

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. 2)

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

The purpose of the *Australian Meat and Live-stock Industry (Standards) Amendment Order 2006 (No.2)* ('the Amendment Order') is to revoke the *Australian Meat and Live-stock Industry (Standards) Amendment Order 2006 (No. 1)* ('the Initial Amendment Order') and to amend the Standards Order.

The Amendment Order specifies 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 ('the new Standards'). These standards replace the Australian Standards for the Export of Live-stock as in force on 1 July 2005 ('the old Standards'). The Amendment Order also applies special transitional arrangements for cattle and buffalo from the Northern Territory sourced for export as slaughter or feeder animals until 1 January 2007.

The Initial Amendment Order was intended to have the same effect as the Amendment Order but it did not specify the arrangements that would apply to the Northern Territory until 1 January 2007 or that the transitional arrangements are to apply to both cattle and buffalo.

Federal, State and Territory Agricultural Ministers endorsed the new Standards at the meeting of the Primary Industries Ministerial Council on 24 August 2006.

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 Standards 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. 2)*.

Section 2

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

Section 3

Section 3 revokes *Australian Meat and Live-stock Industry (Standards) Amendment Order 2006 (No. 1)*

Section 4

Section 4 provides that Schedule 1 amends the *Australian Meat and Live-stock Industry (Standards) Order 2005*.

Section 5

Subsection 5(1) provides that, subject to subsection (2) and (3), the amendment made by item 1 of Schedule 1 applies in relation to the export of live-stock from Australia on or after 25 September 2006.

Subsection 5(2) delays the application of a part of the new Standards in the Northern Territory for a specified period. In particular, subsection 5(2) provides that the requirement in the Note to subparagraph (c)(i) of Standard S1.9 of the new Standards does not apply in relation to cattle and buffalo from the Northern Territory sourced for export as slaughter or feeder animals until 1 January 2007.

Subsection 5(3) provides that, in the period between the commencement of this Amendment Order and 1 January 2007, the requirement in the Note at the end of Standard S1.9 of the old Standards applies in relation to cattle and buffalo from the Northern Territory sourced for export as slaughter or feeder animals.

This transitional arrangement is necessary to give the Northern Territory sufficient time to train people as competent pregnancy testers to meet the requirement set out in the Note to Standard S1.9 of the new Standards. The Note states that "A declaration must be made in writing by the registered veterinarian or competent pregnancy tester who pregnancy tested the cattle or buffalo."

Schedule 1 Amendments

Item 1

This item omits the reference to the old Standards and substitutes a reference to the

new Standards which were endorsed by the Primary Industries Ministerial Council on 24 August 2006.

Item 2

This item substitutes a Note to subsection 3(1). The purpose of this amendment is to remove an unnecessary full stop in the description of the website address given in the Note to subsection 3(1). The Note indicates where a copy of the new Standards can be located on the Department's website.

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 old Standards.