



EXPORT ADVISORY NOTICE – 2013-04		12 September 2013
Title:	Persons in management or control of a licensed livestock export business	
Species:	Livestock	
Relevant to:	[1] DAFF Regional Managers [2] DAFF Live Animal Export [3] Livestock Exporters [4] LiveCorp / ALEC	

Purpose:

1. To advise licensed exporters of what activities are considered by DAFF as evidence that a person is in management or control of a livestock export business.
2. To advise licensed exporters of what activities are limited to persons in management or control of a livestock export business.

Background:

There have been instances in recent times where:

- a consignment of livestock may have been exported without the apparent knowledge of the senior management of the livestock export business; or
- there has been confusion as to a licensed exporter's intentions for a consignment of livestock based on the submission of conflicting information to DAFF by multiple individuals acting on behalf of a licensed exporter.

An applicant for a livestock export licence is required to nominate people who will act in management or control of the livestock export business.

Section 8 of the *Australian Meat and Livestock Industry Act 1997* provides that a person is taken to be a person who participates in management or control of a livestock export business if they have the authority to direct the operations, or a substantial part of the operations of the business.

If a person undertakes any of the following activities on behalf of a livestock export business then DAFF considers that the person is effectively directing a substantial part of the operations of the livestock export business:

- Submit a Notice of Intention (NOI)/Consignment Risk Management Plan (CRMP)/Exporter Supply Chain Assurance System (ESCAS) including any further supporting information to DAFF.

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- Amend or seek to vary an NOI/CRMP/ESCAS including the submission of any further supporting information to DAFF.
 - Provide DAFF with information about a consignment, upon which DAFF may base certification or confirm compliance with export legislation.
 - Apply to DAFF for a health certificate and permission to leave for loading
 - Apply to DAFF for an export permit
 - Provide end of processing reports/independent performance audit reports and supporting information to DAFF in relation to an exporters approved ESCAS
 - Provide any further information requested by DAFF about the activities of an exporter (including as part of an investigation)

Should a person undertake any of the above activities or represent a livestock export business to DAFF during the export process then they will effectively be in management or control of the livestock export business.

Instructions:

Licensed livestock exporters should review their organisational arrangements and ensure that any person who undertakes any of the above activities is nominated and approved by DAFF as being in management or control of the livestock export business.

Licensed livestock exporters may need to apply to DAFF to vary their existing licence to include people who undertake the above activities but are not currently in management or control of the livestock export business. Instructions and advice as to how to seek to vary a livestock export licence can be found at: <http://www.daff.gov.au/biosecurity/export/live-animals/livestock/export-licence>



Laura Timmins

Assistant Secretary (A/g)

Animal Export Operations Branch

Contact officer: Tim Naylor

Ph: (02) 6272 4581

Fax: (02) 6272 5423

Email: livestockexp@daff.gov.au