

## 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. 4)*

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. Sub-section 70(2) of the Act provides that the Secretary may delegate this power to an SES employee in the Department. 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') states that the holder of an export licence for live-stock must not export live-stock except in accordance with the *Australian Standards for the Export of Livestock* ('ASEL'). The Standards Order incorporates the ASEL by reference.

The purpose of the *Australian Meat and Live-stock Industry (Standards) Amendment Order 2006 (No. 4)* ('the Amendment Order') is to amend the Standards Order so that it refers to the latest version of the *Australian Standards for the Export of Livestock* (Version 2.1, November 2006) and to continue to provide for certain transitional arrangements for the Northern Territory.

Version 2.1, November 2006 of the ASEL is substantially the same as Version 2, September 2006. Version 2.1 has been prepared to make minor technical amendments including the incorporation of some 'Notes' into standards provisions to ensure that the requirements previously contained in the 'Notes' are enforceable.

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.

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. 4)*.

### **Section 2**

Section 2 provides that the Order commences on the day after it is registered.

### **Section 3**

Section 3 provides that Schedule 1 amends the *Australian Meat and Live-stock Industry (Standards) Order 2005*.

#### **Schedule 1 Amendment**

##### **Item 1**

This item amends subsection 3(1) of the *Australian Meat and Live-stock Industry (Standards) Order 2005* by omitting the reference to the *Australian Standards for the Export of Livestock* (Version 2, September 2006) and inserting the *Australian Standards for the Export of Livestock* (Version 2.1, November 2006).

##### **Item 2**

This item amends the Note to subsection 3(1) of the *Australian Meat and Live-stock Industry (Standards) Order 2005* by omitting the reference to Version 2, September 2006 of the *Australian Standards for the Export of Livestock* and inserting a reference to Version 2.1, November 2006.

##### **Item 3**

This item substitutes a new subsection 3(2) of the *Australian Meat and Live-stock Industry (Standards) Order 2005*. New subsection 3(2) provides that despite subsection (1), (which prohibits the export of live-stock except in accordance with the *Australian Standards for the Export of Livestock* (Version 2.1, November 2006) ('the new Standards')), the requirement in subparagraph (c)(i) of Standard S1.9 of the new Standards for the certificate concerned to be given by the registered veterinarian or competent pregnancy tester who pregnancy tested the cattle or buffalo 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. However, all other requirements set out in sub-paragraph (c)(i) of Standard 1.9 continue to apply.

The purpose of the amendment is to continue to exempt cattle or buffalo exported from the Northern Territory from the requirement that the pregnancy testing certificate concerned be given by the registered veterinarian or competent pregnancy tester (accredited by the Northern Territory Government). This requirement was previously contained in a 'Note', but in Version 2.1, November 2006 of the ASEL the requirement now forms part of sub-paragraph (c)(i) of Standard 1.9. The incorporation of the 'Note' into the sub-paragraph was necessary to ensure that the requirements (that were previously contained in the 'Note') are enforceable.

This continuing 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 new Standards.

These amendments do not affect the requirements in existing subsection 3(3) of the Standards Order. Subsection 3(3) requires that until 31 December 2006 in the Northern Territory, the declaration must be made in writing by a veterinarian who is a member of the Australian Association of Cattle Veterinarians and an accredited tester under the National Cattle Pregnancy Diagnosis Scheme, or a person able to demonstrate a suitable level of experience and skill.