



Export Control (Animals) Amendment (Northern Hemisphere Summer Prohibition) Rules 2022

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

Dated 5 April 2022

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

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1 Name

This instrument is the *Export Control (Animals) Amendment (Northern Hemisphere Summer Prohibition) Rules 2022*.

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.	6 April 2022

Note: This table relates only to the provisions of this instrument as originally made.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 the *Export Control Act 2020*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Export Control (Animals) Rules 2021

1 Section 1-6

Insert:

heat-tolerant sheep breed means:

- (a) Awassi; or
- (b) Damara; or
- (c) Dorper; or
- (d) a breed of sheep (other than a Merino or a breed of sheep that is descended from a Merino) approved in writing by the Secretary.

2 Section 6-13 (heading)

Omit “22 May and 22”, substitute “1 June and 21”.

3 Section 6-13

Omit “22 May in a year and 22”, substitute “1 June in a year and 21”.

4 Section 6-14

Repeal the section, substitute:

6-14 Sheep must not be exported to Bahrain, Iran, Iraq, Kingdom of Saudi Arabia, Kuwait or the United Arab Emirates between 1 June and 14 September

A consignment of sheep must not be exported to the following countries by sea on a vessel that leaves an Australian port between 1 June in a year and 14 September in that year:

- (a) Bahrain;
- (b) Iran;
- (c) Iraq;
- (d) Kingdom of Saudi Arabia;
- (e) Kuwait;
- (f) the United Arab Emirates.

6-14A Sheep must not be exported through certain waters between 15 June and 14 September

A consignment of sheep must not be exported by sea on a vessel:

- (a) that leaves an Australian port between 15 June in a year and 14 September in that year; and
- (b) that will travel, or travels, through waters in the Red Sea at any time during its voyage.

6-14B Sheep must not be exported to certain countries in the Middle East between 22 May and 31 May unless certain conditions satisfied

- (1) This section applies in relation to a consignment of sheep that is to be exported to any of the following countries by sea on a vessel that leaves an Australian port between 22 May in a year and 31 May in that year:
 - (a) Bahrain;
 - (b) Iran;
 - (c) Iraq;
 - (d) Kingdom of Saudi Arabia;
 - (e) Qatar;
 - (f) the United Arab Emirates.
- (2) The consignment of sheep must not be exported unless:
 - (a) the weight of each sheep in the consignment is:
 - (i) for a heat-tolerant sheep breed—66 kg or less; or
 - (ii) for any other sheep breed—56 kg or less; and
 - (b) the length of the wool or hair of each sheep in the consignment is:
 - (i) for a heat-tolerant sheep breed—25 mm or less; or
 - (ii) for any other sheep breed—20 mm or less; and
 - (c) the daily amount of feed that will be provided to each sheep in the consignment while on the vessel is at least 3% of the sheep's weight; and
 - (d) the pen air turnover for the vessel, when the vessel is in port, is at least:
 - (i) if the weight of each sheep in the consignment is 56kg or less and the length of the wool or hair of each sheep is 10 mm or less—140 cubic metres per hour for each square metre of pen space on the vessel; or
 - (ii) if the minimum pen space allocation to each sheep in the consignment is at least 10% more than the minimum pen space allocation specified for sheep exported by sea in the Australian Standards for the Export of Livestock—160 cubic metres per hour for each square metre of pen space on the vessel; or
 - (iii) in any other case—180 cubic metres per hour for each square metre of pen space on the vessel.

Note: Other conditions, including the reporting obligations under subsections 6-17(2) and 6-18(5), apply in relation to the export of sheep by sea to the Middle East during the northern summer.

- (3) However, if the vessel is also transporting a consignment of sheep to Kuwait, the condition mentioned in paragraph (2)(d) only applies in relation to the part of the journey that occurs after the vessel leaves the port in Kuwait.

5 At the end of Chapter 9

Add:

Part 5—Powers of the Secretary

9-51 Powers of Secretary that must not be delegated

For the purposes of paragraph 288(4)(a) of the Act, the power of the Secretary under paragraph (d) of the definition of *heat-tolerant sheep breed* in section 1-6 must not be delegated under subsection 288(1) of the Act.

6 Chapter 12 (heading)

Omit “**Transitional**”, substitute “**Application, saving and transitional**”.

7 Section 12-1

Omit “In this Chapter”, substitute “In Parts 2 to 5 of this Chapter”.

8 At the end of Chapter 12

Add:

Part 6—Amendments made by the Export Control (Animals) Amendment (Northern Hemisphere Summer Prohibition) Rules 2022

12-32 Application of amendments

The amendments of this instrument made by the *Export Control (Animals) Amendment (Northern Hemisphere Summer Prohibition) Rules 2022* apply in relation to a consignment of sheep exported by sea on a vessel that leaves an Australian port on or after the commencement of that instrument (whether the sheep export licence was granted before, on or after that commencement).