



Rebecca Irwin
First Assistant Secretary
Live Animal Export Division
Department of Agriculture
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by email: info@vale.org.au

1 February 2014

Dear Ms Irwin,

Thank you for your letter of 12 December 2013.

I have further questions regarding the 2007 live export voyage from Port Kembla to Madagascar, where you have advised the animals were not accompanied by an accredited stockman. In your letter you state that “the body corporate which exported that particular consignment no longer holds an export licence”

From examination of relevant parliamentary reports and the high mortality investigation report conducted into this incident it appears that the exporter in question was Central Pacific Livestock Pty Ltd. This company was, as of 17 December 2013 (that is, several days after your letter), seeking to purchase dairy heifers for export to China (see attached).

You go on to contend in your letter that because the exporter in question no longer holds a licence it is no longer possible to bring regulatory action against it. That may well be the case regarding imposition of licence or other conditions on subsequent voyages, which I appreciate is the Department’s preferred regulatory response. However, under the Australian Meat and Live-stock Industry Act 1997 (AMLI Act), section 54(3), it is an offence for the holder of a live export licence to knowingly or recklessly not comply with a licence condition. The penalty is 5 years imprisonment. Export licence conditions include compliance with the Australian Standards for the Export of Livestock (ASEL) and ASEL includes the requirement that an accredited stockman must accompany each consignment [Standard 4.5 , 5.1 (a)]. Our legal advice is that by virtue of Section 15B of the Crimes Act (1914), read with section 4B of that Act, a prosecution for breach of Section 54(3) of the AMLI Act may be commenced at any time. Thus, whether or not this exporter holds an export licence is not a consideration concerning commencement of a prosecution for breach of s54(3) of the AMLI Act.

Given this, please advise how 1) Central Pacific Livestock appears to be sourcing animals for export as recently as 17 December 2013, when according to you it seemingly does not have a licence? 2) why you have not commenced proceedings against this company for a breach of its licence conditions?

Yours sincerely

A handwritten signature in black ink, appearing to read 'S Foster', written in a cursive style.

Dr Sue Foster BVSc MVetClinStud FANZCVS
Spokesperson, Vets Against Live Export

