

Rural and Regional Affairs and Transport Committee

ANSWERS TO QUESTIONS ON NOTICE

Additional Estimates February 2013

Agriculture, Fisheries and Forestry

Question: 186

Division/Agency: Live Animal Export Division

Topic: Investigations of regulatory programs

Proof Hansard page: 63

Senator RHIANNON asked:

Senator RHIANNON: Considering the distress this caused the wider Australian public, considering the challenge that the industry has and considering your own workload, which is obviously very relevant here, can you give us some more information about how these are being conducted? You have said they are all priorities. The five of them sound like a lot of work. Is there one that you are concentrating on more? Would not the advice from one help inform the others? Could you give us some more advice please?

Ms Irwin: The department does have an investigations and enforcement division to conduct investigations across any of its regulatory programs. That division plays a key role in advising any program across the department on compliance and enforcement action. Specifically in relation to the way investigations are undertaken in the live animal export program, there are a range of areas in the department that provide expert advice to assist in the completion of investigations. For example, my own division will provide regulatory advice for the regulatory framework that we work under. The animal biosecurity division will provide expert advice for animal health issues that may arise, including advice from the CVO on occasions. The animal welfare branch will provide advice on animal welfare standards. As you can appreciate, there is a range of areas of expertise that may need to be called on depending on what the particular issues are in any investigation on foot.

Senator RHIANNON: Has any of this investigation or advice work been outsourced or has it all been done within the department?

Ms Irwin: To the best of my knowledge, it is all being done within the department.

Senator RHIANNON: Do you want to take that on notice if you are not sure?

Mr Metcalfe: We will correct the record or add to the answer if there is anything more to say.

Answer:

All work concerning the investigations has been completed by officers within the Department of Agriculture Fisheries and Forestry with the exception of legal advice provided by an external supplier.

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Agriculture, Fisheries and Forestry

Question: 187

Division/Agency: Live Animal Export Division

Topic: LiveCorp review of ESCAS Export Standards

Proof Hansard page: 73

Senator RHIANNON asked:

Senator RHIANNON: When will the review be finished and released?

Mr Glyde: We are fairly close. I will probably have to take it on notice, but I would think in the next couple of months.

Senator RHIANNON: Would you take it on notice, please?

Mr Glyde: Yes.

Answer:

The Department of Agriculture, Fisheries and Forestry expects to provide a report on the review of the Australian Standards for the Export of Livestock along with draft revised standards to the Minister for Agriculture, Fisheries and Forestry (the minister) in the second quarter of 2013. The Minister will consider the report and further steps towards implementation, including release of the review findings.

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Additional Estimates February 2013

Agriculture, Fisheries and Forestry

Question: 188

Division/Agency: Live Animal Export Division

Topic: Export of Live Sheep to Egypt

Proof Hansard page: 118

Senator WILLIAMS asked:

Senator WILLIAMS: I understand the Egyptian veterinary officials from GOVS have communicated with the department on at least one occasion in the past 12 months that they would like to begin negotiating a MOU on a health protocol to enable an export of live Australian sheep to Egypt. Would you please advise us what you are doing to pursue this market opportunity as a matter of urgency?

Mr Glyde: I am not familiar with the real detail of that. I am aware that we have had an approach from Egypt and that they have had a long-running interest in sheep. The exact status of where we are up to and the nature of the exchange is something that would be best answered by our animal biosecurity division who appeared earlier. But I am more than happy to take that on notice.

Senator WILLIAMS: Take it on notice and see where it is up to because obviously they are keen to buy from us. The issue is that the mutton market has dropped significantly as has the lamb market. Since the implementation of ESCAS, how many new markets has your department assisted in opening for the livestock export industry?

Ms Evans: We might have to take that on notice. The livestock export industry includes a number of different types of animals—breeder animals, slaughter animals, as well as cattle, sheep and goats et cetera—so I would like to take it on notice to make sure we give you an accurate answer.

Answer:

The Department of Agriculture, Fisheries and Forestry (DAFF) is assessing the legislative and operational processes that would be required to allow exports of feeder and slaughter sheep to Egypt under the Exporter Supply Chain Assurance System and will update industry and Egyptian government officials once this assessment has been completed.

Work on new markets is prioritised by the Australian Livestock Exporters Council Protocol Committee, of which DAFF and industry bodies are key members. The government continues to work with industry and trading partners to progress Memorandums of Understandings and health protocols for new markets. DAFF understands that opening these markets is a priority for industry and is investing considerable time and effort building the government-to-government relationships that will see these markets open.

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ANSWERS TO QUESTIONS ON NOTICE

Additional Estimates February 2013

Agriculture, Fisheries and Forestry

Question: 189

Division/Agency: Live Animal Export Division

Topic: Breaches of ESCAS

Proof Hansard page: 119

Senator RHIANNON asked:

Senator RHIANNON: It has been reported that Australian sheep are being sold to unaccredited livestock markets in Kuwait's Al Rai livestock market, in the Friday local market. Do you have details of your investigation of this latest breach of the export rules? I am after any information about who did this and how this happened.

Mr Metcalfe: Chair, Senator, this really should have come up under the live animal export discussion we had earlier this afternoon. Mr Glyde is Deputy Secretary. He may be able to assist, but I doubt if we will have any other officers at this stage of the proceedings.

Mr Glyde: The Secretary is right. The people who have the detailed knowledge about the particular investigations were in the live animal export division. What I do know is that we have received two complaints from Animals Australia in relation to animals being in this particular market in Kuwait. I do not recall the exact date that we received the first one, but we also received a second allegation in January this year—I forget the specific date—and we have commenced an investigation into that second incident.

Mr Metcalfe: I think it was addressed to me, and so it was very recent.

Mr Glyde: Yes, it was extremely recently. I probably have it here in the briefing, but it is probably safer for me to give you the precise timing as to when we received both of those allegations on notice, if that is okay.

Answer:

The Department of Agriculture, Fisheries and Forestry (DAFF) received two complaints from Animals Australia concerning alleged non-compliance with the Exporter Supply Chain Assurance System at the Al Rai Market in Kuwait; the first on 30 August 2012 and the second on 30 January 2013. Both complaints are currently being investigated by the department.

Investigations are undertaken in line with the Australian Government Investigation Standards and DAFF does not publicly comment on active criminal investigations so as not to compromise the integrity of the investigation.

The investigations are continuing and the outcomes will be made available on the DAFF website when completed.

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Additional Estimates February 2013

Agriculture, Fisheries and Forestry

Question: 190

Division/Agency: Live Animal Export Division

Topic: Breaches of ESCAS

Proof Hansard page: 119-120

Senator RHIANNON asked:

Senator RHIANNON: I will put the questions in on notice. I am sorry about that; I am still working that out. I want to ask a fairly general question: as you are aware, a number of animal groups have often alerted you to the issues of animal cruelty. Apart from animal groups alerting you, have you been informed by any other groups or individuals not associated with animal welfare groups?

Mr Glyde: We receive information about non-compliances essentially from three resources. The first source is our auditing system of both initial audits and performance audits. They come through as a result of the ESCAS. The second source of information we have is from the exporters themselves. We have had a number of incidents where the exporters have declared noncompliances that they have become aware of. The third source of information is from third parties, and to date the third party information has come from animal welfare groups or from people reporting through the Australian animal welfare groups.

Senator RHIANNON: Do you have a breakdown for those three? What percentage of the reporting comes from those three different groupings?

Mr Glyde: Yes, we can provide that. I do not have the exact information to hand, but we can provide that classified by our hierarchy of critical, major and minor noncompliances by the source from where they have come. The vast majority of the noncompliances tend to relate to documentation, but we can give you that breakdown. In looking around for that, I have found the dates for those two investigations, if that would help.

Senator RHIANNON: Yes.

Mr Glyde: The original complaint in Kuwait was received by us on 30 August, alleging that Australian sourced sheep were being offered for sale and slaughter outside of the approved supply chain in Kuwait. We received a second complaint, as the Secretary said, on 30 January with the same allegation—that is, the animals were being offered for sale and slaughter outside an approved supply chain. But I will also provide the specifics about our sources of information in relation to noncompliances.

Senator RHIANNON: Thank you. Chair, I will put my questions on notice and get them into the right group.

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Question: 190 (continued)

Answer:

As at 28 February 2013, the department has received two reports from third parties leading to two incidences of non-compliance which have been investigated and classified as major non-compliances, representing 1.8 per cent of all confirmed non-compliance incidences. The department also received a report from a third party of a further alleged non-compliance. The department investigated the report and determined no confirmed non-compliance.

A further eight incidences of non-compliance have been self-reported by exporters (one classified as major and seven as minor) representing 7.1 per cent of all confirmed non-compliance incidences.

Two incidences of non-compliance were identified by the department through the assessment of information submitted by the exporter and classified as minor, representing 1.8 per cent of all confirmed non-compliance incidences.

The majority of confirmed non-compliance incidences relate to administrative non-compliances issued to late provision of documentation (101 incidences).

Information regarding confirmed non-compliances with the Exporter Supply Chain Assurance System is published on the department's website at <http://www.daff.gov.au/aqis/export/live-animals/livestock/escas/audit-reports#sect6> and updated on a monthly basis.

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Additional Estimates February 2013

Agriculture, Fisheries and Forestry

Question: 191

Division/Agency: Live Animal Export Division

Topic: Sheep in Kuwait

Proof Hansard page: Written

Senator RHIANNON asked:

1. It has been reported that Australian sheep are being sold at two unaccredited livestock markets in Kuwait's al-Rai livestock market and the Friday local market on January 17–18.
 - a. What resources and personnel have been allocated to this investigation?
 - b. How and when and to whom was notification given of these incidents?
2. Is there an existing investigation into the cruel and inhumane treatment of sheep that occurred at one of the same markets last year?
 - a. If so where is that investigation up to; when and how did the breach occur?
 - b. Why is that existing investigation still continuing some 5 months after the report of the breach?
3. What resources are needed to expedite such investigations to avoid continuing breaches of the ESCAS?
 - a. What procedures and safeguards are supposed to be in place during investigations to safeguard against more sheep making it into those unaccredited markets that are already being investigated?
 - b. Who is responsible for ensuring these safeguards work?

Answer:

1.
 - a. The Live Animal Export (LAE) division is investigating the allegations.
 - b. Animals Australia wrote to the Secretary on 30 January 2013.
2. Yes.
 - a. The LAE division continues to investigate the allegation. A report on the investigation will be made public once finalised.
 - b. See response to Question 2a.
3. LAE division allocates appropriate resources to investigations.
 - a. There are regulatory powers in the Export Control (Animals) Order 2004 that the Secretary may use if non-compliance with Exporter Supply Chain Assurance Scheme (ESCAS) arrangements is or may be occurring. This could include applying additional conditions to the approval of an ESCAS or varying an ESCAS approval already in place if the Secretary thinks it is necessary to do so to ensure that the livestock will be transported, handled, slaughtered and subjected related operations in accordance with relevant World Organisation for Animal Health (OIE) recommendations.
 - b. The LAE division is responsible for checking that exporters comply with the conditions of their approved ESCAS through ESCAS reporting and auditing processes.

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Agriculture, Fisheries and Forestry

Question: 192

Division/Agency: Live Animal Export Division

Topic: Trade and Market Access

Proof Hansard page: Written

Senator WILLIAMS asked:

Since the implementation of ESCAS, how many new markets has your Department assisted in opening for the livestock export industry? (If they claim Vietnam, much of the work was done by the NT Government except for the health protocol issues – so the answer should be none).

Answer:

Work on new markets is prioritised by the Australian Livestock Exporters Council Protocol Committee, of which Department of Agriculture, Fisheries and Forestry (DAFF) and industry bodies are key members. The government continues to work with industry and trading partners to progress Memorandums of Understandings and health protocols for new markets. DAFF understands that opening these markets is a priority for industry and is investing considerable time and effort building the government-to-government relationships that will see these markets open.

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ANSWERS TO QUESTIONS ON NOTICE

Additional Estimates February 2013

Agriculture, Fisheries and Forestry

Question: 193

Division/Agency: Live Animal Export Division

Topic: Trade and Market Access

Proof Hansard page: Written

Senator WILLIAMS asked:

Do you understand that by failing to help the livestock export industry to open new markets that you are effectively driving down sheep and cattle prices and lowering farm incomes to thousands of producers around the country?

Answer:

As with any industry, a number of factors contribute to supply and demand in the livestock export industry.

The Australian government remains committed to the livestock export trade where acceptable animal welfare outcomes can be achieved and importing country requirements can be met. All exported livestock must comply with the animal health conditions of importing countries. In situations where there are no agreed health conditions, it is often necessary for the Department of Agriculture, Fisheries and Forestry (DAFF) to facilitate the opening of new export markets by negotiating science based, certifiable animal health requirements with the importing country. DAFF, with the assistance of Austrade and Department of Foreign Affairs and Trade, works closely with industry and importing country authorities to facilitate the opening and development of new markets.

Work on new markets is prioritised by the Australian Livestock Exporters Council Protocol Committee, of which DAFF and industry bodies are key members. The government continues to work with industry and trading partners to progress Memorandums of Understandings and health protocols for new markets. DAFF understands that opening these markets is a priority for industry and is investing considerable time and effort building the government-to-government relationships that will see these markets open.

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ANSWERS TO QUESTIONS ON NOTICE

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Agriculture, Fisheries and Forestry

Question: 194

Division/Agency: Live Animal Export Division

Topic: Mauritius Cattle

Proof Hansard page: Written

Senator RHIANNON asked:

1. Did MLA know that the method to be used to slaughter cattle exported to Mauritius last year would involve the roping method outlawed following the response to the Indonesian live export controversy?
2. Is there an existing investigation into the recent cruel and inhumane treatment of cattle in Mauritius?
 - a. If so where is that investigation up to?
 - b. Why is that existing investigation still continuing some 5 months after the report of the breach?
3. What resources are needed to expedite such investigations to avoid continuing breaches of the ESCAS?

Answer:

1. No.
2. Yes.
 - a. The investigation is not yet complete.
 - b. The exporter self reported breaches of the Australian Standards for the Export of Livestock on 21 November 2012. The investigation is continuing and the outcomes will be available on the Department of Agriculture Fisheries and Forestry's website when completed.
3. Slaughter and feeder livestock exported to Mauritius were only subject to Exporter Supply Chain Assurance System (ESCAS) from 1 January 2013. As this consignment departed on 4 October 2012, an ESCAS was not required this consignment. Higher levels of oversight have now been implemented.

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ANSWERS TO QUESTIONS ON NOTICE

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Agriculture, Fisheries and Forestry

Question: 195

Division/Agency: Live Animal Export Division

Topic: Barkly Pearl Shipment of Cattle to Mauritius

Proof Hansard page: Written

Senator RHIANNON asked:

1. Regarding the shipment of cattle from Geraldton to Mauritius on the Barkly Pearl in October 2012. It has been reported that all cattle certified by a veterinarian as spayed and therefore not pregnant, yet two cows birthed during the voyage and many were found to be pregnant on arrival?
 - a. What are the details of this incident, and details of any investigation?
 - b. Is this a regular occurrence?
 - c. What proof is required to support claims of spayed cattle?
 - d. What precautions are being taken to ensure this does not happen again?
 - e. What is the process to address false or wrong reporting from supervising vets?
 - f. Where are the gaps in the live export process that can allow this to happen, and what is being done to address those shortfalls?
2. There were a reported 18 deaths during the voyage, yet a complaint has been made that the captain's documentation stated no mortalities occurred.
 - a. Who is undertaking that investigation, and where is that investigation up to?
3. What is the process available to make complaint about false and misleading information provided by a livestock ship's captain in relation to their shipments of Australian live exports?

Answer:

1.
 - a. A consignment of 2061 slaughter cattle was exported from Geraldton, Australia to Port Louis, Mauritius in October 2012. There were 18 mortalities during the voyage and two of the animals calved. The exporter self reported breaches of the Australian Standards for the Export of Livestock to the Department of Agriculture Fisheries and Forestry (DAFF) on 21 November 2012. The investigation is continuing and the outcomes will be available on the DAFF website when completed.
 - b. The export of slaughter cattle to Mauritius is a regular occurrence.
 - c. Standard S1.9 of Australian Standards for Export of Livestock outlines the pregnancy status requirements for cattle exported for slaughter or feeder purposes.
 - d. Immediate corrective action was taken and all female cattle exported by the company are now tested in the registered premises before departure, even if previous testing has been undertaken.

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Question: 195 (continued)

- e. If there is evidence to question the veracity of a pregnancy declaration, this matter may be brought to the attention of the relevant state or territory veterinary registration board for further action.
 - f. The efficacy and effectiveness of animal export regulation, standards and processes are under regular review. When specific incidents and issues are identified, they are reviewed to determine whether the concerns are substantiated and if so, whether they are isolated or systemic problems. Corrective action, if appropriate, is taken after the facts have been determined.
2. These matters form part of the ongoing investigation of this incident.
 3. Complaints about the possible provision of false and/or misleading information made by the Master of a vessel can be made to the Australian Maritime Safety Authority.

Rural and Regional Affairs and Transport Committee

ANSWERS TO QUESTIONS ON NOTICE

Additional Estimates February 2013

Agriculture, Fisheries and Forestry

Question: 196

Division/Agency: Live Animal Export Division

Topic: ESCAS Investigations

Proof Hansard page: Written

Senator RHIANNON asked:

Considering a cornerstone of why the ESCAS was implemented is to prevent Australian livestock being sold into notoriously cruel markets, what are the specific responsibilities of the government agencies involved in investigating and/or implementing the process supposed to prevent these breaches, and how do they interact with each other?

Answer:

Under the Exporter Supply Chain Assurance System (ESCAS), exporters are responsible for preventing breaches by ensuring international animal welfare standards are upheld within their supply chains. ESCAS means exporters can be held accountable when these standards are not met. As the independent regulator of livestock exports, it is the responsibility of the Department of Agriculture, Fisheries and Forestry to investigate all reported incidents and ESCAS breaches.

Rural and Regional Affairs and Transport Committee

ANSWERS TO QUESTIONS ON NOTICE

Additional Estimates February 2013

Agriculture, Fisheries and Forestry

Question: 197

Division/Agency: Live Animal Export Division

Topic: Live Exports Dip in 2013

Proof Hansard page: Written

Senator COLBECK asked:

1. What are the prospects of live sheep exports to other countries to alleviate the impact of the forecast drop to Saudi Arabia and Bahrain?
2. What are the hurdles in finalising the approval of supply chains to Saudi Arabia?
3. What are the expected consequences of the reduction in live export for sheep and cattle, as reported by the Kondinin Group 29 January 2013?
4. What actions are the Department taking to address these consequences?

Answer:

1. The marketing of live sheep exports is a commercial matter between exporters and relevant importers. It should be noted that, reflecting commercial reasons, there has been a significant reduction in the number of sheep exported to Saudi Arabia since 2006—from over 1 million sheep per year to about 24 000 in 2011. Only two consignments (one voyage) totalling about 67 000 sheep were exported to Saudi Arabia in 2012.
2. The livestock exporter must apply for approval of the necessary Exporter Supply Chain Assurance System, Notice of Intention and Consignment Risk Management Plan documentation for a consignment. To date, the Department of Agriculture, Fisheries and Forestry (DAFF) has not received an application for a Saudi Arabian supply chain.
- 3 & 4. DAFF did not provide input into the Kondinin Group report of 29 January 2013 and has not reviewed the report's findings.