

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 2011 (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. Subsection 70(2) allows the Secretary to delegate this power to an SES employee in the Department. Subsection 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 purpose of the *Australian Meat and Live-stock Industry (Standards) Amendment Order 2011 (No. 1)* ('the **Amendment Order**') is to amend the *Australian Meat and Live-stock Industry (Standards) Order 2005* ('the **Standards Order**') so that it refers to the latest version of the *Australian Standards for the Export of Livestock (ASEL) Version 2.3*.

The Standards Order requires holders of live-stock export licences to export livestock in accordance with the ASEL Version 2.2, November 2008. 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. Exporters must comply with the standards to be permitted by the Australian Quarantine and Inspection Service to export livestock. The ASEL also has an operation under the *Export Control (Animals) Order 2004*.

The ASEL covers the sourcing and on-farm preparation of livestock, land transport of livestock for export, 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).

The Livestock Export Standards Advisory Group (**LESAG**) was established in 2009 by the Minister for Agriculture, Fisheries and Forestry to provide advice to the Australian Government Department of Agriculture, Fisheries & Forestry on the revision, further development and implementation of the ASEL. As part of the ASEL revision and development process, the LESAG consulted and considered submissions from the Consultative Forum on the Livestock Export Industry. In December 2010, the LESAG endorsed amendments to Version 2.2 of the ASEL. Those amendments are now reflected in Version 2.3 (to commence on 27 April 2011).

Most of the proposed changes to the standards are of a minor nature. Version 2.3 of the ASEL incorporates amendments to S1.10 and S6.6 in order to ensure that cattle and buffalo are pregnancy tested within the 30 day period before export. Under these standards, veterinarians will have discretion to pregnancy test cattle or buffalo by a method other than manual palpation where the animals are too small to be manually palpated safely.

A trade related change in Version 2.3 is the inclusion of provisions to allow the use of portable livestock units for exporting livestock. The provisions for portable livestock units have been included in the ASEL at the request of industry. Portable livestock units will allow livestock to be exported on ships other than dedicated livestock carriers. The units provide the facility for Australian livestock exporters to develop and service 'niche' export markets of the Pacific that may have restrictive port facilities that preclude the unloading of large livestock vessels, or the cost of air freight makes it unviable. The portable livestock units are constructed in accordance with Australian Maritime Safety Authority specifications.

Purpose and operation

The purpose of the Amendment Order is to amend the Standards Order so that it refers to the latest version of the ASEL, Version 2.3. Under section 14 of the *Legislative Instruments Act 2003*, a document such as a Standard can be incorporated by a reference in a legislative instrument, and so be legally enforceable. 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 on a website.

At the time of commencement of the Amendment Order, Version 2.3 of the ASEL will be available on the Internet at <http://www.daff.gov.au/livestockexportstandards>.

Consultation

Consultation other than that noted above was not undertaken for the making of the Amendment Order. As per subsection 18(2)(a) of the *Legislative Instruments Act 2003* consultation was deemed to be unnecessary or inappropriate 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 2011 (No.1)*.

Section 2

Section 2 provides that the Order is to commence from 27 April 2011. A delayed commencement will 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 a new section 3 for section 3 of the Standards Order. New section 3 substitutes a reference to Version 2.3 of the ASEL for the current reference to Version 2.2.

The Note provides a reference to the ASEL on the Internet at the time of commencement of the Amendment Order.