

EXPLANATORY STATEMENT

Issued by the authority of the delegate of the Secretary of the Department of
Agriculture, Fisheries and Forestry

Australian Meat and Live-stock Industry Act 1997

Australian Meat and Live-stock Industry (Standards) Amendment Order 2006 (No.1)

Sub-paragraph 17(1)(a) of the *Australian Meat and Live-stock Industry Act 1997* ('the Act') provides that the Secretary may make written orders, not inconsistent with the regulations, to be complied with by the holders of export licences. 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.

The *Australian Meat and Live-stock Industry (Standards) Order 2005* ('the Standards Order') was made pursuant to section 17 of the Act. The purpose of the *Australian Meat and Live-stock Industry (Standards) Amendment Order 2006 (No.1)* ('the Amendment Order') is to amend the Standards Order to specify that holders of live-stock export licences must comply with Version 2 of the Australian Standards for the Export of Livestock as in force on 25 September 2006. These standards replace the Australian Standards for the Export of Live-stock as in force on 1 July 2005.

Federal, State and Territory Agricultural Ministers endorsed the new Australian Standards for the Export of Livestock (Version 2) at the meeting of the Primary Industries Ministerial Council on 24 August 2006.

Sub-regulation 13(b) of the *Australian Meat and Live-stock Industry (Export Licensing) Regulations 1998* ('the Regulations') uses the Standards Order made under section 17 of the Act, to define the 'Australian Standards for the Export of Live-stock' for the purposes of the Regulations.

The Amendment Order is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*. Consultation was not undertaken for the making of the Amendment Order, as the Amendment Order is of a minor or machinery nature and does not substantially alter existing arrangements.

The Department of Agriculture, Fisheries and Forestry consulted widely on the development of the new Australian Standards for the Export of Livestock with industry, state and territory governments, and other interested stakeholders. The changes reflect stakeholder and public comments, and those changes recommended by the Live-stock Export Standards Advisory Committee.

Details of the Amendment Order are set out below:

Section 1

Section 1 provides that the name of the Order is the *Australian Meat and Live-stock Industry (Standards) Amendment Order 2006 (No.1)*.

Section 2

Section 2 provides that the Order commences on 25 September 2006.

Section 3

This section provides that Schedule 1 amends the *Australian Meat and Live-stock Industry (Standards) Order 2005*.

Section 4

Subsection 4(1) provides that the amendment made by item 1 of Schedule 1 applies in relation to the export of livestock from Australia on or after 25 September 2006.

Subsection 4(2) makes it clear that subparagraph (c)(i) of Standard S1.9 of the Australian Standards for the Export of Livestock only applies in relation to cattle from the Northern Territory exported as slaughter or feeder animals, on and after 1 January 2007.

The reason that Standard S1.9 is to only apply to cattle from the Northern Territory exported as slaughter or feeder animals on and after 1 January 2007 is to allow the Northern Territory government to put the existing pregnancy testers through the accreditation course that has been developed.

Schedule 1 Amendments

Item 1

This item omits the reference to the Australian Standards for the Export of Live-stock, dated 1 July 2005 in subsection 3(1) and substitutes the 'Australian Standards for the Export of Livestock (Version 2, September 2006)'. This references the new standards, endorsed by the Primary Industries Ministerial Council (PIMC), on 24 August 2006.

Item 2

This item substitutes a note to subsection 3(1). The purpose of this amendment is to clarify that the web link given in the note to a copy of the Australian Standards for the Export of Live-stock does not require a full stop at the end of the address.

Item 3

This item omits subsection 3(2) and the note to that subsection. Subsection 3(2) provided 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 no longer necessary as there are no 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.