

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 2008 (No. 1)

Sub-section 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 export licence holders. Sub-section 70(2) allows the Secretary to delegate this power to an SES employee in the Department. Sub-section 17(5) of the Act provides that an export licence is subject to the condition that the holder of the licence must comply with an order made under section 17.

Background

The *Australian Meat and Live-stock Industry (Standards) Order 2005* ('the Standards Order') requires holders of a live-stock export licence to export livestock in accordance with the *Australian Standards for the Export of Livestock (ASEL) Version 2.1*. The Standards Order incorporates the ASEL by reference.

The ASEL sets the basic standards for the conduct of the livestock export trade, as required by the Australian, state and territory governments. The ASEL covers the sourcing and on-farm preparation of livestock, land transport of livestock, management of livestock in registered premises, vessel preparation and loading, on-board management of livestock and air transport of livestock. Species covered by the ASEL include cattle, sheep, goats, buffalo, deer and camelids (camels, llama, alpacas and vicunas).

In May 2008, the Livestock Export Standards Advisory Committee and Technical Working Group endorsed minor amendments to Version 2.1 of the ASEL which resulted in the issue of Version 2.2 (November 2008). Amendments to the ASEL were made to reflect the outcomes of research into the mixing of horned and unhorned animals, changes to cattle pregnancy testing legislation in Western Australia and new information for exporting alpacas and llamas. Other changes were made to improve the consistency of the language used in the ASEL.

Purpose and Operation

The purpose of the *Australian Meat and Live-stock Industry (Standards) Amendment Order 2008 (No. 1)* ('the Amendment Order') is to amend the Standards Order so that it refers to the latest version of the ASEL, Version 2.2 (November 2008). Under section 14 of the *Legislative Instruments Act 2003*, a document such as a Standard can be legally enforceable by a reference in a legislative instrument such as a regulation or order. In order for this to occur the name, the version number and the date of publication of the document must be specified, as well as where the document is available to the general public such as a website.

At the time of commencement, Version 2.2 of the ASEL was available on the Internet at <http://www.daff.gov.au/livestockexportstandards>.

Consultation

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) Order 2008 (No.1)*.

Section 2

Section 2 provides that the Order is to commence from 1 February 2009. It was intended that a delayed commencement would allow industry to adapt to the ASEL amendments, removing the need for transitional provisions.

Section 3

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

Schedule 1 Amendments

Item 1

Item 1 substitutes section 3 for subsections 3(1) to 3(3) of the Standards Order. Section 3 provides that Version 2.2 (November 2008) of the ASEL must be complied with to export live-stock. The Note provides a reference for where the ASEL was available on the Internet at the time of commencement.