

# Ruling on cattle export ban opens the floodgates

By **IMOGEN REID**, JOURNALIST

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A Northern Territory cattle company at the centre of the successful live export class action will be paid \$3m in damages, a court has ruled, leaving the federal government facing a compensation bill stretching into the hundreds of millions of dollars.

The Brett Cattle Company was one of 300 parties in the class action against former Labor agriculture minister Joe Ludwig's 2011 live cattle exports ban, a decision described by Federal Court judge Steven Rares as "capricious and unreasonable".

In his damages ruling on Monday, Justice Rares ordered the federal government to pay \$2.94m to the Brett Cattle Company — nine years after the ban was announced.

Justice Rares also said it was "reasonable" for other cattle exporters to be paid \$2.15 per kilogram for steers and \$1.95 per kilogram for heifers.

The government is still considering whether it will appeal the ruling, despite being urged by - Nationals MPs not to.

Scott Morrison said cattle producers could still be compensation regardless of any appeal.

"What's important is to note that those live cattle exporters were dealt with egregiously ... they deserve the support of ensuring that their injury and their hurt and their loss is addressed, and I have every intention of making sure that is done," the Prime Minister said.

Mr Ludwig banned the live export trade with Indonesia in response to an outcry over footage, collected by activists and broadcast by the ABC's Four Corners, showing Australian cattle being mistreated in foreign slaughterhouses.

Justice Rares said Mr Ludwig had acted without appropriate advice and knowing it would be costly for the industry.

“He made the ban order shutting his eyes to the risk that it might be invalid and to the damage that it was calculated to cause persons in the position of Brett Cattle,” he wrote in an earlier judgment handed down on June.

Other primary producers across Northern Australia could also be paid damages, with the matter returning to the Federal Court on August 20 to finalise how many businesses could claim money, and how much they would receive. The total bill could reach as high as \$600m.

Mr Ludwig’s decision shut down cattle businesses overnight, affecting not only farmers but veterinarians, farm supply businesses, and stock and station agents.

Nationals senator Matt Canavan was among six Coalition MPs to raise the matter at a partyroom meeting in Parliament House last month, warning that any appeal would send the wrong signal to farmers.

The National Farmers Federation is also urging the government not to appeal Justice Rares’s decision. “We continue to be deeply disappointed by the government’s failure to rule out appealing the decision,” an NFF spokeswoman said on Monday.

“The failure to back the industry fully indicates a disregard for the Brett family and the many families and businesses like them who have already endured enough.

“Far from settling the matter, the Prime Minister’s comments add further uncertainty and - anguish to what has already been an unnecessarily drawn out process.”

Hamish Brett, who runs the Brett Cattle Company, last month told The Australian that “a lot of people were affected” by the ban.

“I hope this goes across the border to Indonesia to show our trading partners that we realise that it was a bad decision by our government, and they’re going to pay the price,” Mr Brett said in June.

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