



30<sup>th</sup> April 2013

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Mr Jonathan Benyei  
Assistant Secretary  
Live Animal Exports Operations  
Department of Agriculture, Fisheries and Forestry  
GPO Box 858  
CANBERRA  
ACT 2609

Dear Mr Benyei

**Re: Substitution of vets for accredited stockpersons on live export voyages**

Thank you for your correspondence dated 28.03.2013. Whilst it does go some way to answering Question 2 of our letter of 05.02.2013 and provides an unsatisfactory response to the final question regarding the voyage of the MV *Hereford Express* in 2008, neither your letter nor that of Ms Irwin provide a specific answer to question 1, namely: **“How many occasions have exporters been allowed by your department to waive the requirement for a stockperson to be on board a live export ship, and on what legal basis has that waiver has been granted?”** As far as I am aware, this question is not the subject of current litigation, so there is no reason why it should remain unanswered.

*The requirement for exporters to notify DAFF about proposed accredited stockperson*

In addition to the fact that we have now had to write two letters to DAFF and still have our questions unanswered, VALE has some further concerns regarding the responses we have received. There seems to be an emphasis on the observation that the NOI requirements were changed in 2009 to ensure that the name of an accredited stockperson was provided to the Department prior to the voyage. Ms Irwin states in her letter “At the time of the 2008 voyage of the MV *Hereford Express*, the department did not require exporters to list the stockperson in their application for approval of their Notice of Intention (NOI) to export livestock.” This appears to be correct but it gives the impression that there was no mechanism in place whereby

the exporter was required to notify the Department of the name of an accredited stockperson prior to a voyage. In that regard, this statement seems to be somewhat “economical with the truth”.

At the relevant time (ie, November 2008), there was a requirement that the name of the accredited stockman be provided to the Department in advance of a proposed voyage. Thus, the Application for Health Certificate and Permission to Leave for Loading for the voyage of the MV *Hereford Express* in November 2008 states that the Application must be accompanied by travel and loading plans giving the name of the relevant accredited stockman (see documents 9 and 10 of the documents obtained pursuant to an application under Freedom of Information legislation and published on the Department’s eg document 9: [http://www.daff.gov.au/data/assets/pdf\\_file/0006/2153454/Document\\_9.pdf](http://www.daff.gov.au/data/assets/pdf_file/0006/2153454/Document_9.pdf)

### Substitution of stockpersons

In your letter, you request that VALE substantiate their concerns about the substitution of veterinarians for stockpersons. In addition to the anecdotal reports of this occurring not infrequently on short-haul voyages, VALE believes that a veterinarian was substituted for a stockperson on the following three voyages:

1. High mortality voyage 25: Port Kembla to Madagascar (December 2007)
2. High mortality voyage 29: *MV Hereford Express* (November 2008)
3. Voyage of the *Barkly Pearl* from Australia to Mauritius (October 2012).

Whilst we appreciate the second of these voyages is under litigation, the other two are not and we would like to know if there was an accredited stockperson on either of these voyages.

### Exemptions granted by the Secretary

VALE notes the comment in your letter that “the current export legislation does provide that the Secretary may grant an exemption from specified or all provisions of the Export Control Orders...”. Are you referring to Order 3.01 of the *Export Control (Prescribed Goods – General) Order*? If so, that Order only applies (relevantly, so far as live animals are concerned) where there are exceptional or “special commercial” circumstances. If you are referring to another statutory power, perhaps you could advise. However your statement does prompt the question of whether the Secretary ever granted such an exemption in relation to live export, and in what circumstances?”

VALE looks forward to receiving responses to the questions raised in this letter

Yours sincerely

Sue Foster BVSc MVetClinStud FANZCVS (Spokesperson)