

EMANUEL EXPORTS — LEGAL ACTION

Statement

HON JACKIE JARVIS (South West — Minister for Agriculture and Food) [10.04 pm]: Today, the Department of Primary Industries and Regional Development made the difficult decision to discontinue the animal cruelty case against Emanuel Exports relating to the deaths of around 2 400 live export sheep five years ago.

Many will remember with disgust the footage of dying and distressed sheep suffering heat stress aboard the *Awassi Express* in 2017. Much of this footage was re-aired tonight on all the major news channels. Like many Western Australians, I was shocked by the footage, and most farmers I know were also shocked and distressed by what happened on that voyage. No farmer should want to see any animal suffer like that.

DPIRD initiated the prosecution of those responsible for this shameful episode in 2019, and I absolutely back DPIRD's decision to do so; it was certainly the right thing to do. From the start, this was a difficult case to prosecute. There was a question of whether breaches of the Animal Welfare Act happened in international waters beyond the state's jurisdiction, and, more recently, a key witness relocating overseas added some complexities to the case. In recent weeks, DPIRD received legal advice, together with advice from the State Solicitor's Office, that there was no guarantee of conviction. I am incredibly disappointed. Today in court when the case was discontinued, the public interest test was quoted. For clarification, put simply, evaluation of whether a prosecution is in the public interest involves consideration of whether it has a reasonable prospect of obtaining a conviction. As I said, I am incredibly disappointed that on the advice of lawyers, this case was discontinued. With the case being discontinued, Emanuel Exports will be paying for its own court costs, but if DPIRD had proceeded with an unsuccessful case, millions of dollars of taxpayers' money would have been put at risk.

As shocking as this case was and as disappointed as I am, the horrifying incident aboard the *Awassi Express* made it clear that there was a need for greater scrutiny of the industry. Since then, the government and farmers have strengthened regulations by prohibiting the export of sheep to the Middle East in the hottest part of the northern summer, requiring heat stress management plans for those northern hemisphere summer voyages, lowering stocking densities for sheep on export vessels, and requiring measurement and collection of on-deck temperatures.

Emanuel Exports has not escaped punishment. Its export licence was suspended between July 2018 and December 2021, costing an estimated \$7 million. The video was extremely distressing and widely broadcast, and, as I mentioned, broadcast again on a number of channels today, and it has led to major reputational damage. The company's directors were forced to step down and their actions were condemned.

The decision to discontinue this case should not be celebrated. I saw some headlines this afternoon that I, quite frankly, found shocking—headlines that say “Farmers welcome the dropping of animal cruelty charges”. As I said, this should not be celebrated. The Western Australian public has the right to expect that all animals receive appropriate standards of care.

The Cook government is committed to delivering a modern animal welfare act to promote and protect animal welfare. Following a comprehensive review of the act, we are developing a bill to amend it, broadening the legislation in accordance with modern approaches to animal welfare regulation. Among other things, this will allow serious maltreatment of livestock and companion animals to attract tougher penalties. Although some farm lobby groups welcome the decision, the consequence of what happened on that voyage have been significant and far reaching. Emanuel Exports and its directors should be left in no doubt that the unspeakable cruelty that those animals endured was largely responsible for the federal government's decision to end the live sheep trade. If the livestock industry wants to blame anyone for the decision to end live exports that has been made by the federal government, it should look squarely towards Emanuel Exports.