



Export Control (Animals) Amendment (Northern Hemisphere Summer Conditions) Rules 2023

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

Dated 24 March 2023

A. Metcalfe

Andrew Edgar Francis Metcalfe AO

Secretary of the Department of Agriculture, Fisheries and Forestry

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1 Name

This instrument is the *Export Control (Animals) Amendment (Northern Hemisphere Summer Conditions) Rules 2023*.

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.	1 April 2023

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 (definition of *pen air turnover*)

Repeal the definition, substitute:

pen air turnover for a deck of a vessel means the ventilation rate measured in cubic metres per hour for each square metre of pen space on the deck, calculated using an industry standard, or equivalent, method.

2 Section 1-6 (definition of *verified pen air turnover*)

Repeal the definition, substitute:

verified pen air turnover for a deck of a vessel means the pen air turnover for the deck, as verified by an independent mechanical engineer using an industry standard, or equivalent, method.

3 Paragraph 6-14B(2)(c)

Repeal the paragraph.

4 Paragraph 6-14B(2)(d)

Omit “for the vessel”, substitute “for each deck of the vessel on which sheep are to be transported”.

5 Subparagraphs 6-14B(2)(d)(i) to (iii)

Omit “the vessel”, substitute “the deck”.

6 At the end of section 6-16

Add:

; and (e) 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.

7 Paragraph 6-17(1)(a)

After “turnover for”, insert “each deck of”.

8 Paragraph 6-17(1)(b)

Repeal the paragraph, substitute:

(b) if changes to a deck of the vessel have been made since the pen air turnover referred to in paragraph (a) was verified in relation to the deck and the changes may have affected the pen air turnover for the deck—the pen air turnover for the deck of the vessel has been verified by an independent qualified mechanical engineer after the changes to the deck were made; and

9 Paragraph 6-17(1)(c)

After “turnover for”, insert “each deck of”.

10 Subparagraph 6-17(1)(d)(ii)

After “turnover for”, insert “each deck of”.

11 Paragraphs 6-17(2)(a) and (b)

After “turnover for”, insert “each deck of”.

12 Subsection 6-17(3)

After “turnover for”, insert “each deck of”.

13 Subsections 6-18(3) and (4)

Repeal the subsections, substitute:

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:
- (a) the wet bulb temperature outside of the vessel must be:
 - (i) automatically measured and recorded every 20 minutes during the voyage; and
 - (ii) measured near the bridge of the vessel; and
 - (b) the wet bulb temperature in at least 2 representative pens on each deck of the vessel must be automatically measured and recorded every 20 minutes during the voyage; and
 - (c) if a deck of the vessel has more than one hold in which sheep are being held—at least one measurement and recording under paragraph (b) must be taken in each hold on that deck.

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:
- (a) the wet bulb temperature outside of the vessel must be:
 - (i) automatically measured and recorded every 20 minutes during the voyage; and
 - (ii) measured near the bridge of the vessel; and
 - (b) the wet bulb temperature in at least 3 representative pens on each deck of the vessel must be automatically measured and recorded every 20 minutes during the voyage; and
 - (c) if a deck of the vessel has more than one hold in which sheep are being held—at least one measurement and recording under paragraph (b) must be taken in each hold on that deck.

14 Subsection 6-18(5)

Omit “paragraphs (3)(a) and (b) or (4)(a) and (b)”, substitute “subsection (3) or (4)”.

15 Paragraph 6-18(5)(a)

Omit “paragraphs”, substitute “subsections”.

16 Subsection 6-19(1)

After “unless Kuwait”, insert “or Oman”.

17 After section 6-19

Insert:

6-19A Conditions that apply in relation to the export of sheep between 1 May and 14 June—certain voyages

Vessels travelling through waters in the Persian Gulf

- (1) A consignment of sheep must not be exported by sea on a vessel that:
- (a) leaves an Australian port (other than the Port of Fremantle) between 1 May in a year and 14 June in that year; and
 - (b) will travel, or travels, through waters in the Persian Gulf at any time during its voyage;
- unless the vessel is west of longitude 116°E on or before 31 May of that year.

Vessels travelling through waters in the Red Sea

- (2) A consignment of sheep must not be exported by sea on a vessel that:
- (a) leaves an Australian port (other than the Port of Fremantle) between 1 May in a year and 14 June in that year; and
 - (b) will travel, or travels, through waters in the Red Sea at any time during its voyage;
- unless the vessel is west of longitude 116°E on or before 14 June of that year.

18 Paragraph 6-23(1)(a)

After “turnover for”, insert “each deck of”.

19 Paragraph 6-23(1)(b)

Repeal the paragraph, substitute:

- (b) if changes to a deck of the vessel have been made since the pen air turnover referred to in paragraph (a) was verified in relation to the deck and the changes may have affected the pen air turnover for the deck—the pen air turnover for the deck of the vessel has been verified by an independent qualified mechanical engineer after the changes to the deck were made; and

20 Paragraph 6-23(1)(c)

After “turnover for”, insert “each deck of”.

21 Subparagraph 6-23(1)(d)(ii)

After “turnover for”, insert “each deck of”.

22 Paragraphs 6-23(2)(a) and (b)

After “turnover for”, insert “each deck of”.

23 Subsection 6-23(3)

After “turnover for”, insert “each deck of”.

24 At the end of Chapter 12

Add:

**Part 7—Amendments made by the Export Control
(Animals) Amendment (Northern Hemisphere
Summer Conditions) Rules 2023****12-33 Application of amendments**

The amendments of this instrument made by the *Export Control (Animals) Amendment (Northern Hemisphere Summer Conditions) Rules 2023* 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).