



**The Hon Michael McCormack MP**

**Deputy Prime Minister  
Minister for Infrastructure, Transport and Regional Development  
Leader of The Nationals  
Federal Member for Riverina**

Ref: MC19-002320

06 FEB 2020

s47F

Dear Mr [REDACTED]

s47F Thank you for your application of 15 December 2019 for an exemption to the twin-tier requirements of Marine Order 43 for the vessel *Al Shuwaikh*, and for providing an updated vessel [REDACTED] plan. Thank you also for ensuring that animal welfare management plans have been agreed with the Department of Agriculture for exporters to use twin-tier decks.

Please find enclosed a signed instrument to exempt the *Al Shuwaikh* from the requirements of section 21, and section 2.4(3) of Schedule 2 of *Marine Order 43 (Cargo and cargo handling – livestock)* (MO 43) until 31 July 2022.

I refer you to the conditions of the exemption set out in section 6 of the instrument and obligations set out in Schedule 1, and encourage you to make every effort to comply with these requirements in line with the agreed plan or sooner if possible.

Thank you again for your correspondence and I trust this is of assistance.

Yours sincerely

Michael McCormack

Enc



## **Navigation (Live Animal Transport— *Al Shuwaikh*) Exemption 2020**

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I, Michael McCormack, Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development, make the following instrument.

Dated

6/2/2020

*M. McCormack*

Michael McCormack

Deputy Prime Minister and

Minister for Infrastructure, Transport and Regional Development

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## 1 Name

This instrument is the Navigation (Live Animal Transport—*Al Shuwaikh*) Exemption 2020.

## 2 Commencement

This instrument commences the day after it is made.

## 3 Authority

This instrument is made under section 334 of the *Navigation Act 2012*.

## 4 Definitions

**Note:** Because of section 46AA of the *Acts Interpretation Act 1901*, a number of expressions used in this instrument are defined in that Act, including ‘Minister’ and ‘Department’. At the time this instrument was made, a reference to ‘the Department’ is a reference to the Department of Infrastructure, Transport, Regional Development and Communications.

In this instrument:

**Act** means the *Navigation Act 2012*.

**Agriculture Department** means:

- (a) the Department administered by the Minister administering the *Export Control Act 1982*;
- (b) despite paragraph (a), if section 3 of the *Export Control Act 2020* has commenced—the Department administered by the Minister administering that Act.

**approved arrangement:**

- (a) has the same meaning as in the *Export Control (Animals) Order 2004*;
- (b) despite paragraph (a), if section 3 of the *Export Control Act 2020* has commenced—has the same meaning as in the *Export Control Act 2020*.

**livestock operator** has the same meaning as in Marine Order 43.

**Marine Order 43** means *Marine Order 43 (Cargo and cargo handling – livestock) 2018*.

**vessel** means the vessel specified in subsection 5(1).

## 5 Exemption

- (1) This section applies to the vessel *Al Shuwaikh*.
- (2) The vessel is exempt:
  - (a) from the application of the provisions of Marine Order 43 specified in subsection (3);
  - (b) for the periods specified in subsection (4);

---

(c) subject to the conditions specified in section 6.

(3) The following provisions of Marine Order 43 are specified for the purpose of paragraph (2)(a):

- (a) section 21;
- (b) section 2.4(3) of Schedule 2.

Note: The exemption in paragraph (b) has the effect that the vessel is taken to comply with Schedule 2 (and thus with the requirement in section 35 of Marine Order 43) despite not complying with section 2.4(3) of Schedule 2.

(4) The following periods are specified for the purpose of paragraph (2)(b):

- (a) the period from the day after this instrument is made and ending 31 July 2022.

## 6 Conditions

(1) The conditions in this section are specified for the purpose of paragraph 5(2)(c).

(2) The conditions in this section apply to a person (a *responsible person*) who is or was, during the periods, voyages and operations specified in subsection 5(4):

- (a) an owner of the vessel; or
- (b) a master of the vessel; or
- (c) a charterer of the vessel; or
- (d) a livestock operator in relation to the vessel.

(3) Each responsible person must ensure that:

- (a) livestock other than sheep are not carried on the vessel on decks with more than 1 tier; and
- (b) where livestock is carried in single tier areas of the vessel, the mechanical ventilation system provides air from a source of supply, with a velocity across pens in the area of at least 0.5 ms<sup>-1</sup>.

(4) Each responsible person must act consistently with the plan to meet Marine Order 43 requirements in the near future set out in Schedule 1, other than to the extent approved in writing by the Minister or an SES employee in the Department.

(5) Each responsible person must, other than to the extent approved in writing by the Minister, an SES employee in the Department or an SES employee in the Agriculture Department:

- (a) ensure that all livestock carried on the vessel during the periods specified in subsection 5(4) meet all of the following requirements:
  - (i) an approved arrangement for the person intending to export the livestock (the *exporter*) is in effect in relation to the livestock;
  - (ii) the approved arrangement includes a twin tier animal welfare management plan; and
- (b) take all actions necessary to ensure the exporters comply with the approved arrangements; and

- 
- (c) not take any action that would result in the exporters failing to comply with the approved arrangements.
  - (6) Each responsible person who is aware, or believes it is likely, that a condition in this section has been or will be contravened must notify the Minister of this fact as soon as reasonably practicable.
  - (7) If the Minister gives each responsible person a notice in writing requesting that they show cause why this instrument should not be revoked:
    - (a) each responsible person who wishes to respond to the notice must do so within 14 days of the date on which it was given; and
    - (b) each responsible person must ensure that the vessel does not commence any voyage or operation involving the carriage of sheep until the Minister has notified them, in writing, of his or her decision about whether the instrument is to be revoked.

Note 1: Contravention of a condition is an offence under section 335 of the Act.

Note 2: Contravention of a condition may lead to revocation of this instrument.

## **7 Repeal**

This instrument is repealed on the sooner of:

- (a) the day after an SES employee in the Department provides written notice to each responsible person (within the meaning of section 6(2)) that all of the conditions in section 6 have been met; or
- (b) 31 July 2022

Note: This section does not limit the Minister's general power to revoke this instrument.

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## **Schedule 1—Plan to meet Marine Order 43 requirements in the near future**

(subsection 6(4))

### **1 [REDACTED] obligations**

- s47G
- (1) KLTT will provide a copy of a signed [REDACTED] contract [REDACTED] that complies with Marine Order 43 [REDACTED] to the Department as soon as practicable, but no later than [REDACTED].
  - (2) KLTT will provide a copy of the vessel [REDACTED] schedule to the Department as soon as practicable, but no later than [REDACTED].
  - (3) KLTT will take all actions necessary to ensure that approval of the vessel by AMSA can take place by [REDACTED].
  - (4) KLTT will provide an update regarding the [REDACTED] vessel to AMSA in June and December each year until the vessel is [REDACTED] with any other relevant updates regarding the status of vessel [REDACTED] (including expected inability to meet milestones) to be provided as soon as practicable.

### **2 Ventilation [REDACTED] obligations**

- (1) KLTT will take all steps to ensure that the ventilation on the [REDACTED] is [REDACTED] to meet the requirements of Marine Order 43 before [REDACTED].

Note: Attachment A sets out KLTT's agreement to the obligations set out in this Schedule.

s47G





**KENNA Allison**

**From:** [REDACTED]  
**Sent:** Monday, 20 January 2020 10:00 AM **s47F**  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** JOHNSON Andrew  
 FW: AL SHUWAIKH - APPLICATION FOR EXEMPTION OF TWO TIER VESSEL BEYOND  
 1ST JANUARY 2020. [SEC=OFFICIAL]

**OFFICIAL**Dear Mr **47F**

Thank you for your email below advising us of the milestones for the **47G** vessel. If we have any further questions we will revert as soon as possible.

I am advised that we are now awaiting the finalisation of the animal welfare management plan with the Department of Agriculture to complete the application process. I note that we will need about a week to progress the application and exemption instrument through the Office of the Deputy Prime Minister, Minister for Infrastructure, Transport and Regional Development for his approval and signature. Given your intention for a voyage in the first week of February, I would urge KLTT to expedite the completion of their animal welfare management plan so that we are able to have the exemption instrument in place in time.

Kind Regards

**47F** [REDACTED]  
 A/g General Manager | Maritime and Shipping Branch  
 Surface Transport Policy Division  
 Department of Infrastructure, Transport, Cities and Regional Development  
 GPO Box 594, Canberra ACT 2601

[REDACTED]  
 w [www.infrastructure.gov.au](http://www.infrastructure.gov.au)

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**Great Cities. Strong Regions. Connecting Australians.**

**OFFICIAL**

**From:** [REDACTED] **47F**  
**Sent:** Wednesday, 15 January 2020 8:17 PM

To: JOHNSON Andrew <Andrew.Johnson@infrastructure.gov.au>

47F

**Subject:** Re: AL SHUWAIKH - APPLICATION FOR EXEMPTION OF TWO TIER VESSEL BEYOND 1ST JANUARY 2020.  
[SEC=OFFICIAL]

Dear Mr. Andrew Johnson

General Manager  
Maritime and Shipping Branch | Surface Transport Policy Division  
Department of Infrastructure, Transport, Cities and Regional Development.

Good Day,

Thanks for your email dated 10th January 2020 setting out the milestones required for the [REDACTED] Project. This is further to our Application for the Exemption for the Al Shuwaikh to operate beyond 1st January 2020 which was submitted on the 18th December 2019 and the subsequent clarifications provided on 27th December 2019 and 6th January 2020. We hereby now provide Milestone timeline for the [REDACTED] for your consideration ( See Attached ).

47G

Hope the above meets your requirements in assessing the application for the Al Shuwaikh to operate as a two tiered vessel beyond 2020.

Best Regards,

47F

From: JOHNSON Andrew <[Andrew.Johnson@infrastructure.gov.au](mailto:Andrew.Johnson@infrastructure.gov.au)>

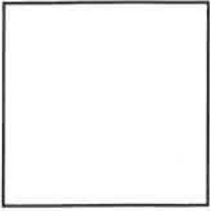
Date: Fri, Jan 10, 2020 at 4:45 PM

Subject: RE: AL SHUWAIKH - APPLICATION FOR EXEMPTION OF TWO TIER VESSEL BEYOND 1ST JANUARY 2020. [SEC=OFFICIAL]

47F

Best Regards,

s47F



Dear s47F

Thank you for providing this additional information. Acknowledging the issues you have raised, I suggest the following milestones could be included to assist the Government in assessing an agreed plan:

- Milestone 1 - As soon as practicable, and by [redacted] at the latest – provide the Department with a copy of a signed [redacted] and detailed [redacted] schedule. The [redacted] schedule must be of no more than [redacted] months duration. s47G
- At the same time, agree with the Department which key milestones from the detailed [redacted] schedule the Department will use to monitor and ensure that [redacted] remains on track. Milestone dates should be as per the [redacted] schedule, or such later date as agreed in writing with the Department.
- You will need to provide evidence to the Department that relevant [redacted] milestones are being met. Failure to provide evidence of compliance with the schedule provided may result in revocation of any exemption.

As previously specified, the validity of any plan will be subject to an Animal Welfare Plan remaining in place as agreed with the Department of Agriculture.

I hope this advice is helpful in framing your application.

Regards

Andrew

Andrew Johnson  
General Manager  
Maritime and Shipping Branch | Surface Transport  
Policy Division  
Department of Infrastructure, Transport, Cities and  
Regional Development  
GPO Box 594, Canberra ACT 2601  
t 02 6274 6881 s47F  
e [andrew.johnson@infrastructure.gov.au](mailto:andrew.johnson@infrastructure.gov.au) | w  
[www.infrastructure.gov.au](http://www.infrastructure.gov.au)

**Sent:** Monday, 6 January 2020 9:16 PM

**To:** JOHNSON Andrew <[Andrew.Johnson@infrastructure.gov.au](mailto:Andrew.Johnson@infrastructure.gov.au)>

s47F

**Subject:** Re: AL SHUWAIKH - APPLICATION FOR EXEMPTION OF TWO TIER VESSEL BEYOND  
1ST JANUARY 2020. [SEC=OFFICIAL]

Dear Mr. Andrew Johnson

General Manager  
Maritime and Shipping Branch | Surface Transport Policy Division  
Department of Infrastructure, Transport, Cities and Regional Development.

Good Day

Compliments of the Season and a Happy New Year

Thanks for your email dated 3rd January 2020 requesting for clear plans with milestones with regards to the [REDACTED] of the [REDACTED] project with the [REDACTED] for the exemption of the MV Al Shuwaikh from the requirements of Marine Order 43.

s47G



Best Regards,

s47F



s47F and 47G

Andrew Johnson  
General Manager  
Maritime and Shipping Branch | Surface Transport Policy Division  
Department of Infrastructure, Transport, Cities and Regional Development  
GPO Box 594, Canberra ACT 2601  
t 02 6274 6881 [REDACTED] s47F  
e [andrew.johnson@infrastructure.gov.au](mailto:andrew.johnson@infrastructure.gov.au) | w [www.infrastructure.gov.au](http://www.infrastructure.gov.au)

s47F

**Sent:** Saturday, 28 December 2019 2:15 AM

**To:** JOHNSON Andrew <[Andrew.Johnson@infrastructure.gov.au](mailto:Andrew.Johnson@infrastructure.gov.au)>

s47F

**Subject:** AL SHUWAIKH - APPLICATION FOR EXEMPTION OF TWO TIER VESSEL BEYOND 1ST JANUARY 2020.

Dear Mr. Andrew Johnson

General Manager  
Maritime and Shipping Branch | Surface Transport Policy Division  
Department of Infrastructure, Transport, Cities and Regional  
Development.

Good Day & Compliments of the Season,

Thanks for your email dated 24th December 2019 requesting for clarifications for the exemption of the two tiered vessel MV Al Shuwaikh.

**DURATION:**

We have noted your comments regarding the time frame we have requested for exemption.

s47G



s47G

s47G

s47G



**ANIMAL WELFARE PLANS:**

- We have already advised our Exporters who will be using the Al Shuwaikh and they have already submitted the plans regarding Animal Welfare to the Department of Agriculture for their approval.

Best Regards,

s47F



**OFFICIAL**

**KENNA Allison**

---

s47F and 47G

**OFFICIAL**

**From:** Minister McCormack <minister.mccormack@infrastructure.gov.au>  
**Sent:** Thursday, 19 December 2019 8:47 AM  
**To:** DLO McCormack <dlo.mccormack@infrastructure.gov.au>  
**Subject:** FW: MV AL SHUWAIKH - APPLICATION FOR EXEMPTION OF TWO TIERED VESSEL TO OPERATE BEYOND 1ST JANUARY 2020. [SEC=OFFICIAL]

**OFFICIAL**

**OFFICIAL**

**From:** s47F  
**Sent:** Wednesday, 18 December 2019 5:58 PM  
**To:** Minister McCormack <minister.mccormack@infrastructure.gov.au>

s47F

**Subject:** MV AL SHUWAIKH - APPLICATION FOR EXEMPTION OF TWO TIERED VESSEL TO OPERATE BEYOND 1ST JANUARY 2020.

**To**  
**Hon. Michael McCormack**  
**The Office of the Deputy Prime Minister**  
**Minister of Infrastructure, Transport and Regional Development**

Honourable Minister,

We are highly honoured to receive invitation for application on the above subject. Thank you very much for considering the potential exemption of twin tiered vessels from the requirements under Marine Order 43 ( Cargo and Cargo handling - livestock ) 2018 and to operate beyond 1st January 2020 . We are the Owners and Operators of the livestock vessel MV Al Shuwaikh which is two tiered and has been in service since the year 2000.

**Vessel Name:** MV Al Shuwaikh ( IMO No: 8506361)

s47G

We are hereby submitting our humble application, as an attachment, requesting your honor to consider our two tiered vessel to obtain an exemption to operate beyond 1st January 2020. We would highly appreciate your favourable consideration.

Best Regards,

s47F



Attachments area

s47G and 47F

s47G

s47G







s47G

s47G

**KENNA Allison**

---

**From:** [REDACTED]  
**Sent:** Wednesday, 4 March 2020 1:06 PM s47F  
**To:** JOHNSON Andrew  
**Cc:** [REDACTED]  
**Subject:** RE: Maysora proposal [SEC=OFFICIAL]

Hi Andrew

Thanks for below.

We are in still waiting on final approval from Department of Agriculture but am told it is close.

Once finalized will submit plan to Deputy Prime Minister office for approval.

The owners of MV Maysora will be submitting separately to AMSA air flow readings for single tiers to meet MO 43 requirements.

Regards

[REDACTED]  
s47F

**From:** JOHNSON Andrew [mailto:Andrew.Johnson@infrastructure.gov.au]  
**Sent:** Tuesday, March 3, 2020 8:14 AM

[REDACTED]  
s47F

**Subject:** RE: Maysora proposal [SEC=OFFICIAL]

**OFFICIAL**

Hi [REDACTED] 47F

I understand the *Maysora* may be intended to carry livestock for a voyage in March. I wanted to check in with you about the status of LSS' expected application to the Deputy Prime Minister for an exemption from the twin tier decking and associated ventilation requirements under Marine Order 43.

With a view to efficient processing of your expected application, I wanted to follow up on a few matters:

- **Approval timeframes** – as previously advised, once you have settled an animal welfare management plan with the Department of Agriculture, the sooner you submit a formal application to the Office of the Deputy Prime Minister the better. It may well take a couple of weeks to progress the application and exemption instrument (subject to approvals), assuming we have no questions or comments, and subject to the Deputy Prime Minister's travel and availability.

- **Milestones to meet MO43** – as previously advised, I suggest you specify a series of milestone dates for the *Maysora's* [REDACTED] - in advance of submitting an application to the Deputy Prime Minister, I would be happy to assist with further comments on a draft schedule of milestones if/when you have one ready.

- s47G
- **Coverage of the exemption** – in line recent comments by the Deputy Prime Minister in Parliament, any exemption would only relate to twin-tier decks used for carrying sheep, and the associated ventilation; it would not apply to the ship as a whole. Single tier decks would need to meet the requirements of Marine Order 43 to carry any livestock, including the 0.5m/s air distribution requirement. I understand AMSA has recently contacted [REDACTED] at Mira Shipping to confirm whether ventilation on the *Maysora's* single tier decks meets this standard.

If you have any questions regarding the exemption process, please give us a call.

Regards  
Andrew

Andrew Johnson  
General Manager  
Maritime and Shipping Branch |  
Surface Transport Policy Division  
Department of Infrastructure,  
Transport, Regional Development and  
Communications  
t: 02 6274 6881 [REDACTED] s47F  
e:  
[andrew.johnson@infrastructure.gov.au](mailto:andrew.johnson@infrastructure.gov.au)  
GPO Box 594, Canberra ACT 2601



**Australian Government**

**Department of Infrastructure, Transport,  
Regional Development and Communications**

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**OFFICIAL**

**From:** JOHNSON Andrew

**Sent:** Wednesday, 29 January 2020 11:50 AM

[REDACTED]  
[REDACTED] s47F  
[REDACTED]

**Subject:** RE: Maysora proposal [SEC=OFFICIAL]

**OFFICIAL**

H [REDACTED] s47F

Thank you for your time on the phone, appreciate your update on the status of your application for exemption from the requirements of Marine Order 43 for the *Maysora*.

As discussed, we will need a couple of weeks to progress the application and exemption instrument with the Deputy Prime Minister for his approval. With that in mind, the earlier you can get a formal submission of the application to the Office of the Deputy Prime Minister, as well as getting the Animal Welfare Plan approved by the Department of Agriculture, the better to ensure an exemption is in place before the first schedule voyage in late February.

If you have any further questions, we are happy to discuss.

Regards  
Andrew

OFFICIAL

**From:** JOHNSON Andrew  
**Sent:** Wednesday, 8 January 2020 5:52 PM

s47F

**Subject:** RE: Maysora proposal [SEC=OFFICIAL]

OFFICIAL

Hi s47F

Thanks for the opportunity to review, apologies for the delay in responding. Your proposal has good detail on your [REDACTED] I would suggest you also consider: s47G

- Specifying the expected start date [REDACTED] as well as key milestone dates [REDACTED] for the purpose of monitoring the exemption (we will be looking to monitor what is happening so that we can confirm that there is a genuine commitment to comply with the exemption conditions).
- Confirming expected voyage dates, particularly for 2020.

s47G

On animal welfare plans, please ensure plans for each exporter are agreed with the Department of Agriculture as soon as possible. The Deputy Prime Minister will need these in place before formally considering the exemption.

Regards  
Andrew

Andrew Johnson  
General Manager  
Maritime and Shipping Branch | Surface Transport Policy  
Division  
Department of Infrastructure, Transport, Cities and Regional  
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[www.infrastructure.gov.au](http://www.infrastructure.gov.au)





OFFICIAL

s47F

**Sent:** Wednesday, 8 January 2020 12:38 PM  
**To:** JOHNSON Andrew <[Andrew.Johnson@infrastructure.gov.au](mailto:Andrew.Johnson@infrastructure.gov.au)>  
**Subject:** FW: Maysora proposal

Hi Andrew

Any feedback on the proposed.

s47F

**From:** [REDACTED]  
**Sent:** Friday, December 20, 2019 8:15 AM  
**To:** 'andrew.johnson@infrastructure.gov.au' <[andrew.johnson@infrastructure.gov.au](mailto:andrew.johnson@infrastructure.gov.au)>  
**Subject:** Maysora proposal

s47F

Good Morning Andrew

As discussed please see attached plan to

s47G

Can you please review and provide any feedback.

s47F

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KENNA Allison

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**From:** JOHNSON Andrew  
**Sent:** Saturday, 7 March 2020 5:11 PM  
**To:** [REDACTED]  
**Subject:** s47F Fwd: Mv Maysora [SEC=OFFICIAL]  
**Attachments:** [REDACTED]

OFFICIAL

OFFICIAL

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**From:** [REDACTED]  
**Date:** Saturday, 7 March 2020 at 4:18:55 pm  
**To:** "Minister McCormack" <[minister.mccormack@infrastructure.gov.au](mailto:minister.mccormack@infrastructure.gov.au)>  
**Cc:** "JOHNSON Andrew" <[Andrew.Johnson@infrastructure.gov.au](mailto:Andrew.Johnson@infrastructure.gov.au)>, [REDACTED]  
**Subject:** Mv Maysora

Dear Minister McCormack

Please find attached plan and time line for the [REDACTED] MV Maysora [REDACTED]

Work has already started on the project with the attached work schedule "month 1 = January 2020 ". The project

[REDACTED] s47G  
Planned voyages for MV Maysora are as follows pending your approval.

- Fremantle- Elat and Aqaba loading 12/3/20.
- Fremantle-Elat and Aqaba loading 27/4/20

Following voyages are still pending awaiting department of agriculture's review of the northern hemisphere sheep trade.

Please feel free to call if you have any questions.

Regards

s47F

[REDACTED]

s47F

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**KENNA Allison**

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**From:** JOHNSON Andrew  
**Sent:** Tuesday, 10 March 2020 2:57 PM  
**To:** [REDACTED] s47F  
**Subject:** FW: Maysora proposal [SEC=OFFICIAL]  
**Attachments:** Application for Exemption under S.334 Dec 2019.pdf

**OFFICIAL**

**OFFICIAL**

[REDACTED] s47F  
**Sent:** Tuesday, 10 March 2020 2:46 PM  
**To:** Minister McCormack <minister.mccormack@infrastructure.gov.au>  
**Cc:** JOHNSON Andrew <Andrew.Johnson@infrastructure.gov.au>  
**Subject:** Maysora proposal

Dear Minister

Please find application for Maysora exception sent last week.

Regards

[REDACTED] s47F

---

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s47G

**KENNA Allison**

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**From:** [REDACTED]  
**Sent:** Thursday, 12 March 2020 2:11 PM s47F  
**To:** JOHNSON Andrew  
**Cc:** [REDACTED]  
**Subject:** Re: Update on Marine Order 43 - Maysora exemption [SEC=OFFICIAL]

Hi Andrew

Thank you for below.

Do we have any update from minister when he will be able to sign

Regards

[REDACTED] s47F

s47G



Andrew Johnson  
General Manager  
Maritime and Shipping Branch |  
Surface Transport Policy Division  
Department of Infrastructure,  
Transport, Regional Development and  
Communications  
t: 02 6274 6881 | s47F  
e:  
[andrew.johnson@infrastructure.gov.au](mailto:andrew.johnson@infrastructure.gov.au)  
GPO Box 594, Canberra ACT 2601



**Australian Government**  
**Department of Infrastructure, Transport,  
Regional Development and Communications**

*The department proudly acknowledges the Traditional Owners and Custodians of Australia, and their continuing connections to the land, waters and communities. We pay our respects to them and to their Elders past, present and emerging.*

## OFFICIAL

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The Hon Michael McCormack MP

Deputy Prime Minister  
Minister for Infrastructure, Transport and Regional Development  
Leader of The Nationals  
Federal Member for Riverina

Ref: MC20-000400

s47F

Dear [REDACTED]

s47F

Thank you for your application of 7 March 2020 for an exemption to the twin-tier requirements of Marine Order 43 for the vessel *MV Maysora*, and for providing a plan for the [REDACTED]. Thank you also for ensuring that animal welfare management plans have been agreed with the Department of Agriculture for exporters to use twin-tier decks.

Please find enclosed a signed instrument to exempt the *Maysora* until 31 December 2021 from the requirements of section 21 of *Marine Order 43 (Cargo and cargo handling – livestock)*, and section 2.4(3) of Schedule 2 as it applies to twin-tier decks.

I refer you to the conditions of the exemption set out in section 6 of the instrument and obligations set out in Schedule 1, and insist you comply with these requirements in line with the agreed plan or sooner if possible.

Thank you again for your correspondence and I trust this is of assistance.

Yours sincerely

Michael McCormack

Enc



## **Navigation (Live Animal Transport— *MV Maysora*) Exemption 2020**

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I, Michael McCormack, Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development, make the following instrument.

Dated *16/3/2020*

*Michael McCormack*

Michael McCormack  
Deputy Prime Minister and  
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## 1 Name

This instrument is the Navigation (Live Animal Transport—*MV Maysora*) Exemption 2020.

## 2 Commencement

This instrument commences the day after it is made.

## 3 Authority

This instrument is made under section 334 of the *Navigation Act 2012*.

## 4 Definitions

Note: Because of section 46AA of the *Acts Interpretation Act 1901*, a number of expressions used in this instrument are defined in that Act, including ‘Minister’ and ‘Department’. At the time this instrument was made, a reference to ‘the Department’ is a reference to the Department of Infrastructure, Transport, Regional Development and Communications.

In this instrument:

***Act*** means the *Navigation Act 2012*.

***Agriculture Department*** means:

- (a) the Department administered by the Minister administering the *Export Control Act 1982*;
- (b) despite paragraph (a), if section 3 of the *Export Control Act 2020* has commenced—the Department administered by the Minister administering that Act.

***approved arrangement***:

- (a) has the same meaning as in the *Export Control (Animals) Order 2004*;
- (b) despite paragraph (a), if section 3 of the *Export Control Act 2020* has commenced—has the same meaning as in the *Export Control Act 2020*.

***livestock operator*** has the same meaning as in Marine Order 43.

***Marine Order 43*** means *Marine Order 43 (Cargo and cargo handling—livestock) 2018*.

***responsible person***: see subsection 6(2).

***vessel*** means the vessel specified in subsection 5(1).

## 5 Exemption

- (1) This section applies to the vessel *MV Maysora*.
- (2) The vessel is exempt:

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- (a) from the application of the provisions of Marine Order 43 specified in subsection (3);
  - (b) for the periods specified in subsection (4);
  - (c) subject to the conditions specified in section 6.
- (3) The following provisions of Marine Order 43 are specified for the purpose of paragraph (2)(a):
- (a) section 21;
  - (b) section 2.4(3) of Schedule 2.

Note: The exemption in paragraph (b) has the effect that the vessel is taken to comply with Schedule 2 (and thus with the requirement in section 35 of Marine Order 43) despite not complying with section 2.4(3) of Schedule 2.

- (4) The following periods are specified for the purpose of paragraph (2)(b):
- (a) the period starting the day after this instrument is made and ending 31 December 2021.

## 6 Conditions

- (1) The conditions in this section are specified for the purpose of paragraph 5(2)(c).
- (2) The conditions in this section apply to the following persons (*responsible persons*):
  - (a) a person who is or was, during the periods, voyages and operations specified in subsection 5(4):
    - (a) an owner of the vessel; or
    - (b) a master of the vessel; or
    - (c) a charterer of the vessel; or
    - (d) a livestock operator in relation to the vessel;
  - (b) Mira International Shipping S.A.
- (3) Each responsible person must ensure that:
  - (a) livestock other than sheep are not carried on the vessel on decks with more than 1 tier; and
  - (b) where livestock is carried in single tier areas of the vessel, the mechanical ventilation system provides air from a source of supply, with a velocity across pens in the area of at least  $0.5 \text{ ms}^{-1}$ .
- (4) Each responsible person must act consistently with the plan to meet Marine Order 43 requirements in the near future set out in Schedule 1, other than to the extent approved in writing by the Minister or an SES employee in the Department.
- (5) Each responsible person must, other than to the extent approved in writing by the Minister, an SES employee in the Department or an SES employee in the Agriculture Department:
  - (a) ensure that all livestock carried on the vessel during the periods specified in subsection 5(4) meet all of the following requirements:

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- (i) an approved arrangement for the person intending to export the livestock (the *exporter*) is in effect in relation to the livestock;
    - (ii) the approved arrangement includes a twin tier animal welfare management plan; and
  - (b) take all actions necessary to ensure the exporters comply with the approved arrangements; and
  - (c) not take any action that would result in the exporters failing to comply with the approved arrangements.
- (6) Each responsible person who is aware, or believes it is likely, that a condition in this section has been or will be contravened must notify the Minister of this fact as soon as reasonably practicable.
- (7) If the Minister gives each responsible person a notice in writing requesting that they show cause why this instrument should not be revoked:
- (a) each responsible person who wishes to respond to the notice must do so within 14 days of the date on which it was given; and
  - (b) each responsible person must ensure that the vessel does not commence any voyage or operation involving the carriage of sheep until the Minister has notified them, in writing, of his or her decision about whether the instrument is to be revoked.

Note 1: Contravention of a condition is an offence under section 335 of the Act.

Note 2: Contravention of a condition may lead to revocation of this instrument.

## 7 Repeal

This instrument is repealed on the sooner of:

- (a) the day after an SES employee in the Department provides written notice to each responsible person (within the meaning of section 6(2)) that all of the conditions in section 6 have been met; or
- (b) 31 December 2021

Note: This section does not limit the Minister's general power to revoke this instrument.

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## Schedule 1—Plan to meet Marine Order 43 requirements in the near future

(subsection 6(4))

### 1 [REDACTED] obligations

- (1) Mira International Shipping S.A. will provide a copy of a signed [REDACTED] contract to [REDACTED] to comply with Marine Order 43 to the Department as soon as practicable, but no later than [REDACTED]
- s47G (2) Mira International Shipping S.A. will provide the following information (which pertains to the milestones set out in the attachment to this schedule) to the Department on or before the specified dates:
- (a) [REDACTED]
  - (b) [REDACTED]
  - (c) [REDACTED]
- (3) Each responsible person will take all actions necessary to ensure that approval of modifications to the vessel take place by [REDACTED]
- (4) Mira International Shipping S.A. will provide the Department with any other relevant updates regarding the status of vessel [REDACTED] (including expected inability to meet milestones) as soon as practicable.

Note: Attachment A sets out the applicant's agreement to the obligations set out in this Schedule.

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