare during transport and which require special conditions (such as in the design of facilities and vehicles, and the length of the journey) and additional attention during transport, may include:
  - animals subject to motion sickness;
  - II. animals with a history of exposure to stressors or pathogenic agents prior to transport;

#### Article 7.3.8.

##### Loading

##### Facilities

C. Ventilation during loading and the journey should provide for fresh air, the removal of excessive heat, humidity and noxious fumes (such as ammonia and carbon monoxide), and the prevention of accumulations of ammonia and carbon dioxide. Under warm and hot conditions, ventilation should allow for the adequate convective cooling of each animal. In some instances, adequate ventilation can be achieved by increasing the space allowance for animals.

#### Article 7.3.9.

##### Travel

##### General considerations

Regulating the environment within vehicles or containers

- a) Animals should be protected against harm from hot or cold conditions during travel. Effective ventilation procedures for maintaining the environment within vehicles or containers will vary according to whether conditions are cold, **hot and dry or hot and humid**, but in all conditions a build-up of noxious gases should be prevented.
- b) The environment within vehicles or containers in hot and warm weather can be regulated by the flow of air produced by the movement of the vehicle. In warm and hot weather, the duration of journey stops should be minimised and vehicles should be parked under shade, with adequate and appropriate ventilation.<sup>1</sup>

The observers at the port noted that approximately 50,000 sheep were loaded onto the M/V *Ocean Shearer*, along with perhaps 300 cattle who remained on the wharf in trucks for at least 2 hours.

Whilst there is nothing in Australian legislation or codes of practice proscribing the transport of animals in heat wave conditions, we draw your attention to the following issues to which the OIE code is relevant:-

<sup>1</sup> <http://www.oie.int/en/international-standard-setting/terrestrial-code/access-online/>



- The temperatures of 40-43 degrees Celsius present serious animal welfare compromises to the already stressed animals
- We are advised that there were delays in offloading the animals from the trucks of an average time of 1.5-2 hours
- The port surface is tarmac or concrete which reflects the heat
- There would have been little or no wind circulation between trucks whilst they were waiting to unload
- Our assessment of the evidence is strongly suggestive of serious overcrowding of the animals on the trucks, particularly on the top decks
- Sheep so tightly crammed generate intense heat and this combined with the temperature of the day and the heat reflected from the concrete, as well as the humidity, would have been excessive.
- Clear evidence shows sheep panting and exhibiting signs of severe distress
- The evidence provided only shows animals in the line of vision, not those obscured from sight, and we suggest that there would be hundreds more distressed sheep who were not able to be captured in film or photographs; animals on the lower decks of the trucks would have been as stressed as those we can see, if not more so.
- **We are advised that there was no State regulator present at the critical time, that is, when temperatures peaked and when the animal welfare risks were highest.**
- Why could the loading of the M/V *Ocean Shearer* not have been delayed until temperatures cooled, such as the following Monday when the temperature was 24 degrees?
- Animals as clearly stressed as these who are carriers of salmonella are potentially highly susceptible to developing full blown salmonella

This will be another matter which we will be taking up with the WA Veterinary Surgeons' Board, since approval for transport would have been given by (according to your earlier advice) an AQIS approved (exporter employed) veterinarian and an AQIS employed veterinarian. Quite apart from the obvious compromises to these animals' welfare, the veterinarians had both a duty of care to these animals, and obligations under the *Animal Welfare Act 2002 (WA)* (the Act) to ensure that these animals were not transported in a manner likely to cause unnecessary harm.

Part 19 (3) (a) of the *Animal Welfare Act 2002 (WA)* states:-

3) *Without limiting subsection (1) a person in charge of an animal is cruel to an animal if the animal —*

*(a) is transported in a way that causes, or is likely to cause, it unnecessary harm...'*<sup>2</sup>

*And at (h)*

*(h) suffers harm which could be alleviated by the taking of reasonable steps'...*<sup>3</sup>

<sup>2</sup> [http://www.austlii.edu.au/au/legis/wa/consol\\_act/awa2002128/s19.html](http://www.austlii.edu.au/au/legis/wa/consol_act/awa2002128/s19.html)



The Veterinary Surgeons' Oath (our emphasis) states as follows:-

*"Being admitted to the profession of Veterinary medicine, I solemnly swear to use my scientific knowledge and skills for the benefit of society through the **protection of animal health, the relief of animal suffering**, the conservation of livestock resources, the promotion of public health, and the advancement of medical knowledge.*

*I will practice my profession **conscientiously, with dignity and in keeping with the principles of veterinary medical ethics.***

*I accept as a lifelong obligation, the continual improvement of my professional knowledge and competence."*

We understand that there was no penalty applied to Wellard Rural Exports, despite clear evidence of overcrowding of animals and heat stress being provided, and we are also referring this and the other matters to the Australian Livestock Transporters Association. Could you please advise for how long these animals would have been 'curfewed' (denied water) **prior** to transport and provide an explanation of why DAFF apparently believes that there is nothing wrong with subjecting thousands of animals to such distress whilst they should still be protected under state and territory animal welfare statutes?

We request an immediate review into these practices and specifically this incident, and your advice on the outcome.

Yours sincerely

**SUZANNE CASS**

Cc Dr Mark Schipp, , Dr Peter Kerkenzov, Senator Lee Rhiannon, Mr Bill Farmer, WA Veterinarians Registration Board, International Organisation for Animal Health

---

<sup>3</sup> Ibid