



Australian Meat and Live-stock Industry (Prohibition of Export of Sheep by Sea to Middle East—Northern Summer) Order 2020

made under section 17 of the

Australian Meat and Live-stock Industry Act 1997

Compilation No. 1

Compilation date: 1 November 2020

Includes amendments up to: F2020L00667

Registered: 9 November 2020

Prepared by the Office of Parliamentary Counsel, Canberra

About this compilation

This compilation

This is a compilation of the *Australian Meat and Live-stock Industry (Prohibition of Export of Sheep by Sea to Middle East—Northern Summer) Order 2020* that shows the text of the law as amended and in force on 1 November 2020 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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Part 1—Preliminary

1 Name

This instrument is the *Australian Meat and Live-stock Industry (Prohibition of Export of Sheep by Sea to Middle East—Northern Summer) Order 2020*.

3 Authority

This instrument is made under section 17 of the *Australian Meat and Live-stock Industry Act 1997*.

4 Definitions

In this instrument:

Act means the *Australian Meat and Live-stock Industry Act 1997*.

Australian Standards for the Export of Livestock means the *Australian Standards for the Export of Livestock 3.0*.

Note: The Standards could in 2020 be viewed on the Department's website (<http://www.agriculture.gov.au>).

live-stock export licence has the meaning given by section 7 of the Act.

sheep export licence means a live-stock export licence granted under Part 2 of the Act to export sheep from Australia.

5 Application of this instrument

- (1) This instrument applies in relation to the holder of a sheep export licence.

Note 1: A sheep export licence is subject to the condition that the holder of the licence must comply with this instrument (see paragraph 17(5)(a) of the Act).

Note 2: The holder of a sheep export licence may commit an offence if the holder contravenes a condition of the licence either intentionally or being reckless as to the condition (see subsection 54(3) of the Act).

- (2) To avoid doubt, this instrument applies in relation to a vessel transporting sheep whether or not the vessel will transport, or is transporting, live-stock other than sheep.
- (3) Nothing in this instrument is intended to limit a condition or restriction in the Australian Standards for the Export of Livestock to which the export of sheep is subject but, to the extent of any inconsistency between such a condition or restriction and a condition in this instrument, this instrument prevails.

Part 2—Export conditions

6 Prohibition of export of sheep to Oman between 8 May and 14 September

The holder of a sheep export licence must not export a consignment of sheep from Australia to Oman by sea on a vessel that leaves an Australian port during the period starting at the start of 8 May in a year and ending at the end of 14 September in that year.

7 Prohibition of export of sheep to Qatar between 22 May and 22 September

The holder of a sheep export licence must not export a consignment of sheep from Australia to Qatar by sea on a vessel that leaves an Australian port during the period starting at the start of 22 May in a year and ending at the end of 22 September in that year.

8 Prohibition of export of sheep between 1 June and 14 September

The holder of a sheep export licence must not export a consignment of sheep from Australia by sea on a vessel:

- (a) that leaves an Australian port during the period starting at the start of 1 June in a year and ending at the end of 14 September in that year; and
- (b) that will travel, or travels, through waters in the Arabian Sea, or the Red Sea, north of latitude 11°N at any time during its voyage.

9 Conditions relating to number of ports where vessel may dock

The holder of a sheep export licence must not export a consignment of sheep from Australia by sea on a vessel:

- (a) that will travel, or travels, through waters in the Arabian Sea, or the Red Sea, north of latitude 11°N at any time during its voyage; and
- (b) that:
 - (i) leaves an Australian port before 1 June in a year and enters those waters on or after 1 June in that year; or
 - (ii) leaves an Australian port during the period starting at the start of 15 September in a year and ending at the end of 30 September in that year;

unless the vessel will dock at no more than 2 ports to unload sheep or any other live-stock from the vessel or for any other purpose.

10 Conditions relating to condition of sheep and pens on vessel

- (1) The holder of a sheep export licence must not export a consignment of sheep from Australia by sea on a vessel that will travel, or travels, through waters in the Arabian Sea, or the Red Sea, north of latitude 11°N at any time during the period

starting at the start of 1 May in a year and ending at the end of 31 October in that year unless the conditions in this section are complied with.

Condition of sheep

- (2) The holder must ensure that:
- (a) the length of the wool on each sheep in the consignment is 25 millimetres or less; and
 - (b) the body condition score for each sheep in the consignment is 2 or 3 as specified in Table A1.1.1 of the Australian Standards for the Export of Livestock.

Relative humidity and wet bulb temperature on vessel 140 metres long or less

- (3) If the vessel on which the sheep are to be transported is 140 metres long or less, the holder must ensure that:
- (a) the relative humidity and wet bulb temperature in at least 2 representative pens on each deck of the vessel is automatically measured and recorded every 20 minutes during the voyage; and
 - (b) if the vessel has more than one hold on a deck in which sheep are being held—at least one measurement and recording under paragraph (a) is taken in each hold on that deck.

Relative humidity and wet bulb temperature on vessel longer than 140 metres

- (4) If the vessel on which the sheep are to be transported is longer than 140 metres, the holder must ensure that:
- (a) the relative humidity and wet bulb temperature in at least 3 representative pens on each deck of the vessel is automatically measured and recorded every 20 minutes during the voyage; and
 - (b) if the vessel has more than one hold on a deck in which sheep are being held—at least one measurement and recording under paragraph (a) is taken in each hold on that deck.

Report to Secretary

- (5) The holder must ensure that a written report of each record made under paragraphs (3)(a) and (b) or (4)(a) and (b) (as the case requires) is given to the Secretary, by electronic means, within 5 days after the end of the voyage. The report must also state:
- (a) the location of each device used to take measurements and make records under those paragraphs; and
 - (b) the time each record was made.

Part 3—Exemptions

11 Application for exemption

- (1) The holder of a sheep export licence may apply to the Secretary at any time for an exemption from one or more provisions of this instrument in relation to a consignment of sheep.
- (2) An application for an exemption must:
 - (a) be made in a manner approved by the Secretary; and
 - (b) if the Secretary has approved a form for making an application—include the information required by the form; and
 - (c) set out the basis on which the exemption is sought.

Note: A person may commit an offence if the person makes a false or misleading statement in an application or provides false or misleading information or documents (see sections 136.1, 137.1 and 137.2 of the *Criminal Code*).

- (3) An application is taken not to have been made if the application does not comply with the requirements referred to in subsection (2) for the application.

12 Secretary may decide whether to grant exemption

Secretary may decide whether to grant exemption

- (1) On receiving an application made under section 11 for an exemption, the Secretary may decide:
 - (a) to grant the exemption; or
 - (b) not to grant the exemption.

Note: An application that does not comply with the requirements referred to in subsection 11(2) for the application is taken not to have been made (see subsection 11(3)).

Secretary may request further information or documents

- (2) For the purpose of making a decision in relation to the application, the Secretary may, in writing, request the applicant to give the Secretary further specified information or documents relevant to the application.

Grounds for granting exemption

- (3) The Secretary may grant the exemption if the Secretary is satisfied, having regard to any matter that the Secretary considers relevant, that it is appropriate to grant the exemption.

Exemption may be granted subject to conditions

- (4) The Secretary may grant an exemption under paragraph (1)(a), subject to any conditions that the Secretary considers are necessary.

Note: The exemption may be revoked if conditions are not complied with.

13 Notice of decision*Instrument of exemption*

- (1) If the Secretary decides to grant an exemption under paragraph 12(1)(a), the Secretary must give the applicant an instrument of exemption. The instrument must set out any conditions imposed under subsection 12(4).

Notice of refusal

- (2) If the Secretary decides not to grant an exemption under paragraph 12(1)(b), the Secretary may notify the applicant, in writing, of the decision. The notice must include the reasons for the decision.

14 Effect of exemption

If the holder of a sheep export licence is granted an exemption under paragraph 12(1)(a) from one or more provisions of this instrument (the ***exempted provisions***) in relation to a consignment of sheep, the exempted provisions do not apply in relation to the export of that consignment while the exemption is in force.

Endnotes

Endnote 1—About the endnotes

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnotes

Endnote 3—Legislation history

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Australian Meat and Live-stock Industry (Prohibition of Export of Sheep by Sea to Middle East—Northern Summer) Order 2020	3 Apr 2020 (F2020L00389)	4 Apr 2020 (s 2(1) item 1)	
Australian Meat and Live-stock Industry Legislation Amendment (Australian Standards for the Export of Livestock) Order 2020	3 June 2020 (F2020L00667)	Sch 2 (item 3): 1 Nov 2020 (s 2(1) item 3)	—

Endnote 4—Amendment history

Provision affected	How affected
Part 1	
s 2	rep LA s 48D
s 4	am F2020L00667