

EXPLANATORY STATEMENT

Select Legislative Instrument 2005 No. 119

Issued by the authority of the Minister for Agriculture, Fisheries and Forestry

Australian Meat and Live-stock Industry Act 1997

Australian Meat and Live-stock Industry (Export Licensing) Amendment Regulations 2005 (No. 1)

Subsection 74(1) of the *Australian Meat and Live-stock Industry Act 1997* (the Act) provides that the Governor-General may make regulations prescribing all matters that are required or permitted by the Act to be prescribed or that are necessary or convenient to be prescribed for carrying out or giving effect to the Act.

Section 10 of the Act provides that the Secretary may grant a person a licence to export meat or live-stock from Australia. Section 15 of the Act provides that a licence to export meat or live-stock is subject to any conditions that are prescribed by the regulations in addition to those conditions specified in the Act.

The purpose of the *Australian Meat and Live-stock Industry (Export Licensing) Amendment Regulations 2005 (No. 1)* ('the Amendment Regulations') is to update the requirements applying to holders of live-stock export licences.

Part 3 of the *Australian Meat and Live-stock Industry (Export Licensing) Regulations 1998* ('the Principal Regulations') sets out the requirements relating to live-stock export licences. Regulation 13 of the Principal Regulations defines the Australian Standards for the Export of Live-stock, for the purposes of Part 3 of the Principal Regulations, as the document of that name published by the Department of Agriculture, Fisheries and Forestry ('the Department'), as in force on 1 December 2004.

Regulation 18 of the Principal Regulations sets out the conditions to which live-stock export licences are subject. These are, *inter alia*, that the holder must have an approved operations and governance manual for the licence, that the holder must not export live-stock except in accordance with the Australian Standards for the Export of Live-stock, and that the holder must update their operations and governance manual, by variation of the licence under regulation 19, if there is a change to those standards.

The Amendment Regulations amend the Principal Regulations to enable the Secretary of the Department to specify the relevant standards that a holder of a live-stock export licence must comply with in order to export live-stock. The Amendment Regulations also provide that the holder of a live-stock export licence must update their operations and governance manual if the relevant standards change.

The Amendment Regulations will speed up the process involved in specifying the relevant standards that apply to holders of live-stock export licences.

The Amendment Regulations are a legislative instrument for the purposes of the *Legislative Instruments Act 2003*. Consultation was not undertaken for the making of the Amendment Regulations, as the amendments are minor and machinery of

government in nature. For the same reason, the Office of Regulation Review advised that a regulation impact statement was not required for the Amendment Regulations.

Details of the Amendment Regulations are set out below:

Regulation 1 – Name of Regulations

Regulation 1 is a formal provision specifying that the Amendments Regulations are named the *Australian Meat and Live-stock Industry (Export Licensing) Amendment Regulations 2005 (No. 1)*.

Regulation 2 – Commencement

Regulation 2 provides that the Amendment Regulations commence on 1 July 2005.

Regulation 3 – Amendment of Regulations

Regulation 3 provides that Schedule 1 to the Amendment Regulations amends the *Australian Meat and Live-stock Industry (Export Licensing) Regulations 1998* ('the Principal Regulations').

Schedule 1 – Amendments

Item 1

This item amends regulation 13 of the Principal Regulations by extending the definition of the Australian Standards for the Export of Live-stock to include not only the document of the same name published by the Department and in force on 1 December 2004 but any subsequent versions of those standards or such other standards specified in an order made by the Secretary under section 17 of the Act.

Item 2

Item 2 amends subregulation 18(1) of the Principal Regulations, which specifies conditions to which live-stock export licences are subject. Subregulation 18(1) previously provided that a live-stock export licence is subject to the conditions that the holder must have an approved operations and governance manual for the licence, that the holder must not export live-stock except in accordance with the Australian Standards for the Export of Live-stock, and that the holder must update their operations and governance manual, by variation of the licence under regulation 19, if there is a change to those standards.

Item 2 amends subregulation 18(1) by inserting the condition that, if the Secretary made an order, under section 17 of the Act, specifying standards that the holder of a live-stock export licence must comply with, the holder must within two months after the date the order takes effect, apply to the Secretary to vary the licence to update their operations and governance manual to take account of the new standards.

Item 2 also amends subregulation 18(1) by inserting a condition that if the Secretary amended the order made under section 17 of the Act, the holder of a live-stock export licence must within two months after the date the amendment took effect, make

another application to vary their licence to update their operations and governance manual to take account of any change to the Standards resulting from the amendment.

The condition that the holder must not export live-stock except in accordance with the Australian Standards for the Export of Live-stock is removed from subregulation 18(1), as the requirement to comply with standards may be specified in an order made by the Secretary under section 17 of the Act. Subsection 17(5) of the Act provides that a live-stock export licence is subject to the condition that the holder must comply with orders made under section 17 of the Act.