**Export Control (Animals) Rules 2021**

made under section 432 of the

*Export Control Act 2020*

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**Chapter 6—Livestock export licences**

**…**

**Part 2—Conditions of livestock export licence**

**…**

**Division 4—Exports of sheep by sea to the Middle East**

**Subdivision A—Application of this Division**

**6‑11  Application of this Division**

 (1) This Division prescribes conditions of a sheep export licence that covers the export of sheep by sea to the Middle East.

 (2) To avoid doubt, this Division applies in relation to a vessel transporting sheep whether or not the vessel will transport, or is transporting, livestock other than sheep.

 (3) Nothing in this Division 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.

Note: For exports of sheep to the Kingdom of Saudi Arabia, see also Division 5.

**Subdivision B—Prohibition on export to specific places**

**6‑12  Sheep must not be exported to Oman between 8 May and 14 September**

  A consignment of sheep must not be exported to Oman by sea on a vessel that leaves an Australian port between 8 May in a year and 14 September in that year.

**6‑13  Sheep must not be exported to Qatar between 1 June and 21 September**

  A consignment of sheep must not be exported to Qatar by sea on a vessel that leaves an Australian port between 1 June in a year and 21 September in that year.

**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

 (d) the pen air turnover for each deck of the vessel on which sheep are to be transported, 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 deck; 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 deck; or

 (iii) in any other case—180 cubic metres per hour for each square metre of pen space on the deck.

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.

**Subdivision C—Exports during northern summer**

**6‑15  Application of this Subdivision**

 (1) This Subdivision applies in relation to sheep that are to be exported, or that are exported by sea between 1 May in a year and 31 October in that year if the vessel transporting the sheep:

 (a) leaves Australian territory after the commencement of this instrument; and

 (b) will travel, or travels, through waters in the Arabian Sea, or the Red Sea, north of latitude 11°N at any time during the voyage.

 (2) This Subdivision does not permit the export of a consignment of sheep if export of the consignment is prohibited by Subdivision B.

**6‑16  General conditions**

  A consignment of sheep must not be exported unless:

 (a) the vessel on which the sheep are to be transported is equipped with functional automatic livestock watering systems that have water receptacles at a height suitable for the sheep; and

 (b) details of those watering systems are set out in the record of equipment and arrangements attached to the Australian certificate for the carriage of livestock for the vessel issued by the Australian Maritime Safety Authority under *Marine Order 43 (Cargo and cargo handling—livestock) 2018*; and

 (c) a heat stress management plan for the voyage is in place; and

 (d) bedding (such as straw, shavings or sawdust) of at least 1 tonne for every 10,000 sheep will be provided on the vessel; 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.

**6‑17  Pen air turnover**

 (1) A consignment of sheep must not be exported unless:

 (a) the pen air turnover for each deck of the vessel on which the sheep are to be transported has been verified by an independent qualified mechanical engineer within the 5 year period ending on the day before the sheep are to be exported; and

 (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

 (c) the holder of the sheep export licence has taken reasonable steps to be satisfied that the most recent verified pen air turnover for each deck of the vessel is correct; and

 (d) the holder of the sheep export licence has made a written record stating the following:

 (i) the name of the vessel on which the sheep are to be transported;

 (ii) the name and qualifications of the independent qualified mechanical engineer who carried out the most recent verification of the pen air turnover for each deck of the vessel;

 (iii) the method used to carry out the verification referred to in subparagraph (ii);

 (iv) the date the verification referred to in subparagraph (ii) was carried out;

 (v) the results of the verification referred to in subparagraph (ii).

 (2) The holder of the sheep export licence must:

 (a) give the Secretary a written notice stating the most recent verified pen air turnover for each deck of the vessel and the method used to carry out the verification; and

 (b) give the Australian Livestock Export Corporation Ltd (LiveCorp) a written notice stating the most recent verified pen air turnover for each deck of the vessel.

 (3) The notices required by subsection (2) must be given as soon as practicable after the most recent verification of the pen air turnover for each deck of the vessel was carried out.

**6‑18  Condition of sheep and of pens on vessel**

 (1) A consignment of sheep must not be exported unless the conditions prescribed by this section are complied with.

*Condition of sheep*

 (2) The body condition score for each sheep in the consignment must be 2 or 3 as specified in Table 4 of the Australian Standards for the Export of Livestock.

*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.

*Report to Secretary*

 (5) A written report of each record made under subsection (3) or (4) (as the case requires) must be 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 subsections; and

 (b) the time each record was made.

**6‑19  Exports to Kuwait**

 (1) A consignment of sheep must not be exported to Kuwait unless Kuwait or Oman will be the first port of unloading for the vessel transporting the sheep.

 (2) Subsection (1) applies regardless of whether the holder of the sheep export licence covering the sheep became aware before or after the vessel left Australian territory that Kuwait would be a destination place for the vessel.

**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.

**6‑20  Restrictions on number of ports where vessel may dock—certain voyages**

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

 (a) leaves an Australian port before 1 June in a year and will enter the waters in the Arabian Sea, or the Red Sea, north of latitude 11°N on or after 1 June in that year; or

 (b) leaves an Australian port between 15 September in a year and 30 September in that year;

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

**Subdivision D—Exports during northern winter**

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