

EXPLANATORY STATEMENT

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 (Standards) Order 2005

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.

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.

Part 3 of the *Australian Meat and Live-stock Industry (Export Licensing) Regulations 1998* ('the Regulations') sets out the requirements relating to live-stock export licences. Regulation 13 provides that the Australian Standards for the Export of Live-stock means the document of that name published by the Department and in force on 1 December 2004 or any subsequent versions of those standards or such other standards specified in an order made by the Secretary under section 17 of the Act.

The purpose of the *Australian Meat and Live-stock Industry (Standards) Order 2005* ('the Order') is to specify that holders of live-stock export licences must comply with the Australian Standards for the Export of Live-stock as in force on 1 July 2005. These standards replace the Australian Standards for the Export of Live-stock as in force on 1 December 2004.

The Order is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*. Consultation was not undertaken for the making of the Order, as the Order is 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.

Notwithstanding this advice, the Product Integrity, Animal and Plant Health Division of the Australian Government Department of Agriculture, Fisheries and Forestry consulted widely on the development of the new Australian Standards for the Export of Live-stock with industry, state and territory governments, and other interested stakeholders. The changes to the Standards reflect stakeholder and public comments, and those changes recommended by the Live-stock Export Standards Advisory Committee. Federal, State and Territory Agricultural Ministers endorsed the new Standards at the meeting of the Primary Industries Ministerial Council on 14 April 2005.

Details of the Order are set out below:

Section 1 – Name of Order

Section 1 is a formal provision specifying that the Order is named the *Australian Meat and Live-stock Industry (Standards) Order 2005*.

Section 2 – Commencement

Section 2 provides that the Order commences on 1 July 2005.

Section 3 – Export of live-stock in accordance with standards

Subsection 3(1) provides that holders of live-stock export licences must not export live-stock except in accordance with the Australian Standards for the Export of Live-stock published by the Department, as in force on 1 July 2005.

Subsection 3(2) provides that subsection 3(1) does not apply if the live-stock export licence was granted before 1 December 2004 and has not been renewed, or varied, on or after 1 December 2004. This subsection is necessary if, on 1 July 2005, there are outstanding applications for variation to a licence (yet to be approved by the Secretary) with respect to the Australian Standards for the Export of Live-stock, as in force on 1 December 2004.

This is because the Order must not be inconsistent with the Regulations which state that if a live-stock export licence was granted before 1 December 2004 and has not been renewed or varied on or after 1 December 2004, that licence is subject to the condition that the holder must not export live-stock except in accordance with the quality assurance system that applied to the licence *before* 1 December 2004.

Section 4 – Obligations under the Export Control (Animals) Order 2004 not affected

This section confirms that holders of live-stock export licences must still comply with relevant requirements of the Australian Standards for the Export of Live-stock under the *Export Control (Animals) Order 2004*. Subsection 1.05(1) of the *Export Control (Animals) Order 2004* defines the Australian Standards for the Export of Live-stock as the document with that name published by the Department, as in effect on 1 July 2005.