



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

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I, Andrew Metcalfe AO, Secretary of the Department of Agriculture, Water and the Environment, make the following order.

Dated 31 March 2020

Andrew Metcalfe AO  
Secretary of the Department of Agriculture, Water and the Environment

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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*.

### 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	4 April 2020

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

### 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 (Version 2.3) 2011.

Note: The Australian Standards for the Export of Livestock (Version 2.3) 2011 could in May 2020 be viewed on the Department's website.

**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.

## Section 5

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- 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.

## Section 10

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### *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.

## Section 13

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### 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.