

s. 22(1)(a)(ii)

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From: s. 22(1)(a)(ii) s. 22(1)(a)(ii) [@daf.gov.au](mailto:s.22(1)(a)(ii)@daf.gov.au)

Sent: Friday, 20 September 2013 3:04 PM

To: s. 47F(1)

Cc: s. 47F(1)

Subject: Direction Letter [SEC=UNCLASSIFIED]

Dear s. 47F(1)

Please see attached direction letter from Dr Paul Vitolovich about the reportable mortality event on the MV Bader III.

s. 22(1)(a)(ii)

Director | Regulatory Compliance Unit | Live Animal Export Division

Phone **s. 22(1)(a)(ii)** | Fax +61 2 6272 5423

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s. 47F(1)

Livestock Shipping Services Pty Ltd

s. 47G(1)(a)

SOUTH PERTH WA 6951

Dear **s. 47F(1)**

Directions to Livestock Shipping Services Pty Ltd pursuant to paragraph 17(1)(b) of the *Australian Meat and Live-stock Industry Act 1997*

As the holder of a livestock export licence under the *Australian Meat and Live-stock Industry Act 1997 (AMLI Act)*, your company is required to comply with all the conditions of that licence.

Under section 17 of the AMLI Act, the Secretary may make orders and give directions to be complied with by holders of export licences. The *Australian Meat and Live-stock Industry (Standards) Order 2005* is made under section 17 of the AMLI Act and provides that the holder of a live-stock export licence must not export live-stock except in accordance with the *Australian Standards for the Export of Livestock* (version 2.3 April 2011) (**Standards**).

In accordance with subsection 17(5) of the AMLI Act, all export licences are subject to the condition that the holder of the licence must comply with orders made under section 17 of the AMLI Act. Accordingly, as a condition of its live-stock export licence, Livestock Shipping Services Pty Ltd, must export live-stock in accordance with the Standards.

Relevant Standards

Section 5.11 of the Standards states that:

If a notifiable incident occurs at any time, the relevant Australian Government agency must be advised as soon as possible and within 12 hours. In relation to a notifiable incident involving a mortality equal to, or greater than the reportable level, a report must be provided that includes the following:

- (a) details of the mortalities (e.g. number, species, suspected causes)*
- (b) factors that may have contributed to the deaths*
- (c) the current location of the vessel and, if appropriate, its destination and estimated time of arrival.*

A reportable level of mortality for a consignment of sheep is two (2) per cent.

Background

The details of LNC-5915 and LNC-5916 exported by Livestock Shipping Services on 17 and 22 August 2013 are:

1. A consignment of 44,713 sheep was exported from the port of Adelaide on 17 August 2013.
2. A consignment of 30,795 sheep was exported from the port of Fremantle on 22 August 2013.
3. On 19 September Livestock Shipping Services Pty Ltd notified the Department of Agriculture that mortality in the sheep exceeded the reportable level of two (2) percent for both consignments.
4. The voyage has been completed and the department has not yet received the master's report or the end of voyage report.

The Department of Agriculture investigates any incident with a mortality level higher than the reportable level in the Standards.

Direction

Pursuant to section 17(1)(b) of the AMLI Act, Livestock Shipping Services Pty Ltd is directed to provide, in relation to the consignments identified as LNC-5915 and LNC-5916:

1. Accurate daily voyage reports for each day of the voyage.
2. End of voyage reports (including all of the information specified in the approved export program).
3. The property of origin documentation for all the sheep exported in the consignments.
4. Registered premises documentation confirming date of entry, daily health records and daily mortality records.
5. Accredited veterinarian documentation.
6. Documents confirming the weights of the livestock exported.
7. The breakdown of the location of the different classes of livestock loaded on each deck including number and type.
8. The final heat stress risk assessment for the *MV Bader III*.
9. Details of the feed loaded and the ration provided to sheep.
10. Details of the watering system and water provided to sheep during the voyage.
11. Answers to the following questions:
 - a. Why do daily reports from 7 September indicate that mortality counts were estimates only?
 - b. Why were daily voyage reports not completed and sent to the department each day?
 - c. What indication on 11 September gave the AAV the impression that 'overall mortality counting may exceed 2%'?
 - d. Why after leaving Doha does the vessel appear to have taken 6 days to reach the United Arab Emirates?
12. An account of the actions your company has undertaken to investigate this incident.
13. An assessment of the cause of the mortalities, with reference to the type (breed, sex, weight, age) of the animals that died.
14. An assessment of the vessel's performance, and whether any vessel factors may have contributed to the mortalities.
15. A declaration of the procedures your company has put in place to reduce the likelihood of such an incident recurring.

I request that you provide the documentation outlined above by **7 October 2013**. Please contact **s. 22(1)(a)(ii)** on **s. 22(1)(a)(ii)** if you require further information or clarification. Please provide the report by email to livestockexp@daff.gov.au.

Yours sincerely,

s. 47F(1)

Paul Vitlovich
A/g Assistant Secretary
Animal Export Reform Branch
Department of Agriculture

20 September 2013

Livestock Shipping Services Pty Ltd and its officers should be aware that under section 55 of the AMLI Act it is an offence to knowingly make a declaration which is false or misleading. This is a serious offence, with a potential penalty of 12 months' imprisonment or a fine or both. It is also a criminal offence under the Criminal Code Act 1995 to knowingly give false or misleading information to a Commonwealth officer exercising powers under Commonwealth law. This offence carries a potential penalty of 12 months' imprisonment.