

Senate Rural Affairs and Transport Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
Supplementary Budget Estimates October 2011
Agriculture, Fisheries and Forestry

Question: 17

Division/Agency: Live Animal Exports Taskforce
Topic: Freedom of information – live animal exports
Proof Hansard page: 26

Senator Ludwig: No. It is an administrative instruction. Many of the documents throughout that period I added to the reading pack so that I had them electronically and so that I could then go back and recall them and reread them. I look at the flow of documents that come to me to see what the advice is and go back and recall earlier documents, particularly where a later brief might refer to an earlier brief. It is so I have the time series before me. That is not unusual, I would suspect. Maybe others might take different approaches, but I am happy to reread documents and reflect upon them again if there is a later brief that refers to them so that I can consider them again.

Senator IAN MACDONALD asked: So you say that prior to 27 May you had fully read this brief?

Senator Ludwig: Yes.

Senator IAN MACDONALD: When?

Senator Ludwig: I will take that on notice.

Answer:

Prior to 27 May 2011.

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Question: 18

Division/Agency: Live Animal Exports Taskforce
Topic: Freedom of information – live animal exports
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Senator COLBECK asked:

Senator COLBECK : Let us go to 4741. Its critical date is 13 May. It is marked urgent. What was the date of preparation of the document and the date it was transmitted to the minister's office?

Ms Evans: This brief was prepared, finalised and transmitted to the minister's office on 29 April. I should clarify. We prepared the brief over a number of days, concluded it on 29 April and provided it to the minister's office that day.

Senator COLBECK: Minister, your signature does not appear on that document. Given it is part of the same process and there is also no note such as 'Add to reading pack,' can you tell us when you read that document.

Senator Ludwig: As I recollect—but I am happy to check to confirm it—it was a document that was specifically requested by me but then was subsequently overtaken by events.

Answer:

The Minute was read between 29 April and 13 May.

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Question: 19

Division/Agency: Live Animal Exports Taskforce
Topic: Freedom of information – environmental exports
Proof Hansard page: 29

Senator ABETZ asked:

Senator ABETZ: It says 'please discuss'. That suggests a future action. If it said 'as discussed' that would suggest a past action. But you signed this, Minister, on 6 June, having been told that it was urgent. One week later, it has the lame notion 'please discuss', which suggests that it had not been discussed as of 6 June.

Senator Ludwig: And what I am clearly saying to you is that there was a range of discussions between me, my office and the department during this period. The time of signing and that notation was subsequent to those discussions. There would have been discussion, obviously, on 6 June when I signed off the brief. But there would have been discussions throughout that entire period.

Senator ABETZ: So why didn't you delete 'please discuss' and put an extra notation 'as discussed' so that we could read the documents and make sense of them? With great respect, Minister, this sounds like a reconstruction of events. You signed a document and circled 'please discuss'. Now you say, 'No, just because I circled please discuss does not mean that's what I meant, because I'd actually discussed the matter previously.' On what dates did you discuss the matter previously?

Senator Ludwig: Throughout that entire period from 30 May. There would have been discussion on 1 June and the following day.

Senator ABETZ: There would have been? You do not know. This is just plucking things out of the way, isn't it?

Senator Ludwig: No. There would have been discussions.

Senator ABETZ: Are there any minutes of those?

Senator Ludwig: I am sure that there are. I will take it on notice.

Answer:

There were ongoing discussions with the Minister for Agriculture, Fisheries and Forestry during the period 30 May 2011 to 2 June 2011 however the discussions were not formally minuted by the department.

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Question: 20

Division/Agency: Live Animal Exports Taskforce

Topic: Freedom of information – environmental exports

Proof Hansard page: 30

Senator ABETZ asked:

Senator ABETZ: Let us cut through it. That is the technical thing—so be it. Why can't that information be provided now to the committee without hiding behind the limitations of the FOI request?

Dr O'Connell: Which information is that? Could you reframe the question more clearly?

Senator COLBECK: Basically the minutes of the discussions between the minister and the department as things 'evolved'.

Senator ABETZ: Or were overtook.

Dr O'Connell: I think the minister took that on notice.

Senator ABETZ: But surely the minister and his office must have that available for us, given that they were given notice that we would be pursuing this issue.

Senator Ludwig: As indicated, I will take it on notice. I will have a look at what is available. Some of it will obviously be, as earlier indicated, legal advice. As you know, there is a longstanding convention not to release legal advice. I take it that you are not asking me for that.

Answer:

Please refer to the answer to Question 19 from the Supplementary Budget Estimates hearing on 17 October 2011.

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Question: 21

Division/Agency: Live Animal Exports Taskforce

Topic: Freedom of information – environmental exports

Proof Hansard page: 31

Senator COLBECK asked:

Senator COLBECK: You have talked about events moving and overtaking the advice you had received. Does that also relate to the legal advice you had received? Did events actually overtake that as well? So, was there any requirement for further legal advice as this process had continued?

Ms Evans: In relation to this particular brief, this was a particular set of options, and further advice that was different to the advice in this particular minute was obtained at other points in time as events proceeded.

Senator COLBECK: Can you give us the dates of those pieces of legal advice.

Ms Evans: I would have to take that on notice.

Answer:

The Department of Agriculture, Fisheries and Forestry requested 18 pieces of legal advice on a range of matters during the period 4 June 2011 to 15 September 2011. The legal advice subject matter included development of orders, approvals under Indonesia order and assessment of approvals, and exporter supply chain assurance system (audit reports).

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Question: 22

Division/Agency: Live Animal Exports Taskforce

Topic: Four corners footage

Proof Hansard page: 32

Senator COLBECK asked:

Senator COLBECK: So *Four Corners* did not offer you, Minister, the opportunity to view the footage?

Senator Ludwig: They offered me, as I recollect, an opportunity to look at the footage not much earlier than that. I cannot quite recall the date but I can get it for you, but predicated on the basis that I then provide an interview as well. So it was conditional.

Senator COLBECK: How many days before the airing of the show were you provided that opportunity?

Senator Ludwig: I will check the records on that. It was not a long period.

Senator COLBECK: Was it a week?

Senator Ludwig: I will check the records.

Answer:

As Minister for Agriculture, Fisheries and Forestry, I repeatedly requested copies of the footage from both *Four Corners* and the RSPCA in order to commence a proper investigation. These requests occurred on a number of dates including 23, 24, 26, 29 and 31 May 2011.

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Topic: Freedom of information – live animal exports
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Mr Morris: The relevant document was 5806. There was some information available at the time. Subsequent to the decision on the suspension being made, it was decided there needed to be more on-the-ground information as to the actual impact that the suspension was having as opposed to speculating about it, reading about it in the media or gathering it from other sources. We actually decided to go out, do the survey and collect some real on-the-ground information, and that was the basis of the ABARES survey, which would supplement information we were getting from other sources such as state and territory governments, industry and directly from the individuals affected.

Senator COLBECK asked: On notice, could the minister consider the not relevant stuff in 5806 over the lunch break as well?

Answer:

The documents in question have been released to the full extent allowed under the *Freedom of Information Act 1982*.

Senate Rural Affairs and Transport Legislation Committee
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Question: 73

Division/Agency: Live Animal Exports Taskforce
Topic: Live cattle suspension – departmental costs
Proof Hansard page: Written

Senator EDWARDS asked:

1. What is the total unbudgeted operational cost as a result of the Ministers ban of the live cattle exports from 7th June to 6th July 2011 of the Department?
2. What interdepartmental budget/s were impacted and to what value, to cover these extraordinary costs?
3. Please detail the total cost to the Department (and it's agencies) from:
 - a. Intervention into on ground Indonesian slaughter operations by the Department, the Australian Government or any official on behalf of the Department or Australian Government.
 - b. If any officers (from or on behalf of the Department of the Australian Government) went to Indonesia :
 - i) In the 6 months prior to 6 June 2011
 - ii) After 6 June 2011 to 30th September 2011
 - c. What was the objective of this travel?
 - d. For this travel, what was the total cost of:
 - i) Airfares
 - ii) Accommodation
 - iii) Travel allowance

And any other items

Answer:

1. Any additional costs have not been calculated and but have been absorbed within existing budget allocations in the 2010–11 Budget.
2. See Answer 1. Questions to other departments need to be directed to them.
3. The following table provides details of the travel and associated costs for department officials and other representatives of the department who travelled to Indonesia during the period six months prior to 6 June 2011 up to 30 September 2011. This table also contains the objective of each visit.

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Question: 73 (continued)

DAFF Officers	Visit date	Objective	Cost
Phillip Glyde – Deputy Secretary Paul Ross – Assistant Secretary Bilateral Trade Tom Black – Manager, ASEAN	8-13 March 2011	Accompanying Minister Ludwig to Indonesia	Airfares: \$7 232.00 Accommodation: \$1 200.00 Travel Allowance: \$81.00 Airfares: \$4 246.00 Accommodation: \$528.00 Travel Allowance: \$109.62 Airfares: \$4 246.00 Accommodation: \$528.00 Travel Allowance: \$101.02
Adrian Coghill – Senior Veterinary Officer Peter Thornber – Senior Veterinary Officer Kiran Johar – Senior Veterinary Officer Tristan Jubb – Australian Veterinary Association - Consultancy	11-25 June 2011	Australian delegation to undertake initial observations of restraint boxes (Mark 1 and Mark IV) in Indonesia.	Airfares: \$4 505.96 Accommodation: \$1 443.51 Travel Allowance: \$999.22 Airfares: \$4 505.96 Accommodation: \$2 163.00 Travel Allowance: \$1 346.84 Airfares: \$4 505.96 Accommodation: \$1 648.00 Travel Allowance: \$1 198.56 Airfares: \$3 892.27 Accommodation: N/A Travel Allowance: N/A Consultancy: \$12 600.00
Phillip Glyde	12-13 June 2011	Meeting with senior Indonesian officials to discuss the suspension of the live cattle trade	Airfares: \$1 810.00 Accommodation: \$400.00 Travel Allowance: \$26.00
Paul Morris a/g Deputy Secretary	19-21 June 2011	Accompanying Minister Ludwig to Indonesia	Airfares: N/A – Travelled with Minister Accommodation: \$3 445.76 Travel Allowance: \$33.00
Paul Morris Mark Schipp a/g Chief Veterinary Officer	3-7 July 2011	Meeting with senior Indonesian officials to discuss the resumption of the live cattle trade	Airfares: \$6 170.12 Accommodation: \$1 156.26 Travel Allowance: \$360.36 Airfares: \$6 851.75 Accommodation: \$1 091.65 Travel Allowance: \$420.27
Paul Ross	3-23 July 2011	A/g Minister Counsellor (Agriculture) at Australian Embassy in Jakarta	Airfares: \$6 760.75 Accommodation: \$2 926.10 Travel Allowance: \$2 111.68
Jo Evans First Assistant Secretary	7-9 September 2011	Meeting with senior Indonesian officials to discuss assistance to improve animal welfare outcomes	Airfares: \$4 885.54 Accommodation: \$300.00 Travel Allowance: \$286.57

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Question: 73 (continued)

DAFF Officers	Visit date	Objective	Cost
Trade and Market Access Division Paul Ross		in Indonesian abattoirs	Airfares: \$4 885.54 Accommodation: \$300.00 Travel Allowance: \$290.13

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Question: 79

Division/Agency: Live Animal Exports Taskforce

Topic: Animal welfare – live animal exports

Proof Hansard page: Written

Senator RHIANNON asked:

On the recent 'Al Messilah' voyage, AQIS claimed that the number of sheep who died (289 or 0.44%) was not a Notifiable Incident. The rate of 'accepted mortalities' for a voyage of sheep is set at 2% and this is enshrined in Australian legislation. What is the basis for determining this rate of 'accepted mortalities' for sheep and cattle?

Answer:

There is no rate of 'accepted mortalities', the mortalities from all voyages are reported to the government in daily voyage reports and end of voyage reports.

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Question: 83

Division/Agency: Live Animal Exports Taskforce

Topic: Live animal exports – OIE guidelines

Proof Hansard page: Written

Senator RHIANNON asked:

What action has the government taken when presented with evidence of non-compliance with the World Organisation for Animal Health (OIE) guidelines in importing countries?

Answer:

In response to footage of Australian animals being handled in Indonesian facilities aired by the ABC's Four Corners program on 30 May 2011, the Australian Government initiated a temporary suspension of the live cattle export trade to Indonesia.

The government in consultation with industry developed and implemented a new regulatory framework for livestock exports to Indonesia that safeguards animal welfare standards. The new regulatory framework requires that the supply chains are compliant with OIE Animal welfare guidelines.

This is the first time the whole supply chain for live animal exports has been regulated by the Government.

On 21 October 2011, the government announced that this new regulatory framework will be extended to all other markets for Australian feeder and slaughter livestock.

Any evidence of non-conformity with the new regulatory framework and the supply chain assurance requirements based on OIE animal welfare guidelines will be considered by the Department of Agriculture, Fisheries and Forestry and sanctions may apply. These sanctions can include placing conditions on future consignments, refusing to approve future consignments, cancelling an exporter's license through to criminal sanctions for the most serious of offences.

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Question: 85

Division/Agency: Live Animal Exports Taskforce

Topic: Animal welfare – stunning

Proof Hansard page: Written

Senator RHIANNON asked:

Apart from live cattle and sheep, what other species of live export animals are subject to slaughter without pre-stunning. Where? And in what numbers?

Answer:

The Department of Agriculture, Fisheries and Forestry does not collect data on slaughter methods employed in overseas markets.

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Question: 86

Division/Agency: Live Animal Exports Taskforce
Topic: Live cattle suspension – cattle to Indonesia
Proof Hansard page: Written

Senator RHIANNON asked:

Were any and, if so, what steps taken by the Department [as co-regulator of the live export trade with LiveCorp] to protect the some 100,000 Australian cattle on the ground in Indonesia exported before June's trade suspension?

Answer:

The new regulatory framework implemented for livestock exports to Indonesia was announced on 6 July 2011. Australian cattle that had already been exported to Indonesia before the suspension of the livestock trade on 7 June 2011 were not covered by the new regulatory framework.

LiveCorp is not a regulator.

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Question: 87

Division/Agency: Live Animal Exports Taskforce

Topic: New export arrangements

Proof Hansard page: Written

Senator RHIANNON asked:

Is humane [as distinct from *less inhumane*] handling and slaughter of Australian animals in foreign export markets likely, having regard to –

- a) the cessation of Australia jurisdiction once the animals are disembarked dockside;
- b) the cultural attitudes to animals in foreign export markets?

Answer:

On 21 October 2011, the Australian Government announced that the regulatory framework put in place for livestock exports to Indonesia will be extended to all other markets for Australian feeder and slaughter livestock. This framework will require that Australian livestock are handled and slaughtered through supply chains that meet requirements of the World Organisation for Animal Health (OIE). Information on the new framework can be found at www.liveexports.gov.au.

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Question: 88

Division/Agency: Live Animal Exports Taskforce

Topic: New export arrangements

Proof Hansard page: Written

Senator RHIANNON asked:

The Festival of Sacrifice will take place in Middle Eastern countries in the first part of November. Is it proposed that the purchase of live sheep in these foreign export markets be prohibited so that well-documented unsympathetic handling and unskilled butchery of the animal's throat can be ended?

Answer:

On 26 October 2011, the Australian sheepmeat industry outlined its strategy to assure the welfare of Australian sheep in major Middle Eastern markets, including during the religious festival Eid al Adha from 6 to 9 November 2011.

On 21 October 2011, the Australian Government announced that the regulatory framework put in place for livestock exports to Indonesia will be extended to all other markets for Australian feeder and slaughter livestock. This framework will require that Australian livestock are handled and slaughtered through supply chains that meet requirements of the World Organisation for Animal Health (OIE). Information on the new framework can be found at www.liveexports.gov.au.

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Question: 91

Division/Agency: Live Animal Export Taskforce

Topic: Indonesian live cattle market

Proof Hansard page: Written

Senator RHIANNON asked:

By a media release dated 6 June 2011 Meat & Livestock Australia, Cattle Council of Australia, and Australian Livestock Exporter's Council nominated only five Indonesian facilities "...as using stunning effectively...", despite claiming a preliminary audit of the 100 abattoirs. The Indonesian Beef Producer and Lot Feeder Association and Meat & Livestock Australia were reported on 11 July 2011 (*The Australian*, p.2) as claiming there were then 11 facilities that used stunning. Recent reports claim as many as 20. With the suspension of the trade, there was a doubling or quadrupling of abattoirs using stunning. Why then in the previous 20 years had the federal department of agriculture, LiveCorp and Meat & Livestock Australia only secured five Indonesian abattoirs "...as using stunning effectively..."?

Answer:

The new regulatory framework for export of livestock in Indonesia (announced on 6 July 2011) provides industry with clear guidelines on ensuring animal welfare. Industry has worked collaboratively with their counterparts in Indonesia to improve supply chains to comply with the new supply chain assurance requirements. The new regulatory framework and supply chain assurance requirements do not mandate stunned slaughter practices, however industry has committed to encourage the practice. Over half of the supply chains for cattle exported to Indonesia to date will be processed through facilities that use stunning. This proportion will change over time as new supply chains are developed.

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Question: 92

Division/Agency: Live Animal Export Taskforce

Topic: New export arrangements

Proof Hansard page: Written

Senator RHIANNON asked:

LiveCorp has apparently committed \$1M over the next year to improve animal welfare in Indonesia, and over the last ten years has invested almost \$4M [Four Corners, 'A Bloody Business', transcript 30 May 2011 with Cameron Hall, CEO LiveCorp]. Can this be viewed as remotely adequate in view of the scale of the challenge to secure humane handling and slaughter of Australian cattle (in respect of a trade worth some \$300M)?

Answer:

Questions about LiveCorp's investment strategy should be directed to them.

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Question: 100

Division/Agency: Live Animal Export Taskforce

Topic: Animal welfare – restraint boxes

Proof Hansard page: Written

Senator RHIANNON asked:

Did any official from DAFF view the Mark 1 Box in operation? If so, when and who and was their view provided to government?

Answer:

To assess the ongoing appropriateness of Mark I and IV restraint boxes the Australian Chief Veterinary Officer (ACVO) conducted an assessment. The ACVO and Department of Agriculture, Fisheries and Forestry (DAFF) officials viewed small segments of the footage of the mistreatment of Australian cattle in Indonesia by Animals Australia for the first time during a meeting with the Royal Society for Prevention of Cruelty to Animals (RSPCA) on 30 May 2011.

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Question: 101

Division/Agency: Live Animal Export Taskforce

Topic: Animal welfare - restraint boxes

Proof Hansard page: Written

Senator RHIANNON asked:

Has any official from DAFF viewed the Mark 4 Box in operation? If so, when and who and was their view provided to government?

Answer:

Please refer to the answer to Question 100 from the Supplementary Budget Estimates hearing on 17 October 2011.

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Question: 102

Division/Agency: Live Animal Export Taskforce

Topic: Animal welfare stunning

Proof Hansard page: Written

Senator RHIANNON asked:

On what basis does DAFF provide advice to government in relation to requiring stunning of Australian animals in importing countries?

Answer

The Department of Agriculture, Fisheries and Forestry provides advice to government through its Minister, currently Senator the Hon Joe Ludwig and Parliamentary Secretary Dr Mike Kelly.

Senate Rural Affairs and Transport Legislation Committee
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Question: 131

Division/Agency: Live Animal Exports Taskforce

Topic: Live exports

Proof Hansard page: Written

Senator COLBECK asked:

1. In response to the bans on live cattle export to Indonesia, did the Minister review any other live export programs and associated regulations and standards?
2. Did the Minister enforce a number of “sleeping” regulations and / or standards?
3. How was enforcement of these “sleeping” regulations or standards clearly communicated to those likely to be affected?
4. NSW Farmers Association wrote to Minister Ludwig on 4 August detailing issues with the enforcement of Standard S3.9 from the Australian Standards for Export of Livestock, which prohibits the live export of pastoral and station sheep to the Middle East from May to October. It has been reported that the Minister’s office advised personnel following up on this correspondence there was an “initial 3 week waiting period” from when correspondence is received. Is this correct?
5. Does the Minister’s office have a system for prioritising incoming correspondence and issues?
6. If so, why was the sheep export issue not dealt with in a more timely manner?
7. What information do the Minister and department have regarding the financial implications of the enforcement of the regulation prohibiting the live export of pastoral and station sheep from south western region of NSW?
8. What responsibility does the Minister have for ensuring adequate communication of the Australian Standards for the Export of Livestock (ASEL)?
9. Much of country affected by the enforcement of this ban is considered by many to be sheep and wheat country and not pastoral. What are the criteria for classifying land?
10. What is the department doing to review the classification of the land in question?

Answer:

1. Yes, the Farmer Review was conducted.
2. There is no such thing as a ‘sleeping regulation’.
3. See answer 2.
4. No.
5. Yes.
6. The correspondence was dealt with as quickly as possible.
7. Section 3.9 of the Australian Standard for the Export of Livestock was introduced by the former Howard Government under then Minister for Agriculture, The Hon Warren Truss. The policy has been in place since 2006. The Howard Government put these standards in place on the basis of animal welfare, not economic impact.

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Question: 131 (continued)

8. None.
9. For the purpose of sourcing sheep for the live export trade, the pastoral zone in South Australia is considered to be the area north of Port Augusta and includes those properties that have a Property Identification Code (PIC) with the 3rd and 4th characters: 70, 80, 81, 82, 83, 84 and 85. The pastoral zone in NSW includes the Livestock Health and Pest Authorities in the western division. Properties with PICs with the following 3rd and 4th characters are considered pastoral: 03, 05, 07, 09, 13, 31, 39, 58, 60 and 61.
10. The Australian Government has committed to undertake a comprehensive review of the ASEL as recommended by the Farmer Review. This review will consider the classification of 'pastoral sheep'.