

s. 22(1)(a)(ii)

From: s47F(1) @rspca.org.au>
Sent: Wednesday, 27 May 2020 11:24 AM
To: Melissa.McEwen@awe.gov.au
Subject: Meeting to discuss AI Kuwait live sheep export COVID-19 outbreak [SEC=UNCLASSIFIED]

Good morning,

Thank you for agreeing to meeting with our s47F(1) and our s47F(1) to discuss the COVID-19 outbreak onboard the AI Kuwait. Are we able to please lock in a skype meeting for tomorrow morning at 9.30?

Please let me know if you would like any further details.

Kind regards

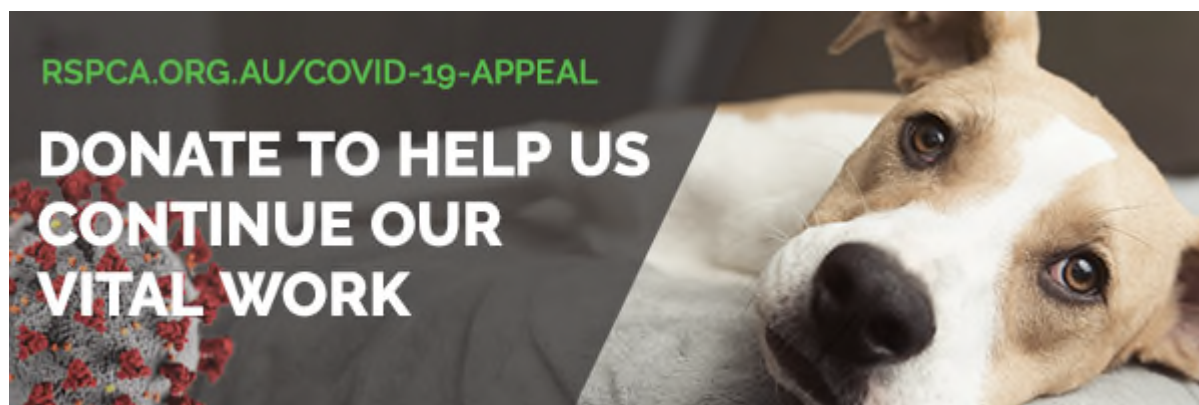
s47F
(1)

s47F(1)

RSPCA Australia



E s47F(1) @rspca.org.au **W** www.rspca.org.au
P 02 6282 8300
A PO Box 265, Deakin West ACT 2600 Australia



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s. 22(1)(a)(ii)

From: s47F(1) @animalsaustralia.org>
Sent: Wednesday, 27 May 2020 11:25 AM
To: McEwen, Melissa; Hutchison, Tina
Subject: AI Kuwait situation [SEC=UNCLASSIFIED]

Dear Melissa and Tina,

Melissa - you will have a message from me left earlier. I am hoping to speak to you about the current situation with the sheep that were destined to leave on the AI Kuwait (prior to the COVID19 diagnosis issue).

Related - I would like to bring to your attention the following article on the situation in Kuwait (from the Arab Times a few days ago) -

https://www.zawya.com/mena/en/legal/story/Kuwait_plads_to_Australian_Govt_to_wave_suspension_of_livestock-SNG_175279687/

On the other hand, **Australian Ambassador to Kuwait Jonathan Gilbert** stressed that the sheep shipments from his country stop annually during the summer, not only for Kuwait but for all countries in the region, in order to maintain the safety of livestock due to the weather, but they resume in the rest of the months of the year, explaining that Kuwait imports annually, before beginning of the Australian ban which starts on June 1, enough quantities for the remainder of the ban that ends on September 22 each year. He revealed in a statement to "Al- Rai" that the ban period this year will be short, as it will end on September 14, stressing that the Kuwaiti Livestock Company has imported large quantities sufficient for it during the ban period.

I will look forward to speaking to you.

s47F(1)

s47F(1) @animalsaustralia.org
P: 03) 9329 6333
M: s47F(1)



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s. 22(1)(a)(ii)

From: McEwen, Melissa
Sent: Wednesday, 27 May 2020 12:34 PM
To: ^{s47F(1)} Hutchison, Tina
Cc: s. 22(1)(a)(ii)
Subject: RE: Al Kuwait situation [SEC=UNCLASSIFIED]

Thanks for your email ^{s47F(1)}

I will ask ^{s. 22(1)(a)(ii)} my EA to set up a time to talk tomorrow – I am afraid I am in meetings all today.

Melissa McEwen

^{s47F(1)}

From: ^{s47F(1)} @animalsaustralia.org
Sent: Wednesday, 27 May 2020 11:25 AM
To: McEwen, Melissa <Melissa.McEwen@agriculture.gov.au>; Hutchison, Tina <Tina.Hutchison@awe.gov.au>
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**Animals
Australia**
for a kinder world



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From: s47F(1) @animalsaustralia.org>
Sent: Wednesday, 27 May 2020 2:16 PM
To: McEwen, Melissa; Hutchison, Tina
Cc: s. 22(1)(a)(ii); s47F(1) | Animals Australia
Subject: RE: Al Kuwait situation [SEC=UNCLASSIFIED]

Thanks Melissa.

It's important that I put on the record today Animals Australia's great concerns at the prospect of any exemption being considered for the shipping of the 56,000 sheep post June 1. The Department's own RIS was very clear in its conclusion that the welfare of sheep would remain compromised regardless of any measures that could be put in place – hence the regulatory ban commencing from June 1st.

s. 22(1)(a)(ii), I have just seen your email to set up a meeting tomorrow (Thursday) at 10.15am. I am afraid I have a Board meeting at that time (and for most of tomorrow).

Given the urgency of this matter I have asked my colleagues s47F(1) to meet with Melissa at that suggested time tomorrow. I have cc'd both s47F(1) to this email so that you can organise this with them directly.

With thanks

s47F(1)

s47F(1) Animals Australia

From: McEwen, Melissa [mailto:Melissa.McEwen@awe.gov.au]
Sent: Wednesday, 27 May 2020 12:34 PM
To: s47F(1) @animalsaustralia.org>; Hutchison, Tina <Tina.Hutchison@awe.gov.au>
Cc: s. 22(1)(a)(ii)
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From: s47F(1) @rspca.org.au>
Sent: Wednesday, 27 May 2020 6:17 PM
To: McEwen, Melissa
Cc: s47F(1)
Subject: Zoom meeting [SEC=UNCLASSIFIED]

Hi Melissa

Would it be ok for s47F(1) from the s47F(1) to join our zoom meeting tmrw morning as well? s47F(1) would appreciate an update as well.

Cheers

s47F(1)



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Sent: Wednesday, 27 May 2020 6:23 PM
To: s47F(1)
Cc: McEwen, Melissa; s47F(1)
Subject: Re: Zoom meeting [SEC=UNCLASSIFIED]

Sure - no problem

Melissa McEwen
s47F(1)

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Hi Melissa

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s47F(1)

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s. 22(1)(a)(ii)

Document 8

From: McEwen, Melissa
Sent: Wednesday, 27 May 2020 6:40 PM
To: s47F(1)
Cc: s. 22(1)(a)(ii)
Subject: Re: Zoom meeting [SEC=UNCLASSIFIED]

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s. 22(1)(a)(ii)

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Al Kuwait RSPCA and Animals Australia

Thursday, 28 May 2020

9:29 AM

Meeting Subject: RSPCA / DAWE - Al Kuwait [SEC=OFFICIAL]**Meeting Date:** 28/05/2020 9:30 AM**Location:** Skype Meeting**Link to Outlook Item:** [click here](#)**Invitation Message****Participants** [McEwen, Melissa](#) (Meeting Organizer) [Hutchison, Tina](#) [Sheridan, Carol](#) s47F(1) [@rspca.org.au](#) s47F(1) [@rspca.org.au](#)s47F(1) also joined

Notes

s47F(1) - led off

- Wanted to confirm that an exemption has been applied for for the Al Kuwait, reinforced that June is the most dangerous time to travel
- MM acknowledged there was an application, but no decision has been made
- s47F(1) - how does it work from here
- MM - we will have to have a look at what the exporter is proposing and the considerations we have under our act, and the evidence we have available to take into account. This is a legal decision. We will be taking this very seriously. This is not automatic, it is a serious regulatory decision. We would want to know what the exporter is proposing to do and what dates they might be looking at leaving. There is a difference with a ship leaving on 1 June to a ship leaving on 15 June. We will need more information from the exporter and will be looking at all the information. We have the ability to take into account anything we think is relevant
- s47F(1) - the legislation came in because of animal welfare. Assume the further information needed is in relation to animal welfare
- MM - need to consider why they would be leaving late, though in this case it is fairly obvious. This is not something for the convenience of exporters, it was always envisaged for unforeseen circumstances and emergencies. We will need to consider this, and how they will manage welfare.

s47F(1)

- Exceptional circumstances - COVID is exceptional, but loading issues would not be uncommon. Coming in a week before the deadline would raise the risk of a problem arising [close to the prohibition period]. Is the

department looking at providing guidance for industry on[how to manage this period] and to ensure this doesn't happen again

- MM - we would under normal circumstances have policy on this. We haven't done that at this stage, been under the pump. This vessel was due to leave today which did provide a buffer for the sorts of things ^{s47F}₍₁₎ referred to
 - It is a complicated matter we are dealing with, and will assist with us framing our policy around how we would deal with unforeseen circumstances such as this
- ^{s47F}₍₁₎ would say it is exceptional, but not unforeseen

9.50 at this point I withdrew from the meeting and discussed with Melissa that as the probable decision maker in this matter I should no longer be part of the meeting. I did not want to be in a position where I was seen to be providing an opportunity to one side that had not been provided to another side in this matter. I advised the participants that I would no longer be part of the meeting and withdrew.

There was an Animals Australia meeting at 10.15 which I also didn't participate in for the same reasons.

Created with Microsoft OneNote 2013.

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

Meeting with RSPCA ^{s47G(1)} : Thursday 28 May 2020; 09:30

Participants: ^{s47F(1)} Melissa McEwen, Carol Sheridan (and Tina Hutchison, who excused herself after a couple of minutes)

^{s47F(1)} mentioned that they wanted to discuss the decision that had been made about the exemption.

Melissa advised no decision had been made, but explained that the department was obliged to consider an application on the basis of exceptional circumstances and in consideration of animal welfare risks.

^{s47F(1)} outlined that there were risks to animal welfare for voyages during this time and noted that there was a prohibition in place for this reason.

^{s47F(1)} asked what was likely to be considered in making the decision on the exemption

Melissa outlined that the Order says the delegate can take into account all relevant considerations – we think these are primarily (a) the reason for the need for exemption and (b) animal welfare
(Meeting paused and Tina left at this point)

There was some discussion about issues such as what could be considered unforeseen and the timing of voyages.

^{s47G(1)}

Melissa and Carol noted that the science was not complete mentioned the gaps in information about duration and diurnal variation. ^{s47F(1)} stated that 2 days for duration was a key factor. ^{s47G(1)}

s47G(1)

Melissa noted that the department would consider all relevant factors when making the decision, including the information it had and was in touch with the Bureau of Meteorology about predicted temperatures in June.

s47F(1) asked that the department keep RSPCA s47G(1) informed about the decision. Melissa mentioned that we would need to be legally informed about who it could advise about the decision and when, however it was the department's intention to publish a statement of reasons for the decision.

Meeting with Animals Australia (AA): 10:15

Participants: s47F(1) Melissa McEwen, Carol Sheridan

s47F(1) advised that AA made contact with the department due to concerns about possibility of an exemption and the ship leaving post 1 June.

s47F(1) requested an update and asked about the likelihood of the decision. s47F(1) mentioned that AA had a supporter base that was equally concerned, but that they would not pass on the contents of this meeting to them.

Melissa clarified that if there is a risk of COVID on board, that would be taken into account when considering whether to issue an export permit, as the crew need to be able to look after the animals. Melissa explained that at the moment exporter is exploring options and has made request for exemption, but more detail needed before a decision could be made.

The department is legally obliged to consider an exemption request and make a decision – 2 considerations – 1. the reasons for request (not for exporter convenience) and 2. importantly, how animal welfare risks would be managed by exporter. We would also consider our own knowledge and consultation with BOM about forecasting.

s47F(1) noted that we were not reinventing the wheel, and the department already has RIS and other analysis saying that voyages should not depart in June.

Melissa explained that this is more nuanced. The exemption is for an unusual situation and we are legally obliged to consider the specific circumstances, v the general situation. We are aware of body of knowledge and the proposed date of departure will also make a difference.

s47F(1) said that she understood the department's obligation and that AA sent the email yesterday. s47F(1) indicated that food security may be cited, and that Kuwait and Qatar have imported significant amounts of sheep meat this year.

s47F(1) expressed the view that it could undermine the system if an exemption was granted and also the associated public confidence. Generally relevant also is that South Africa is also looking at stopping shipments during this period. s47F(1) may know more about this matter. Also, on behalf of workers, AA is genuinely concerned for them.

Melissa: We appreciate that and are pleased workers are getting appropriate help. Also, pleased to hear about South Africa. This indicates that Australia is leading and other countries might follow. Melissa noted that some aspects are more relevant for our consideration than others. Tina is not on this call as she is likely to be the decision maker and we want to ensure her independence. We understand the gravity of this decision and I would like to assure you that animal welfare is front of mind in this process.

Understand you have to consider application but want you to consider all the work undertaken – there are more known than unknown risks at this point in time.

Interesting thank you for information.

Carol asked for clarification about the South African situation for May. Confirmed the decision would consider animal welfare and relevant matters, including being informed by the science and evidence.

s47F(1) responded that the South African CVO issued a direction to stop shipments in May and that one vessel was caught up in that. Also, there is a bill before Rumanian parliament to stop exports during this period.

s47F(1) asked about the prescribed form. Melissa noted that it was not a prescribed for but in a form approved by the secretary, essentially in writing. Melissa undertook to provide information about the 'form' to AA.

s47F(1) asked if the fact they had raised these concerns would be noted in making the decision.

Carol Sheridan

Assistant Secretary
Animal Welfare

28 May 2020

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s. 22(1)(a)(ii)

From: s47F(1) @Animalsaustralia.org>
Sent: Thursday, 28 May 2020 2:32 PM
To: McEwen, Melissa
Cc: s47F(1) Animals Australia
Subject: Animals Australia/DAWE - AI Kuwait (Key Considerations Summary) [SEC=UNCLASSIFIED]

Dear Melissa,

Thanks again for your time this morning. We appreciate the Department taking into relevant consideration our concerns and points raised.

To assist, we provide headline summaries of the points raised during our meeting:

1. Decisions about whether to grant or not grant an exemption are expected to be based on whether animal health and welfare can continue to be protected if an exemption is granted. As such, we raised the known risks, agreed findings and available science regarding the very real risk of heat stress during shipments to the Middle East from June onwards. In particular, we referred to:
 - a. The McCarthy Review;
 - b. The HSRA Technical Reference Panel;
 - c. The available and applied relevant scientific analysis, and the climatological analysis by the Bureau of Meteorology; and
 - d. The Department's 2020 RIS for *Live sheep exports to, or through, the Middle East – Northern Hemisphere summer* - which was adopted to stop all sheep shipments from June, and which clearly documents (at page 13) that: "The temporary measures that applied in the 2019 Northern Hemisphere summer have lapsed. Currently, sheep exports to the Middle East during the Northern Hemisphere summer are regulated primarily by the Middle East Order. These conditions include allometric pen space allowances and that exporters submit a heat stress management plan for each voyage. This addresses the issue in part, **but does not adequately mitigate the risk of heat stress if ambient temperatures are very hot, as they can be in the Middle East during June to mid-September (inclusive). In this circumstance, conditions can be such that additional pen space allowances do little to reduce the risk of heat stress.** [emphasis added]
2. ABARES meat export data from Australia to the Middle east, which demonstrates a thriving trade and a willingness for these countries to accept boxed/chilled meat in lieu of live animals.
3. The strong comments made (on 23 May 2020) by the Australian Ambassador to Kuwait, Mr Jonathan Gilbert in relation to Kuwait's current meat supply (available here: [https://www.zawya.com/mena/en/legal/story/Kuwait pleads to Australian Govt to wave suspension of livestock-SNG 175279687/](https://www.zawya.com/mena/en/legal/story/Kuwait%20pleads%20to%20Australian%20Govt%20to%20wave%20suspension%20of%20livestock-SNG%20175279687/)):

"On the other hand, Australian Ambassador to Kuwait Jonathan Gilbert stressed that the sheep shipments from his country stop annually during the summer, not only for Kuwait but for all countries in the region, in order to maintain the safety of livestock due to the weather, but they resume in the rest of the months of the year, explaining that Kuwait imports annually, before beginning of the Australian ban which starts on June 1, enough quantities for the remainder of the ban that ends on September 22 each year.

He revealed in a statement to "Al- Rai" that the ban period this year will be short, as it will end on September 14, stressing that the Kuwaiti Livestock Company has imported large quantities sufficient for it during the ban period."

[emphasis added]

4. We advised you about the South African situation re banning summer shipments to the Middle east.
s47F(1), s47G(1)

5. We also advised you that a bill has been introduced to the Romanian parliament regarding restriction the export of live export of animals during the summer period – due to heat stress.

We look forward to receiving a copy of the form (for an exemption application) approved by the Secretary in this matter.

Many thanks,
s47F(1)

s47F(1)

s47F(1)

@animalsaustralia.org

P: 03) 9329 6333

M: s47F(1)

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s. 22(1)(a)(ii)

From: ^{s47F(1)} @rspca.org.au>
Sent: Thursday, 28 May 2020 7:01 PM
To: McEwen, Melissa
Cc: andrew.metcalfe@awe.gov.au; colin.hunter@awe.gov.au; ^{s47F(1)} s. 22(1)(a)(ii); david.hazlehurst@awe.gov.au; ^{s47F(1)} s. 22(1)(a)(ii)
Subject: Lrt re RETWA live export exemption application [SEC=UNCLASSIFIED]
Attachments: ^{s47F(1)} s. 22(1)(a)(ii)
Importance: High

Good evening

Please find attached letter regarding RETWA's live export regulation exemption application.

Kind regards,

^{s47F(1)}



RSPCA Australia

E ^{s47F(1)} @rspca.org.au **W** www.rspca.org.au
P 02 6282 8300 **M** ^{s47F(1)}
A PO Box 265, Deakin West ACT 2600 Australia



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s. 22(1)(a)(ii)

Document 14

From: McEwen, Melissa
Sent: Friday, 29 May 2020 12:40 PM
To: s47F(1)
Cc: s47F(1) | Animals Australia
Subject: RE: Animals Australia/DAWE - AI Kuwait (Key Considerations Summary) [SEC=UNCLASSIFIED]

s47F(1)

Thank you for the email and I apologise for not getting back to you sooner – there is a bit on.

As discussed in our meeting, I can assure you we are taking relevant matters into consideration and we consider that animal welfare is a key consideration in this instance.

With respect to the issue of the form of the application, there is no form as such. I can confirm that the form of the application approved by the Secretary (section 11(2)(a)) is to provide a written application addressed to the Secretary and the Principal Regulatory Officer, Export Reform and Live Animal Exports Division, via email.

Regards

Melissa

Melissa McEwen

s47F(1)

From: s47F(1) @Animalsaustralia.org>
Sent: Thursday, 28 May 2020 2:32 PM
To: McEwen, Melissa <Melissa.McEwen@agriculture.gov.au>
Cc: s47F(1) @animalsaustralia.org>; s47F(1) | Animals Australia
<s47F(1) @Animalsaustralia.org>
Subject: Animals Australia/DAWE - AI Kuwait (Key Considerations Summary) [SEC=UNCLASSIFIED]

Dear Melissa,

Thanks again for your time this morning. We appreciate the Department taking into relevant consideration our concerns and points raised.

To assist, we provide headline summaries of the points raised during our meeting:

1. Decisions about whether to grant or not grant an exemption are expected to be based on whether animal health and welfare can continue to be protected if an exemption is granted. As such, we raised the known risks, agreed findings and available science regarding the very real risk of heat stress during shipments to the Middle East from June onwards. In particular, we referred to:
 - a. The McCarthy Review;
 - b. The HSRA Technical Reference Panel;
 - c. The available and applied relevant scientific analysis, and the climatological analysis by the Bureau of Meteorology; and
 - d. The Department's 2020 RIS for *Live sheep exports to, or through, the Middle East – Northern Hemisphere summer* - which was adopted to stop all sheep shipments from June, and which clearly documents (at page 13) that: "The temporary measures that applied in the 2019 Northern

Hemisphere summer have lapsed. Currently, sheep exports to the Middle East during the Northern Hemisphere summer are regulated primarily by the Middle East Order. These conditions include allometric pen space allowances and that exporters submit a heat stress management plan for each voyage. This addresses the issue in part, **but does not adequately mitigate the risk of heat stress if ambient temperatures are very hot, as they can be in the Middle East during June to mid-September (inclusive). In this circumstance, conditions can be such that additional pen space allowances do little to reduce the risk of heat stress.** [emphasis added]

2. ABARES meat export data from Australia to the Middle east, which demonstrates a thriving trade and a willingness for these countries to accept boxed/chilled meat in lieu of live animals.
3. The strong comments made (on 23 May 2020) by the Australian Ambassador to Kuwait, Mr Jonathan Gilbert in relation to Kuwait's current meat supply (available here: [https://www.zawya.com/mena/en/legal/story/Kuwait pleads to Australian Govt to wave suspension of livestock-SNG 175279687/](https://www.zawya.com/mena/en/legal/story/Kuwait%20pleads%20to%20Australian%20Govt%20to%20wave%20suspension%20of%20livestock-SNG%20175279687/)):

“On the other hand, Australian Ambassador to Kuwait Jonathan Gilbert stressed that the sheep shipments from his country stop annually during the summer, not only for Kuwait but for all countries in the region, in order to maintain the safety of livestock due to the weather, but they resume in the rest of the months of the year, explaining that Kuwait imports annually, before beginning of the Australian ban which starts on June 1, enough quantities for the remainder of the ban that ends on September 22 each year.

He revealed in a statement to “Al- Rai” that the ban period this year will be short, as it will end on September 14, stressing that the Kuwaiti Livestock Company has imported large quantities sufficient for it during the ban period.”
[emphasis added]

s47F(1), s47G(1)

5. We also advised you that a bill has been introduced to the Romanian parliament regarding restriction the export of live export of animals during the summer period – due to heat stress.

We look forward to receiving a copy of the form (for an exemption application) approved by the Secretary in this matter.

Many thanks,

s47F(1)

P: 03) 9329 6333

M: s47F(1)



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s. 22(1)(a)(ii)

From: s47F(1) @Animalsaustralia.org>
Sent: Friday, 29 May 2020 1:27 PM
To: McEwen, Melissa
Cc: s47F(1) Animals Australia
Subject: Further Correspondence from Animals Australia re Al Kuwait Matter (+ Attachments) [SEC=UNCLASSIFIED]
Attachments: s. 22(1)(a)(ii)

Dear Melissa,

Thank you for your email just sent in reply to my email yesterday afternoon.

Please see **attached** letter for your attention, and for the attention of the Secretary (or his delegate).

Kind regards,

s47F(1)

s47F(1)

@animalsaustralia.org

P: 03) 9329 6333

M: s47F(1)

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s. 22(1)(a)(ii)

Document 16

From: McEwen, Melissa
Sent: Saturday, 30 May 2020 10:28 AM
To: s47F(1)
Cc: s47F(1) Animals Australia; s22(1)(a)(ii)
Subject: RE: Further Correspondence from Animals Australia re Al Kuwait Matter (+ Attachments) [SEC=UNCLASSIFIED]

Dear s47F(1)

Thank you for your email and attached letter dated 29 May 2020.

I confirm that an application has been received from RETWA for an exemption under section 11 of the Northern Summer Prohibition Order. As I have previously indicated, there is no approved form to date. However, the application received from RETWA is in a manner approved by the Secretary. The Secretary has approved the following manner for the making of an application: a written application addressed to the Secretary and the Principal Regulatory Officer, Export Reform and Live Animal Exports Division, via email. No outline or guide of the sort described in point 2 of your request has been given to RETWA or any other entity.

I can also indicate that the information and submissions received from Animals Australia will be brought to the attention of the decision-maker and taken into account insofar as they are considered to be relevant to the decision.

Regards

Melissa

Melissa McEwen
s47F(1)

From: s47F(1) [mailto:s47F(1)@Animalsaustralia.org]
Sent: Friday, 29 May 2020 1:27 PM
To: McEwen, Melissa <Melissa.McEwen@agriculture.gov.au>
Cc: s47F(1) @animalsaustralia.org; s47F(1) | Animals Australia
<s47F(1)@Animalsaustralia.org>
Subject: Further Correspondence from Animals Australia re Al Kuwait Matter (+ Attachments) [SEC=UNCLASSIFIED]

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Kind regards,

s47F(1)

s47F(1) [@animalsaustralia.org](mailto:s47F(1)@animalsaustralia.org)
P: 03) 9329 6333
M: s47F(1)

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s. 22(1)(a)(ii)

From: s47F(1) e@Animalsaustralia.org>
Sent: Sunday, 31 May 2020 6:06 PM
To: McEwen, Melissa
Cc: s47F(1) Animals Australia; s. 22(1)(a)(ii)
Subject: URGENT: Confirmation re status of decision re Al Kuwait Matter [SEC=UNCLASSIFIED]

Dear Melissa,

We have been contacted by a journalist seeking comment for a story headed "exemption expected Monday". We hope this is not the case.

Has the Department made a decision to grant the exemption? If so, can you please send through a copy of the decision? The Department has already advised us that the decision will be published.

As a legally recognised interested party, we seek to see the reasons for the decision (if one has been made) urgently, and given that the decision would only operate for a short period of time we would appreciate your urgent attention to this request.

We await your response.

Regards,

s47F(1)

s47F(1)

[@animalsaustralia.org](https://www.instagram.com/animalsaustralia)

P: 03) 9329 6333

M: s47F(1)

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From: McEwen, Melissa <Melissa.McEwen@awe.gov.au>
Sent: Saturday, 30 May 2020 10:28 AM
To: s47F(1) @Animalsaustralia.org>
Cc: s47F(1) @animalsaustralia.org>; s47F(1) Animals Australia
 <s47F(1) @Animalsaustralia.org>; s. 22(1)(a)(ii)

Subject: RE: Further Correspondence from Animals Australia re Al Kuwait Matter (+ Attachments)
[SEC=UNCLASSIFIED]

Dear ^{s47F(1)}

Thank you for your email and attached letter dated 29 May 2020.

I confirm that an application has been received from RETWA for an exemption under section 11 of the Northern Summer Prohibition Order. As I have previously indicated, there is no approved form to date. However, the application received from RETWA is in a manner approved by the Secretary. The Secretary has approved the following manner for the making of an application: a written application addressed to the Secretary and the Principal Regulatory Officer, Export Reform and Live Animal Exports Division, via email. No outline or guide of the sort described in point 2 of your request has been given to RETWA or any other entity.

I can also indicate that the information and submissions received from Animals Australia will be brought to the attention of the decision-maker and taken into account insofar as they are considered to be relevant to the decision.

Regards

Melissa

Melissa McEwen

^{s47F(1)}

From: ^{s47F(1)} [mailto:^{s47F(1)} @Animalsaustralia.org]
Sent: Friday, 29 May 2020 1:27 PM
To: McEwen, Melissa <Melissa.McEwen@agriculture.gov.au>
Cc: ^{s47F(1)} @animalsaustralia.org; ^{s47F(1)} | Animals Australia
<^{s47F(1)} @Animalsaustralia.org>
Subject: Further Correspondence from Animals Australia re Al Kuwait Matter (+ Attachments) [SEC=UNCLASSIFIED]

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Kind regards,

^{s47F(1)}

^{s47F(1)}

@animalsaustralia.org

P: 03) 9329 6333

M: ^{s47F(1)}

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s. 22(1)(a)(ii)

From: McEwen, Melissa
Sent: Sunday, 31 May 2020 6:23 PM
To: s47F(1)
Cc: McEwen, Melissa; s47F(1) Animals Australia; s. 22(1)(a)(ii)
Subject: Re: URGENT: Confirmation re status of decision re Al Kuwait Matter [SEC=UNCLASSIFIED]

s47F(1)

I can confirm that no decision has been made as yet.

We will notify you immediately following the decision.

It is our expectation that a decision is likely some time tomorrow afternoon, but that is still dependent on a number of factors.

Melissa

Melissa McEwen
s47F(1)

On 31 May 2020, at 6:07 pm, s47F(1) <@animalsaustralia.org> wrote:

Dear Melissa,

We have been contacted by a journalist seeking comment for a story headed "exemption expected Monday". We hope this is not the case.

Has the Department made a decision to grant the exemption? If so, can you please send through a copy of the decision? The Department has already advised us that the decision will be published.

As a legally recognised interested party, we seek to see the reasons for the decision (if one has been made) urgently, and given that the decision would only operate for a short period of time we would appreciate your urgent attention to this request.

We await your response.

Regards,

s47F(1)

s47F(1)

@animalsaustralia.org

<image001.png>P: 03) 9329 6333
M: s47F(1)

<image002.jpg>

<image003.jpg>

<image004.jpg>

<image005.jpg>

<image006.jpg>

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From: McEwen, Melissa <Melissa.McEwen@awe.gov.au>
Sent: Saturday, 30 May 2020 10:28 AM
To: ^{s47F(1)} @Animalsaustralia.org>
Cc: ^{s47F(1)} @animalsaustralia.org>; ^{s47F(1)} Animals Australia
<^{s47F(1)} @Animalsaustralia.org>; **s. 22(1)(a)(ii)**
Subject: RE: Further Correspondence from Animals Australia re Al Kuwait Matter (+ Attachments)
[SEC=UNCLASSIFIED]

Dear ^{s47F(1)}

Thank you for your email and attached letter dated 29 May 2020.

I confirm that an application has been received from RETWA for an exemption under section 11 of the Northern Summer Prohibition Order. As I have previously indicated, there is no approved form to date. However, the application received from RETWA is in a manner approved by the Secretary. The Secretary has approved the following manner for the making of an application: a written application addressed to the Secretary and the Principal Regulatory Officer, Export Reform and Live Animal Exports Division, via email. No outline or guide of the sort described in point 2 of your request has been given to RETWA or any other entity.

I can also indicate that the information and submissions received from Animals Australia will be brought to the attention of the decision-maker and taken into account insofar as they are considered to be relevant to the decision.

Regards

Melissa

Melissa McEwen
^{s47F(1)}

From: ^{s47F(1)} [mailto:^{s47F(1)} @Animalsaustralia.org]
Sent: Friday, 29 May 2020 1:27 PM
To: McEwen, Melissa <Melissa.McEwen@agriculture.gov.au>
Cc: ^{s47F(1)} @animalsaustralia.org>; ^{s47F(1)} | Animals Australia
<^{s47F(1)} @Animalsaustralia.org>
Subject: Further Correspondence from Animals Australia re Al Kuwait Matter (+ Attachments) [SEC=UNCLASSIFIED]

Dear Melissa,

Thank you for your email just sent in reply to my email yesterday afternoon.

Please see **attached** letter for your attention, and for the attention of the Secretary (or his delegate).

Kind regards,

s47F(1)

s47F(1)

[@animalsaustralia.org](mailto:s47F(1)@animalsaustralia.org)

P: 03) 9329 6333

M: s47F(1)

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<image005.jpg>

<image006.jpg>

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s. 22(1)(a)(ii)

From: s47F(1) @Animalsaustralia.org>
Sent: Sunday, 31 May 2020 8:21 PM
To: McEwen, Melissa
Cc: s47F(1) | Animals Australia; s. 22(1)(a)(ii)
Subject: RE: URGENT: Confirmation re status of decision re Al Kuwait Matter [SEC=UNCLASSIFIED]
Attachments: s. 22(1)(a)(ii)

Dear Melissa,

We appreciate your prompt response. And we appreciate you continuing to provide our ongoing correspondence with you to the Secretary (or his delegate), including this email, for consideration as part of this *Al Kuwait* matter.

We wish to raise three important matters – of which we seek responses where we have asked questions:

A. Secretary (or his delegate) considering advice from a qualified animal welfare scientific expert

1. The exemption decision would also need to satisfy the permit approval requirement under the *Export Control (Animals) Order 2004*. Specifically, that the Secretary (or his delegate) **is satisfied that the travel arrangements for the live-stock are adequate for their health and welfare**. The science underpinning the *Australian Meat and Live-stock Industry (Prohibition of Export of Sheep by Sea to Middle East—Northern Summer) Order 2020 (Prohibition Order 2020)* makes clear that shipments post 1 June must be prohibited. The Explanatory Statement to the Prohibition Order 2020 provides:

The Department of Agriculture, Water and the Environment has consulted widely in making its policy decision. The department considered recommendations from the McCarthy Review, the HSRA review technical reference panel, public submissions to the draft RIS and policy options discussion paper. Scientific analysis was considered including climatological analysis by the Bureau of Meteorology (2019), data provided by the Australian Bureau of Agricultural and Resource Economics and Sciences (ABARES), and voyage reports from Australian Government Accredited Veterinarians (AAVs) and Independent Observers (IOs) on board vessels during 2018 and 2019 Northern Hemisphere summer months.

2. Further, the Australian Veterinary Association has released a public statement [linking](#) to their letter to Minister Littleproud regarding this recent *Al Kuwait* matter. They have stated that:

The paradigm has moved away from only assessing mortality, to considerations of animal welfare, and the expectation is that sheep should not suffer throughout the many weeks they are on board. Using the HSRA model, we know that sheep will be subjected to ambient wet bulb temperatures which exceed their Heat Stress Thresholds during June; and no amount of increased space or ventilation can reduce shipboard temperatures below ambient temperature.

For these reasons, and consistent with the advice we have provided previously, we believe that the welfare risks to the animals are unacceptably high in June, and that no exemptions should be granted. It is critical that the Government upholds the regulations, to ensure that animal welfare standards during live export of sheep are in line with the expectations of the veterinary profession and the wider community. [emphasis added]

3. Given that the leading accredited animal welfare experts in this field (veterinary and scientific) have strongly concluded that the increased risk of heart stress and mortality for departures after 1 June presents an unacceptably high risk to animal welfare:
 - a. Can you please confirm who the Secretary (or his delegate) is consulting from the veterinary and scientific profession in relation to the animal welfare considerations in this matter? If you

are unable at this juncture to disclose the particulars of the animal welfare expert, can you please confirm that an accredited animal welfare scientific expert is being consulted as part of the decision making process in this matter?

B. Independent Observer Reports showing heat stress present even in May voyages

1. s. 22(1)(a)(ii)

. In our submission, we provided summaries of Independent Observer Reports for the May and June periods. In Appendix 2 we provided a summary of Independent Observer Reports with observations of elevated respiration and panting (heat stress) in sheep on voyages through the Persian Gulf/Red Sea from April 2018 to May 2019. The IO summaries show that elevated respiration and open-mouth panting are present even in May as the temperatures start to climb. The June shipments also demonstrate heat stress suffering. We request that the Secretary (or his delegate) consider the above submission and the documents referred to therein, which the Department has copies of

a. **Can you please confirm that the Secretary (or his delegate) is considering all available Independent Observer reports relevant to the May/June period for Middle East shipments?**

C. Not "exceptional circumstances"

1. As submitted in our correspondence dated 29 May 2020, the Explanatory Statement to the Prohibition Order 2020 provides that: "*[i]t is anticipated that exemptions will only be granted in exceptional circumstances.*" We provided reasons as to why the *Al Kuwait* matter does not qualify as an exceptional circumstance, including that it does not demonstrate circumstances that could not have been reasonably foreseen.
2. We submit that any risk of loss to the exporter as a result of not taking the *Al Kuwait* consignment does not outweigh the fact that these circumstances were a known calculated risk taken by the exporter – and we have provided facts and evidence to support the already thriving trade of boxed meat exports and a willingness of Middle East countries to continue accepted boxed/chilled Australian meat.

We await your response.

Regards,

s47F(1)

From: McEwen, Melissa <Melissa.McEwen@awe.gov.au>

Sent: Sunday, 31 May 2020 6:23 PM

To: s47F(1) @Animalsaustralia.org>

Cc: McEwen, Melissa <Melissa.McEwen@awe.gov.au>; s47F(1) @animalsaustralia.org>; s47F(1)

Animals Australia <s47F(1) @Animalsaustralia.org>; s. 22(1)(a)(ii)

Subject: Re: URGENT: Confirmation re status of decision re Al Kuwait Matter [SEC=UNCLASSIFIED]

s47F(1)

I can confirm that no decision has been made as yet.

We will notify you immediately following the decision.

It is our expectation that a decision is likely some time tomorrow afternoon, but that is still dependent on a number of factors.

Melissa

Melissa McEwen
s47F(1)

On 31 May 2020, at 6:07 pm, s47F(1)

@animalsaustralia.org> wrote:

Dear Melissa,

We have been contacted by a journalist seeking comment for a story headed "exemption expected Monday". We hope this is not the case.

Has the Department made a decision to grant the exemption? If so, can you please send through a copy of the decision? The Department has already advised us that the decision will be published.

As a legally recognised interested party, we seek to see the reasons for the decision (if one has been made) urgently, and given that the decision would only operate for a short period of time we would appreciate your urgent attention to this request.

We await your response.

Regards,

s47F(1)

s47F(1)

@animalsaustralia.org

P: 03) 9329 6333

M: s47F(1)

<image001.png> <image002.jpg>

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From: McEwen, Melissa <Melissa.McEwen@awe.gov.au>

Sent: Saturday, 30 May 2020 10:28 AM

To: s47F(1) <@Animalsaustralia.org>

Cc: s47F(1) <@animalsaustralia.org>; s47F(1) Animals Australia
s47F(1) <@Animalsaustralia.org>; s22(1)(a)(ii) <@agriculture.gov.au>

Subject: RE: Further Correspondence from Animals Australia re Al Kuwait Matter (+ Attachments)
[SEC=UNCLASSIFIED]

Dear ^{s47F(1)}

Thank you for your email and attached letter dated 29 May 2020.

I confirm that an application has been received from RETWA for an exemption under section 11 of the Northern Summer Prohibition Order. As I have previously indicated, there is no approved form to date. However, the application received from RETWA is in a manner approved by the Secretary. The Secretary has approved the following manner for the making of an application: a written application addressed to the Secretary and the Principal Regulatory Officer, Export Reform and Live Animal Exports Division, via email. No outline or guide of the sort described in point 2 of your request has been given to RETWA or any other entity.

I can also indicate that the information and submissions received from Animals Australia will be brought to the attention of the decision-maker and taken into account insofar as they are considered to be relevant to the decision.

Regards

Melissa

Melissa McEwen
^{s47F(1)}

From: ^{s47F(1)} [mailto:^{s47F(1)} @Animalsaustralia.org]
Sent: Friday, 29 May 2020 1:27 PM
To: McEwen, Melissa <Melissa.McEwen@agriculture.gov.au>
Cc: ^{s47F(1)} @animalsaustralia.org; ^{s47F(1)} Animals Australia
 <^{s47F(1)} @Animalsaustralia.org>
Subject: Further Correspondence from Animals Australia re Al Kuwait Matter (+ Attachments) [SEC=UNCLASSIFIED]

Dear Melissa,

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Please see **attached** letter for your attention, and for the attention of the Secretary (or his delegate).

Kind regards,

^{s47F(1)}

^{s47F(1)} @animalsaustralia.org

P: 03) 9329 6333

M: ^{s47F(1)}

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s. 22(1)(a)(ii)

From: s47F(1) @Animalsaustralia.org>
Sent: Monday, 1 June 2020 12:13 PM
To: McEwen, Melissa; s. 22(1)(a)(ii)
Cc: s47F(1) | Animals Australia
Subject: URGENT: Expert Climate Report re Al Kuwait Consideration, s47F(1)
 [SEC=UNCLASSIFIED]
Attachments: s. 22(1)(a)(ii)

Dear Melissa,

URGENT: Expert Climate Report re Al Kuwait Consideration

Thank you for continuing to provide our correspondence to the Secretary (or his delegate) for consideration as part of the *Al Kuwait* matter.

s22(1)(a)(ii), s47F(1)

s47F(1) **has provided a specific expert analysis of the current and projected climate through the relevant Persian Gulf passage for May and June.** We request that the Secretary (or his delegate) consider s47F(1) report in light of the legislated prohibition period test for heat stress risk. In particular, we refer to the Department's RIS for *Live sheep exports to, or through, the Middle East – Northern Hemisphere Summer, March 2020* (at page 60):

“Using a risk-based analysis of the best available science and evidence, the department determined that voyages to, or through, the Middle East should be avoided if the risk of heat stress (ambient WBTs exceeding 29°C WBT) was 5% or more. Based on climatological analysis, the department has determined that if 95th percentile ambient temperatures are at 29°C WBT or above (which leads to deck temperatures of 30–32°C WBT), there is an elevated risk of heat stress and adverse animal welfare outcomes. Industry research supports this view. The LiveCorp and MLA Veterinary Handbook for Cattle, Sheep and Goats (2020) defines important heat stress levels, noting that WBTs above 29°C are considered the ‘danger’ zone for sheep.

The prohibition periods have been based on data from the Bureau for 95th percentile ambient temperatures. Using 95th percentile ambient temperatures prevents exports when there is a 5% or greater likelihood that temperatures experienced on voyages to, through or at destinations in the Middle East, could cause heat stress in sheep.”

[emphasis added]

The Secretary (or his delegate) will see that s47F(1) specific expert analysis of current temperatures across the relevant passage/area shows that there is a high risk that ambient WBT temperatures will exceed the ‘danger’ zone for sheep. The actual relevant temperatures in the last three days in May 2020 have already exceeded the threshold into the ‘danger’ zone for sheep.

s47F(1)

We await your response.

Regards,

s47F(1)

s47F(1)

[@animalsaustralia.org](https://www.animalsaustralia.org)

P: 03) 9329 6333

M: s47F(1)



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s. 22(1)(a)(ii)

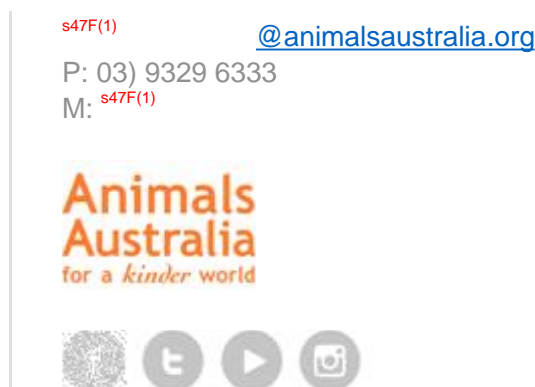
From: s47F(1) @Animalsaustralia.org>
Sent: Monday, 1 June 2020 12:30 PM
To: Live Stock Exports; Tina.Hutchison@awe.gov.au
Cc: McEwen, Melissa
Subject: FW: URGENT: Expert Climate Report re AI Kuwait Consideration, s47F(1)
 [SEC=UNCLASSIFIED]
Attachments: s. 22(1)(a)(ii)

Dear Secretary Metcalfe and Ms Hutchison,

The below urgent email has been sent to Dr Melissa McEwen. We have been advised that a decision regarding the *AI Kuwait* exemption application will take place this afternoon. As such, we are sending this email directly to avoid any delays in bringing it to your attention.

Regards,

s47F(1)



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From: s47F(1)
Sent: Monday, 1 June 2020 12:13 PM
To: McEwen, Melissa <Melissa.McEwen@awe.gov.au>; s. 22(1)(a)(ii)
Cc: s47F(1) @animalsaustralia.org>; s47F(1) @animalsaustralia.org>
Subject: URGENT: Expert Climate Report re AI Kuwait Consideration, Dr John McBride

Dear Melissa,

URGENT: Expert Climate Report re Al Kuwait Consideration

Thank you for continuing to provide our correspondence to the Secretary (or his delegate) for consideration as part of the *Al Kuwait* matter.

s22(1)(a)(ii), s47F(1)

s47F(1) **has provided a specific expert analysis of the current and projected climate through the relevant Persian Gulf passage for May and June.** We request that the Secretary (or his delegate) consider s47F(1) report in light of the legislated prohibition period test for heat stress risk. In particular, we refer to the Department's RIS for *Live sheep exports to, or through, the Middle East – Northern Hemisphere Summer, March 2020* (at page 60):

“Using a risk-based analysis of the best available science and evidence, the department determined that voyages to, or through, the Middle East should be avoided if the risk of heat stress (ambient WBTs exceeding 29°C WBT) was 5% or more. Based on climatological analysis, the department has determined that if 95th percentile ambient temperatures are at 29°C WBT or above (which leads to deck temperatures of 30–32°C WBT), there is an elevated risk of heat stress and adverse animal welfare outcomes. Industry research supports this view. The LiveCorp and MLA Veterinary Handbook for Cattle, Sheep and Goats (2020) defines important heat stress levels, noting that WBTs above 29°C are considered the ‘danger’ zone for sheep.

The prohibition periods have been based on data from the Bureau for 95th percentile ambient temperatures. Using 95th percentile ambient temperatures prevents exports when there is a 5% or greater likelihood that temperatures experienced on voyages to, through or at destinations in the Middle East, could cause heat stress in sheep.”

[emphasis added]

The Secretary (or his delegate) will see that s47F(1) specific expert analysis of current temperatures across the relevant passage/area shows that there is a high risk that ambient WBT temperatures will exceed the ‘danger’ zone for sheep. The actual relevant temperatures in the last three days in May 2020 have already exceeded the threshold into the ‘danger’ zone for sheep.

s47F(1)

We await your response.

Regards,

s47F(1)

s47F(1)

[@animalsaustralia.org](https://www.animalsaustralia.org)

P: 03) 9329 6333

M: s47F(1)

**Animals
Australia**
for a kinder world



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s. 22(1)(a)(ii)

From: McEwen, Melissa
Sent: Monday, 1 June 2020 1:20 PM
To: ^{s47F(1)}; McEwen, Melissa; s. 22(1)(a)(ii)
Cc: ^{s47F(1)} Animals Australia; s. 22(1)(a)(ii)
Subject: RE: URGENT: Expert Climate Report re Al Kuwait Consideration, ^{s47F(1)}
 [SEC=UNCLASSIFIED]

Dear Shatha

I acknowledge receipt of this email and its attachments.

Could you please direct any further correspondence on in relation to this application to me alone. Anything sent to me will be brought to the attention of relevant persons within the department as appropriate.

Regards

Melissa

Melissa McEwen

^{s47F(1)}

From: ^{s47F(1)} @Animalsaustralia.org]
Sent: Monday, 1 June 2020 12:13 PM
To: McEwen, Melissa <Melissa.McEwen@awe.gov.au>; s. 22(1)(a)(ii)
Cc: ^{s47F(1)} @animalsaustralia.org>; ^{s47F(1)} | Animals Australia
 <^{s47F(1)} @Animalsaustralia.org>
Subject: URGENT: Expert Climate Report re Al Kuwait Consideration, ^{s47F(1)} [SEC=UNCLASSIFIED]

Dear Melissa,

URGENT: Expert Climate Report re Al Kuwait Consideration

Thank you for continuing to provide our correspondence to the Secretary (or his delegate) for consideration as part of the *Al Kuwait* matter.

s22(1)(a)(ii), s47F(1)

^{s47F(1)} **has provided a specific expert analysis of the current and projected climate through the relevant Persian Gulf passage for May and June.** We request that the Secretary (or his delegate) consider ^{s47F(1)} report in light of the legislated prohibition period test for heat stress risk. In particular, we refer to the Department's RIS for *Live sheep exports to, or through, the Middle East – Northern Hemisphere Summer, March 2020* (at page 60):

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welfare outcomes. Industry research supports this view. The LiveCorp and MLA Veterinary Handbook for Cattle, Sheep and Goats (2020) defines important heat stress levels, noting that **WBTs above 29°C are considered the 'danger' zone for sheep.**

The prohibition periods have been based on data from the Bureau for 95th percentile ambient temperatures. Using 95th percentile ambient temperatures prevents exports when there is a 5% or greater likelihood that temperatures experienced on voyages to, through or at destinations in the Middle East, could cause heat stress in sheep."

[emphasis added]

The Secretary (or his delegate) will see that ^{s47F(1)} specific expert analysis of current temperatures across the relevant passage/area shows that there is a high risk that ambient WBT temperatures will exceed the 'danger' zone for sheep. The actual relevant temperatures in the last three days in May 2020 have already exceeded the threshold into the 'danger' zone for sheep.

s47F(1)

We await your response.

Regards,
s47F(1)

s47F(1)

s47F(1)

@animalsaustralia.org

P: 03) 9329 6333

M: s47F(1)



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s. 22(1)(a)(ii)

From: s47F(1) e@Animalsaustralia.org>
Sent: Monday, 1 June 2020 1:23 PM
To: McEwen, Melissa
Subject: RE: URGENT: Expert Climate Report re Al Kuwait Consideration, s47F(1)
 [SEC=UNCLASSIFIED]

Dear Melissa,

Thanks for your email. I may send one more email soon and I will ensure it is sent directly to you.

Many thanks,
 s47F(1)

From: McEwen, Melissa <Melissa.McEwen@awe.gov.au>
Sent: Monday, 1 June 2020 1:20 PM
To: s47F(1) @Animalsaustralia.org>; McEwen, Melissa <Melissa.McEwen@awe.gov.au>;
 s. 22(1)(a)(ii)
Cc: s47F(1) @animalsaustralia.org>; s47F(1) Animals Australia
 <s47F(1) @Animalsaustralia.org>; s. 22(1)(a)(ii)
Subject: RE: URGENT: Expert Climate Report re Al Kuwait Consideration, s47F(1) [SEC=UNCLASSIFIED]

Dear s47F(1)

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Regards

Melissa

Melissa McEwen
 s47F(1)

From: s47F(1) [mailto:s47F(1) @Animalsaustralia.org]
Sent: Monday, 1 June 2020 12:13 PM
To: McEwen, Melissa <Melissa.McEwen@awe.gov.au>; s. 22(1)(a)(ii)
Cc: s47F(1) @animalsaustralia.org>; s47F(1) Animals Australia
 <s47F(1) @Animalsaustralia.org>
Subject: URGENT: Expert Climate Report re Al Kuwait Consideration, s47F(1) [SEC=UNCLASSIFIED]

Dear Melissa,

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s22(1)(a)(ii), s47F(1)

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^{s47F(1)}

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Regards,

s47F(1)

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s. 22(1)(a)(ii)

From: s47F(1) @Animalsaustralia.org>
Sent: Monday, 1 June 2020 1:33 PM
To: McEwen, Melissa
Subject: RE: URGENT: Expert Climate Report re AI Kuwait Consideration, s47F(1)
 [SEC=UNCLASSIFIED]

I also want to say 'thank you'. I know you have been working serious hours since last week on this matter, and have had no respite across all hours of the weekend. We really appreciate your involvement in this matter because we really feel that we are being heard. I hope that you are able to get some respite soon. No need to reply.

s47F(1)

From: McEwen, Melissa <Melissa.McEwen@awe.gov.au>
Sent: Monday, 1 June 2020 1:30 PM
To: s47F(1) @Animalsaustralia.org>
Cc: McEwen, Melissa <Melissa.McEwen@awe.gov.au>
Subject: Re: URGENT: Expert Climate Report re AI Kuwait Consideration, s47F(1) [SEC=UNCLASSIFIED]

Thanks s47F(1)

Melissa McEwen
s47F(1)

On 1 Jun 2020, at 1:24 pm, s47F(1) <@animalsaustralia.org> wrote:

Dear Melissa,

Thanks for your email. I may send one more email soon and I will ensure it is sent directly to you.

Many thanks,
s47F(1)

From: McEwen, Melissa <Melissa.McEwen@awe.gov.au>
Sent: Monday, 1 June 2020 1:20 PM
To: s47F(1) <@Animalsaustralia.org>; McEwen, Melissa <Melissa.McEwen@awe.gov.au>;
s. 22(1)(a)(ii)
Cc: s47F(1) <@animalsaustralia.org>; s47F(1) Animals Australia
 <@Animalsaustralia.org>; s. 22(1)(a)(ii)
Subject: RE: URGENT: Expert Climate Report re AI Kuwait Consideration, s47F(1) [SEC=UNCLASSIFIED]

Dear s47F(1)

I acknowledge receipt of this email and its attachments.

Could you please direct any further correspondence on in relation to this application to me alone. Anything sent to me will be brought to the attention of relevant persons within the department as appropriate.

Regards

Melissa

Melissa McEwen

s47F(1)

From: ^{s47F(1)} [mailto:^{s47F(1)} @Animalsaustralia.org]
Sent: Monday, 1 June 2020 12:13 PM
To: McEwen, Melissa <Melissa.McEwen@awe.gov.au>; ^{s. 22(1)(a)(ii)}
Cc: ^{s47F(1)} @animalsaustralia.org; ^{s47F(1)} | Animals Australia
 <^{s47F(1)} @Animalsaustralia.org>
Subject: URGENT: Expert Climate Report re Al Kuwait Consideration, ^{s47F(1)} [SEC=UNCLASSIFIED]

Dear Melissa,

URGENT: Expert Climate Report re Al Kuwait Consideration

Thank you for continuing to provide our correspondence to the Secretary (or his delegate) for consideration as part of the *Al Kuwait* matter.

s22(1)(a)(ii), s47F(1)

^{s47F(1)} **has provided a specific expert analysis of the current and projected climate through the relevant Persian Gulf passage for May and June.** We request that the Secretary (or his delegate) consider ^{s47F(1)} report in light of the legislated prohibition period test for heat stress risk. In particular, we refer to the Department's RIS for *Live sheep exports to, or through, the Middle East – Northern Hemisphere Summer, March 2020* (at page 60):

“Using a risk-based analysis of the best available science and evidence, the department determined that voyages to, or through, the Middle East should be avoided if the risk of heat stress (ambient WBTs exceeding 29°C WBT) was 5% or more. Based on climatological analysis, the department has determined that if 95th percentile ambient temperatures are at 29°C WBT or above (which leads to deck temperatures of 30–32°C WBT), there is an elevated risk of heat stress and adverse animal welfare outcomes. Industry research supports this view. The LiveCorp and MLA Veterinary Handbook for Cattle, Sheep and Goats (2020) defines important heat stress levels, noting that WBTs above 29°C are considered the ‘danger’ zone for sheep.

The prohibition periods have been based on data from the Bureau for 95th percentile ambient temperatures. Using 95th percentile ambient temperatures prevents exports when there is a 5% or greater likelihood that temperatures experienced on voyages to, through or at destinations in the Middle East, could cause heat stress in sheep.”

[emphasis added]

The Secretary (or his delegate) will see that ^{s47F(1)} specific expert analysis of current temperatures across the relevant passage/area shows that there is a high risk that ambient WBT temperatures will exceed the ‘danger’ zone for sheep. The actual relevant temperatures in the last three days in May 2020 have already exceeded the threshold into the ‘danger’ zone for sheep.

s47F(1)

We await your response.

Regards,

s47F(1)

s47F(1)

[@animalsaustralia.org](mailto:s47F(1)@animalsaustralia.org)

P: 03) 9329 6333

M: s47F(1)

<image001.png> <image002.jpg>

<image003.jpg>

<image004.jpg>

<image005.jpg>

<image006.jpg>

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Hutchison, Tina

LEX-4423

55

Document 25

Decision on Exemption to Export Livestock after 1 June [SEC=UNOFFICIAL]

To: Hutchison, Tina

cc: s47F(1)

Good evening

A decision has been made in relation to RETWA's request for exemption to export livestock after 1 June. The department will shortly be putting a statement on our website that will say:

- The Department of Agriculture, Water and the Environment has made the decision to not grant Rural Export and Trading (WA) Pty Ltd an exemption to export livestock after 1 June.
- The livestock vessel *A/ Kuwoif* was unable to depart prior to June 1 as planned, following confirmed cases of COVID-19 among crew members.
- The exporter submitted an application to the department for exemption from the June 1 export deadline under the *Australian Meat and Live-stock Industry (Prohibition of Export of Sheep by Sea to Middle East—Northern Summer) Order 2020*, including an Animal Welfare Management Plan.
- Following consideration of all relevant matters under the legislation, including animal welfare and trade implications, the department has taken the decision not to grant an exemption to the exporter.
- The livestock that was to be exported in this consignment remain at registered premises and the department is satisfied there are no welfare concerns.
- A detailed statement of reasons for this decision will be released later this week.

Regards, Tina

Tina Hutchison

Assistant Secretary | Live Animal Export | Live Animal Export Division

Department of Agriculture, Water and the Environment
18 Marcus Clarke Street, Canberra ACT 2601 Australia
GPO Box 1563 Canberra ACT 2601 Australia

Phone s47F(1)

EA: s22(1)(a)(ii)

s. 22(1)(a)(ii)

Document 26

s. 22(1)(a)(ii)

Decision on Exemption to Export Livestock after 1 June [SEC=UNOFFICIAL] - Message (HTML)

Tue 2/06/2020 10:07 PM

Hutchison, Tina

Decision on Exemption to Export Livestock after 1 June [SEC=UNOFFICIAL]

To: Hutchison, Tina

s47F(1)

Good evening

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- The Department of Agriculture, Water and the Environment has made the decision to not grant Rural Export and Trading (WA) Pty Ltd an exemption to export livestock after 1 June.
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Regards, Tina

Tina Hutchison
Assistant Secretary | Live Animal Export | Live Animal Export Division

Department of Agriculture, Water and the Environment
18 Marcus Clarke Street, Canberra ACT 2601 Australia
GPO Box 1563 Canberra ACT 2601 Australia

Phone s47F(1)

EA: s. 22(1)(a)(ii)

Tina Hutchison Inbox and Clearance

Windows taskbar: Email notification..., Briefing pack for L..., Decision on Exem..., Word, X, N, Skype for Business, Chat | Microsoft

From: Hutchison, Tina**Sent:** Tuesday, 2 June 2020 10:07 PM**To:** Hutchison, Tina <Tina.Hutchison@awe.gov.au>**Subject:** Decision on Exemption to Export Livestock after 1 June [SEC=UNOFFICIAL]

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Tina Hutchison

Assistant Secretary | Live Animal Export | Live Animal Export Division

Department of Agriculture, Water and the Environment
18 Marcus Clarke Street, Canberra ACT 2601 Australia
GPO Box 1563 Canberra ACT 2601 Australia

Phone ^{s47F(1)}

EA: **s. 22(1)(a)(ii)**

s. 22(1)(a)(ii)

Document 27

From: s47F(1) @rspca.org.au>
Sent: Wednesday, 3 June 2020 11:40 AM
To: Hutchison, Tina; McEwen, Melissa; Sheridan, Carol
Cc: s47F(1)
Subject: RE: Decision on Exemption to Export Livestock after 1 June [SEC=UNOFFICIAL]

Hi Tina, Melissa and Carol

It probably goes without saying, but we were very pleased to see this decision being made.

We appreciate the very difficult position you were in and the pressure you must have been under.

To prioritise animal welfare and the integrity of the regulations under these circumstances is commendable, and certainly serves to improve our confidence, and that of the public, in the regulator.

We look forward to reviewing the statement of reasons in due course.

Kind regards,

s47F(1)



RSPCA Australia

E s47F(1) [@rspca.org.au](mailto:rspca@rspca.org.au) **W** www.rspca.org.au
P 02 6282 8300 **M** s47F(1)
A PO Box 265, Deakin West ACT 2600 Australia



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information about campaigns, activities, products and services that you may be interested in. We may disclose your information to state RSPCA organisations which are members of RSPCA Australia. We will also disclose your information when legally required. In some cases we use third parties to manage our data collection and storage, some of who may store information overseas. If you wish to complain about a breach of your privacy by us, please [contact us](#). For more details see our [Privacy Policy](#).

From: Hutchison, Tina <Tina.Hutchison@awe.gov.au>
Sent: Tuesday, 2 June 2020 10:07 PM
To: Hutchison, Tina <Tina.Hutchison@awe.gov.au>
Subject: Decision on Exemption to Export Livestock after 1 June [SEC=UNOFFICIAL]

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- A detailed statement of reasons for this decision will be released later this week.

Regards, Tina

Tina Hutchison

Assistant Secretary | Live Animal Export | Live Animal Export Division

Department of Agriculture, Water and the Environment
18 Marcus Clarke Street, Canberra ACT 2601 Australia
GPO Box 1563 Canberra ACT 2601 Australia

Phone [s47F\(1\)](#)

EA: [s22\(1\)\(a\)\(ii\)](#)

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s. 22(1)(a)(ii)

From: McEwen, Melissa
Sent: Wednesday, 3 June 2020 6:32 PM
To: ^{s47F(1)} Hutchison, Tina; McEwen, Melissa; Sheridan, Carol
Cc: ^{s47F(1)}
Subject: RE: Decision on Exemption to Export Livestock after 1 June [SEC=UNOFFICIAL]

^{s47F(1)}

We take our role of regulating the trade very seriously and made the decision based on all the evidence we had available to us. This is what we consistently endeavour to do.

Regards

Melissa

Melissa McEwen
^{s47F(1)}

From: ^{s47F(1)} [mailto:^{s47F(1)}@rspca.org.au]
Sent: Wednesday, 3 June 2020 11:40 AM
To: Hutchison, Tina <Tina.Hutchison@awe.gov.au>; McEwen, Melissa <Melissa.McEwen@awe.gov.au>; Sheridan, Carol <Carol.Sheridan@awe.gov.au>
Cc: ^{s47F(1)} @rspca.org.au; ^{s47F(1)} @rspca.org.au
Subject: RE: Decision on Exemption to Export Livestock after 1 June [SEC=UNOFFICIAL]

Hi Tina, Melissa and Carol

It probably goes without saying, but we were very pleased to see this decision being made.

We appreciate the very difficult position you were in and the pressure you must have been under.

To prioritise animal welfare and the integrity of the regulations under these circumstances is commendable, and certainly serves to improve our confidence, and that of the public, in the regulator.

We look forward to reviewing the statement of reasons in due course.

Kind regards,

^{s47F(1)}

RSPCA 
RSPCA Australia

E ^{s47F(1)} @rspca.org.au **W** www.rspca.org.au
P 02 6282 8300 **M** ^{s47F(1)}
A PO Box 265, Deakin West ACT 2600 Australia





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From: Hutchison, Tina <Tina.Hutchison@awe.gov.au>
Sent: Tuesday, 2 June 2020 10:07 PM
To: Hutchison, Tina <Tina.Hutchison@awe.gov.au>
Subject: Decision on Exemption to Export Livestock after 1 June [SEC=UNOFFICIAL]

Good evening

A decision has been made in relation to RETWA's request for exemption to export livestock after 1 June. The department will shortly be putting a statement on our website that will say:

- The Department of Agriculture, Water and the Environment has made the decision to not grant Rural Export and Trading (WA) Pty Ltd an exemption to export livestock after 1 June.
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- A detailed statement of reasons for this decision will be released later this week.

Regards, Tina

Tina Hutchison
 Assistant Secretary | Live Animal Export | Live Animal Export Division

Department of Agriculture, Water and the Environment
 18 Marcus Clarke Street, Canberra ACT 2601 Australia
 GPO Box 1563 Canberra ACT 2601 Australia

Phone ^{s47F(1)}

EA: ^{s22(1)(a)(ii)}

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s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

From: s47F(1) Animals Australia [mailto:s47F(1)@Animalsaustralia.org]
Sent: Friday, 5 June 2020 3:13 PM
To: Hutchison, Tina <Tina.Hutchison@awe.gov.au>
Subject: acknowledgement of process [SEC=UNCLASSIFIED]

Dear Tina,

As relevant stakeholders to the *Al Kuwait* decision, we write to express our acknowledgment of the associated process undertaken.

The detailed reasons for the decision demonstrate the thorough, careful and highly technical considerations that were made in forming the decision.

As you know, we have been actively involved in live export matters for almost two decades. Reading your decision was a profound moment for us all, as we felt that this was the first time that the risks to the health and welfare of the animals were properly considered – and such considerations were underwritten by pure science, data, facts and law.

We do not underestimate the effort, time and pressure that went into making this decision.

We hope that you and your team will be afforded some respite after a very long week.

Kind regards,

s47F(1)

s47F(1) [@animalsaustralia.org](mailto:s47F(1)@animalsaustralia.org)
03) 9329 6333

**Animals
Australia**
for a kinder world

s. 22(1)(a)(ii)

From: s47F(1) |@rspca.org.au>
Sent: Monday, 15 June 2020 11:28 AM
To: McEwen, Melissa
Subject: FW: URGENT – assurance regarding compliance with conditions of AI Kuwait exemption [SEC=UNCLASSIFIED]

Hi Melissa, my apologies I meant to include you in the email below.

Regards, s47F(1)

From: s47F(1) |
Sent: Monday, 15 June 2020 10:53 AM
To: Hazlehurst, David <David.Hazlehurst@agriculture.gov.au>
Cc: s47F(1) |@rspca.org.au>; s47F(1) |@rspca.org.au> <s47F(1) |@rspca.org.au>
Subject: URGENT – assurance regarding compliance with conditions of AI Kuwait exemption

Dear David

Thank you for your time over the weekend to discuss the conditions around the Department's granting of an exemption to the prohibition of export of sheep by sea to the Middle East, following the submission of a second application for an exemption by the exporter, RETWA/KLTT.

I am writing for an urgent update on your progress towards ensuring there will be an Independent Observer to monitor the health and welfare of the sheep on board this vessel.

Further to this request, we also hold concerns over how the exporter will demonstrate compliance with the conditions of the exemption relating to the selection of sheep for the consignment are met. In particular, the following two conditions which stipulate that:

- the sheep types averaging above 50kg are removed from the consignment
- sheep with wool of over 20mm are removed from the consignment.

We understand that the majority of the original consignment of sheep have remained at the Baldivas Feedlot and thus will have been gaining weight over that time: it is likely that many will now be over 50kg. We also understand that up to 8,000 head of the original consignment have been sold to third parties. The exporter will therefore be seeking additional sheep under the weight limit to make up the current consignment. Weighing of sheep is conducted in trucks and is based on average weights, so there is a high risk that there will be sheep over the 50kg limit taken to the port for loading. These sheep will be at exceptional risk of very poor welfare due to heat stress, and raised levels of morbidity and mortality during the voyage. We ask what measures are in place to ensure that sheep over 50kg are not loaded on the vessel?

With regard to wool length, wool length is not averaged, so the presence of any sheep with wool length over 20mm would constitute a breach of the exemption. We note that Independent Observer reports have previously identified the presence of sheep with wool in excess of the required length under ASEL 2.3. Again, excess wool length will place individual sheep at exceptional risk of very poor welfare outcomes. We ask what measures are in place to check the wool length of all sheep prior to loading on the vessel?

We recognised that it is crucial that the Department has in place mechanisms to ensure compliance with these conditions, as they form conditions of the exemption and thus, if they are not met, the exemption is no longer valid.

We seek your urgent reply to our questions.

Regards
s47F(1)



RSPCA Australia

E ^{s47F(1)} [@rspca.org.au](mailto:rspca@rspca.org.au) **W** www.rspca.org.au
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s. 22(1)(a)(ii)

Document 31

From: McEwen, Melissa
Sent: Monday, 15 June 2020 12:46 PM
To: s47F(1)
Subject: RE: URGENT – assurance regarding compliance with conditions of AI Kuwait exemption [SEC=UNCLASSIFIED]

Thanks s47F(1)

Melissa McEwen
s47F(1)

From: s47F(1) @rspca.org.au>
Sent: Monday, 15 June 2020 11:28 AM
To: McEwen, Melissa <Melissa.McEwen@awe.gov.au>
Subject: FW: URGENT – assurance regarding compliance with conditions of AI Kuwait exemption [SEC=UNCLASSIFIED]

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Cc: s47F(1) @rspca.org.au>; s47F(1) @rspca.org.au) <s47F(1) @rspca.org.au>
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We seek your urgent reply to our questions.

Regards

s47F(1)



RSPCA Australia

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A PO Box 265, Deakin West ACT 2600 Australia



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s. 22(1)(a)(ii)

From: s47F(1) @rspca.org.au
Sent: Tuesday, 16 June 2020 10:49 AM
To: Hazlehurst, David
Cc: s47F(1) McEwen, Melissa; Hutchison, Tina
Subject: RE: URGENT – assurance regarding compliance with conditions of AI Kuwait exemption [SEC=UNCLASSIFIED]

Good morning David,

Thank you for your email.

With regard to our request for an Independent Observer, we note that the wording of the Northern Summer Order states:

(4) The Secretary may grant an exemption under paragraph (1)(a), subject to any conditions that the Secretary considers are necessary.

Thus, as delegate, in our view you are able to require the vessel to carry an Observer who is not an authorised officer, but who is there to provide independent assurance to the Australian Community about the health and welfare of the sheep on this voyage. The need for independent oversight is underscored by your comment in the Statement of Reasons that *'RETWA submitted that neither the logger data nor the AAV voyage data that it has also reviewed could be relied on, in particular because of anomalies in the data'*.

Thank you also for the information you provided with regard to the veterinary pre-consignment inspection. I note your assurance that 'all sheep were inspected by our officers and found to comply'. I would be grateful if you could let us know the number of officers involved in the inspection, the time they spent on the premises conducting the inspection, and the records of non-compliant sheep that were drafted out of the consignment as a result of that inspection.

Regards,
s47F(1)

From: Hazlehurst, David <David.Hazlehurst@awe.gov.au>
Sent: Monday, 15 June 2020 9:06 PM
To: s47F(1) @rspca.org.au
Cc: s47F(1) @rspca.org.au; s47F(1) w@rspca.org.au; McEwen, Melissa <Melissa.McEwen@agriculture.gov.au>; Hutchison, Tina <Tina.Hutchison@agriculture.gov.au>
Subject: Re: URGENT – assurance regarding compliance with conditions of AI Kuwait exemption [SEC=UNCLASSIFIED]

Dear s47F(1)

Thank you for your email.

We have been working intensively on these issues over the weekend and today.

With respect to the use of an independent observer on the voyage, all efforts are currently being made to overcome the significant logistical and work, health and safety issues related to the deployment. Of particular concern is ensuring that an IO would be able to return to Australia. I note the RSPCA's suggestion that they can identify a veterinarian to accompany the voyage. The department cannot require a ship to carry an observer unless they are an authorised officer.

Further to your concerns about the selection of sheep, the department is well aware of the challenges of ensuring that sheep meet the conditions placed on the exemption and the legal implications of this. The team worked closely with the exporter over the weekend to ensure they understood how critical it was for non-compliant animals to be removed from the consignment before any inspection was undertaken at the registered premises. Our veterinary pre-consignment inspection occurred at the registered premises and all sheep were inspected by our officers and found to comply.

Regards

David

On 15 Jun 2020, at 11:23 am, ^{s47F(1)} [@rspca.org.au](mailto:rspca@rspca.org.au)> wrote:

Dear David

Thank you for your time over the weekend to discuss the conditions around the Department's granting of an exemption to the prohibition of export of sheep by sea to the Middle East, following the submission of a second application for an exemption by the exporter, RETWA/KLTT.

I am writing for an urgent update on your progress towards ensuring there will be an Independent Observer to monitor the health and welfare of the sheep on board this vessel.

Further to this request, we also hold concerns over how the exporter will demonstrate compliance with the conditions of the exemption relating to the selection of sheep for the consignment are met. In particular, the following two conditions which stipulate that:

- the sheep types averaging above 50kg are removed from the consignment
- sheep with wool of over 20mm are removed from the consignment.

We understand that the majority of the original consignment of sheep have remained at the Baldivas Feedlot and thus will have been gaining weight over that time: it is likely that many will now be over 50kg. We also understand that up to 8,000 head of the original consignment have been sold to third parties. The exporter will therefore be seeking additional sheep under the weight limit to make up the current consignment. Weighing of sheep is conducted in trucks and is based on average weights, so there is a high risk that there will be sheep over the 50kg limit taken to the port for loading. These sheep will be at exceptional risk of very poor welfare due to heat stress, and raised levels of morbidity and mortality during the voyage. We ask what measures are in place to ensure that sheep over 50kg are not loaded on the vessel?

With regard to wool length, wool length is not averaged, so the presence of any sheep with wool length over 20mm would constitute a breach of the exemption. We note that Independent Observer

reports have previously identified the presence of sheep with wool in excess of the required length under ASEL 2.3. Again, excess wool length will place individual sheep at exceptional risk of very poor welfare outcomes. We ask what measures are in place to check the wool length of all sheep prior to loading on the vessel?

We recognised that it is crucial that the Department has in place mechanisms to ensure compliance with these conditions, as they form conditions of the exemption and thus, if they are not met, the exemption is no longer valid.

We seek your urgent reply to our questions.

Regards

s47F(1)

<image013.png>

RSPCA Australia

E ^{s47F(1)} [@rspca.org.au](mailto:rspca@rspca.org.au) W www.rspca.org.au
P 02 6282 8300 M ^{s47F(1)}
A PO Box 265, Deakin West ACT 2600 Australia

<image014.png> <image015.png> <image016.png> <image017.png>

<image018.png>

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s. 22(1)(a)(ii)

From: ^{s47F(1)} @rspca.org.au>
Sent: Tuesday, 16 June 2020 5:05 PM
To: David.Hazlehurst@awe.gov.au
Cc: Melissa.McEwen@awe.gov.au; ^{s47F(1)} andrew.metcalfe@awe.gov.au; colin.hunter@awe.gov.au;
Subject: Second exemption determination for Al Kuwait consignment [SEC=UNCLASSIFIED]
Attachments: ^{s47F(1)} s. 22(1)(a)(ii)

Dear David,

Please see attached letter regarding the second exemption determination for Al Kuwait consignment.

Regards

^{s47F(1)}



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s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

From: ^{s47F(1)} [mailto:^{s47F(1)} @Animalsaustralia.org]
Sent: Tuesday, 16 June 2020 5:23 PM
To: Live Stock Exports ; Tina.Hutchison@awe.gov.au
Cc: McEwen, Melissa
Subject: URGENT: Reports for consideration re export permit application & request for reasons for decision [SEC=UNCLASSIFIED]

Dear Secretary Metcalfe,

We understand you are currently considering an application for an export permit by Rural Export Trading (WA) Pty Ltd.

We bring the following **attached** documents to your attention and consideration as part of the export permit application process:

1. Expert Report of ^{s47F(1)} dated 16 June 2020; and
2. Expert Report of ^{s47F(1)} dated 16 June 2020.

We request a copy of your written reasons for decision in the above export permit application.

Regards,

^{s47F(1)}

^{s47F(1)} @animalsaustralia.org

P: 03) 9329 6333

M: ^{s47F(1)}

**Animals
Australia**
for a kinder world



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From: s47F(1)
Sent: Monday, 1 June 2020 12:13 PM
To: McEwen, Melissa <Melissa.McEwen@awe.gov.au>; s. 22(1)(a)(ii)
Cc: s47F(1) @animalsaustralia.org; s47F(1) @animalsaustralia.org'
 s47F(1) @animalsaustralia.org>
Subject: URGENT: Expert Climate Report re AI Kuwait Consideration, s47F(1)

Dear Melissa,

URGENT: Expert Climate Report re AI Kuwait Consideration

Thank you for continuing to provide our correspondence to the Secretary (or his delegate) for consideration as part of the *AI Kuwait* matter.

s22(1)(a)(ii), s47F(1)

s47F(1) **has provided a specific expert analysis of the current and projected climate through the relevant Persian Gulf passage for May and June.** We request that the Secretary (or his delegate) consider s47F(1) report in light of the legislated prohibition period test for heat stress risk. In particular, we refer to the Department's RIS for *Live sheep exports to, or through, the Middle East – Northern Hemisphere Summer, March 2020* (at page 60):

“Using a risk-based analysis of the best available science and evidence, the department determined that voyages to, or through, the Middle East should be avoided if the risk of heat stress (ambient WBTs exceeding 29°C WBT) was 5% or more. Based on climatological analysis, the department has determined that if 95th percentile ambient temperatures are at 29°C WBT or above (which leads to deck temperatures of 30–32°C WBT), there is an elevated risk of heat stress and adverse animal welfare outcomes. Industry research supports this view. The LiveCorp and MLA Veterinary Handbook for Cattle, Sheep and Goats (2020) defines important heat stress levels, noting that WBTs above 29°C are considered the ‘danger’ zone for sheep.”

The prohibition periods have been based on data from the Bureau for 95th percentile ambient temperatures. Using 95th percentile ambient temperatures prevents exports when there is a 5% or greater likelihood that temperatures experienced on voyages to, through or at destinations in the Middle East, could cause heat stress in sheep.”

[emphasis added]

The Secretary (or his delegate) will see that ^{s47F(1)} specific expert analysis of current temperatures across the relevant passage/area shows that there is a high risk that ambient WBT temperatures will exceed the 'danger' zone for sheep. The actual relevant temperatures in the last three days in May 2020 have already exceeded the threshold into the 'danger' zone for sheep.

s47F(1)

We await your response.

Regards,

s47F(1)

s47F(1)

[@animalsaustralia.org](https://www.animalsaustralia.org)

P: 03) 9329 6333

M: s47F(1)

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s. 22(1)(a)(ii)

From: s47F(1) @rspca.org.au>
Sent: Wednesday, 17 June 2020 2:14 PM
To: Hazlehurst, David
Cc: McEwen, Melissa
Subject: FW: Second exemption determination for AI Kuwait consignment [SEC=UNCLASSIFIED]
Attachments: s. 22(1)(a)(ii)

Hi David,

It was good to hear ALEC's s11C mention on ABC radio yesterday that there will be an Australian Government Independent Observer on the AI Kuwait when it departs this evening. I would appreciate if you could verify that and if possible who they are?

Thank you.

Regards,

s47F(1)

From: s47F(1) @rspca.org.au>
Sent: Tuesday, 16 June 2020 4:35 PM
To: David.Hazlehurst@awe.gov.au
Cc: Melissa.McEwen@awe.gov.au; andrew.metcalfe@awe.gov.au; colin.hunter@awe.gov.au;
 s. 22(1)(a)(ii) ; s47F(1) @rspca.org.au>; s47F(1) @rspca.org.au>
Subject: Second exemption determination for AI Kuwait consignment

Dear David,

Please see attached letter regarding the second exemption determination for AI Kuwait consignment.

Regards

s47F(1)



RSPCA Australia

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s. 22(1)(a)(ii)

From: McEwen, Melissa
Sent: Wednesday, 17 June 2020 2:25 PM
To: s47F(1)
Cc: Hazlehurst, David; McEwen, Melissa
Subject: Re: Second exemption determination for AI Kuwait consignment [SEC=UNCLASSIFIED]
Attachments: s. 22(1)(a)(ii)

s47F(1) - I will quickly reply on David's behalf.

Yes, as of last night we were able to confirm return travel arrangements to allow for the deployment of an independent observer. As you would appreciate, given COVID 19 restrictions, there was some challenges in ensuring the IO would be able to get home.

The IO is an experienced departmental officer who has travelled previously on sheep voyages.

Regards

Melissa

Melissa McEwen
s47F(1)

On 17 Jun 2020, at 2:15 pm, s47F(1) @rspca.org.au> wrote:

Hi David,

It was good to hear ALEC's s11C mention on ABC radio yesterday that there will be an Australian Government Independent Observer on the AI Kuwait when it departs this evening. I would appreciate if you could verify that and if possible who they are?

Thank you.

Regards,
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Sent: Tuesday, 16 June 2020 4:35 PM
To: David.Hazlehurst@awe.gov.au
Cc: Melissa.McEwen@awe.gov.au; andrew.metcalfe@awe.gov.au; colin.hunter@awe.gov.au;
s. 22(1)(a)(ii) s47F(1) @rspca.org.au>; s47F(1) @rspca.org.au>
Subject: Second exemption determination for AI Kuwait consignment

Dear David,

Please see attached letter regarding the second exemption determination for AI Kuwait consignment.

Regards

s47F(1)

RSPCA Australia

s. 22(1)(a)(ii)

From: ^{s47F(1)} I@rspca.org.au
Sent: Wednesday, 17 June 2020 2:37 PM
To: McEwen, Melissa
Cc: Hazlehurst, David
Subject: RE: Second exemption determination for Al Kuwait consignment [SEC=UNCLASSIFIED]

Thanks Melissa

From: McEwen, Melissa <Melissa.McEwen@awe.gov.au>
Sent: Wednesday, 17 June 2020 1:55 PM
To: ^{s47F(1)} @rspca.org.au
Cc: Hazlehurst, David <David.Hazlehurst@agriculture.gov.au>; McEwen, Melissa <Melissa.McEwen@awe.gov.au>
Subject: Re: Second exemption determination for Al Kuwait consignment [SEC=UNCLASSIFIED]

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Regards

Melissa

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^{s47F(1)}

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Regards,
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Sent: Tuesday, 16 June 2020 4:35 PM
To: David.Hazlehurst@awe.gov.au
Cc: Melissa.McEwen@awe.gov.au; andrew.metcalfe@awe.gov.au; colin.hunter@awe.gov.au;
s. 22(1)(a)(ii) ; ^{s47F(1)} <I@rspca.org.au>; ^{s47F(1)} <I@rspca.org.au>
Subject: Second exemption determination for Al Kuwait consignment

Dear David,

Please see attached letter regarding the second exemption determination for Al Kuwait consignment.

Regards

s47F(1)

RSPCA Australia

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s. 22(1)(a)(ii)

Document 38

From: s47F(1) @rspca.org.au
Sent: Thursday, 18 June 2020 10:23 AM
To: McEwen, Melissa
Cc: Hazlehurst, David; s47F(1)
Subject: RE: Second exemption determination for AI Kuwait consignment [SEC=UNCLASSIFIED]

Good morning Melissa,

Thank you confirming that the Department has deployed an Independent Observer (IO) on the AI Kuwait. We appreciate the considerable efforts of the staff of the Live Animal Export Branch to facilitate this, and thank the individual who has agreed to accompany the sheep on what is a highly controversial voyage at a very difficult time.

I understand that the AI Kuwait completed loading yesterday prior to the exemption deadline but that bad weather delayed the departure until today and the vessel remains 'at anchor' off the coast of Green Island. As we are now past the 17 June deadline does that mean that the particulars of the application from RETWA and the conditions of the exemption are no longer valid? If the exporter is required to apply with a new exemption application or extension or time, we request the opportunity to make a submission to that process. In the event that there is no opportunity to make further submissions, we request that our letter of 16 June be considered in your decision over whether to grant a further exemption or extension.

Finally, given the exceptional circumstances of this voyage, we would appreciate if you could provide clarification of the type of data and observations that the IO has been tasked with recording, and how soon after the voyage ends we should expect to see the IO report.

Regards,
s47F(1)

From: McEwen, Melissa <Melissa.McEwen@awe.gov.au>
Sent: Wednesday, 17 June 2020 1:55 PM
To: s47F(1) @rspca.org.au
Cc: Hazlehurst, David <David.Hazlehurst@agriculture.gov.au>; McEwen, Melissa <Melissa.McEwen@awe.gov.au>
Subject: Re: Second exemption determination for AI Kuwait consignment [SEC=UNCLASSIFIED]

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Melissa

Melissa McEwen
s47F(1)

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Hi David,

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Subject: Second exemption determination for Al Kuwait consignment

Dear David,

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Regards

s47F(1)

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s. 22(1)(a)(ii)

From: McEwen, Melissa
Sent: Thursday, 18 June 2020 5:25 PM
To: s47F(1)
Cc: Hazlehurst, David; s47F(1)
Subject: RE: Second exemption determination for AI Kuwait consignment [SEC=UNCLASSIFIED]

s47F(1)

A key condition of the exemption was that loading was completed by 24 00 hours on 17 June 2020 and that condition was met. The exemption remains in place.

The IO will be undertaking the usual role of an IO on a sheep vessel during the northern summer. This includes, in particular, observations of pant scores at different wet bulb temperatures utilising readings from the temperature data loggers..

We will work to release the IO report as soon as practicable, and are aiming for around a fortnight from the time that the IO arrives back in Australia.

Melissa

Melissa McEwen

s47F(1)

From: s47F(1) <[redacted]@rspca.org.au>
Sent: Thursday, 18 June 2020 10:23 AM
To: McEwen, Melissa <Melissa.McEwen@awe.gov.au>
Cc: Hazlehurst, David <David.Hazlehurst@agriculture.gov.au>; s47F(1) <[redacted]@rspca.org.au>; s47F(1) <[redacted]@rspca.org.au>
Subject: RE: Second exemption determination for AI Kuwait consignment [SEC=UNCLASSIFIED]

Good morning Melissa,

Thank you confirming that the Department has deployed an Independent Observer (IO) on the AI Kuwait. We appreciate the considerable efforts of the staff of the Live Animal Export Branch to facilitate this, and thank the individual who has agreed to accompany the sheep on what is a highly controversial voyage at a very difficult time.

I understand that the AI Kuwait completed loading yesterday prior to the exemption deadline but that bad weather delayed the departure until today and the vessel remains 'at anchor' off the coast of Green Island. As we are now past the 17 June deadline does that mean that the particulars of the application from RETWA and the conditions of the exemption are no longer valid? If the exporter is required to apply with a new exemption application or extension or time, we request the opportunity to make a submission to that process. In the event that there is no opportunity to make further submissions, we request that our letter of 16 June be considered in your decision over whether to grant a further exemption or extension.

Finally, given the exceptional circumstances of this voyage, we would appreciate if you could provide clarification of the type of data and observations that the IO has been tasked with recording, and how soon after the voyage ends we should expect to see the IO report.

Regards,
s47F(1)

From: McEwen, Melissa <Melissa.McEwen@awe.gov.au>
Sent: Wednesday, 17 June 2020 1:55 PM

To: ^{s47F(1)} [@rspca.org.au](mailto:rspca.org.au)
Cc: Hazlehurst, David <David.Hazlehurst@agriculture.gov.au>; McEwen, Melissa <Melissa.McEwen@awe.gov.au>
Subject: Re: Second exemption determination for AI Kuwait consignment [SEC=UNCLASSIFIED]

^{s47F(1)} I will quickly reply on David's behalf.

Yes, as of last night we were able to confirm return travel arrangements to allow for the deployment of an independent observer. As you would appreciate, given COVID 19 restrictions, there was some challenges in ensuring the IO would be able to get home.

The IO is an experienced departmental officer who has travelled previously on sheep voyages.

Regards

Melissa

Melissa McEwen

^{s47F(1)}

On 17 Jun 2020, at 2:15 pm, ^{s47F(1)} [@rspca.org.au](mailto:rspca.org.au) wrote:

Hi David,

It was good to hear ALEC's ^{s11C} mention on ABC radio yesterday that there will be an Australian Government Independent Observer on the AI Kuwait when it departs this evening. I would appreciate if you could verify that and if possible who they are?

Thank you.

Regards,

^{s47F(1)}

From: ^{s47F(1)} [@rspca.org.au](mailto:rspca.org.au)
Sent: Tuesday, 16 June 2020 4:35 PM
To: David.Hazlehurst@awe.gov.au
Cc: Melissa.McEwen@awe.gov.au; andrew.metcalfe@awe.gov.au; colin.hunter@awe.gov.au;
s. 22(1)(a)(ii) ^{s47F(1)} [@rspca.org.au](mailto:rspca.org.au); ^{s47F(1)} [@rspca.org.au](mailto:rspca.org.au)
Subject: Second exemption determination for AI Kuwait consignment

Dear David,

Please see attached letter regarding the second exemption determination for AI Kuwait consignment.

Regards

^{s47F(1)}

RSPCA Australia

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