

## EXPLANATORY STATEMENT

Issued by the authority 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 (Conditions on Live-stock Export Licences) Order 2012

Subsection 17 (1) of the *Australian Meat and Live-stock Industry Act 1997* (the Act) provides that the Secretary of the Department of Agriculture, Fisheries and Forestry (the Secretary) may make written orders, not inconsistent with regulations made under the Act, to be complied with by holders of export licences.

The *Australian Meat and Live-stock Industry (Conditions on Live-stock Export Licences) Order 2012* (the Licence Conditions Order) is made under subsection 17 (1) of the Act.

### **Purpose**

The purpose of the Licence Conditions Order is to make compliance with the *Export Control (Animals) Order 2004* (the Animals Order) a condition of a live-stock export licence.

The Animals Order is to be amended on 1 March 2012 by the *Export Control (Animals) Amendment Order 2012 (No. 1)* to introduce new provisions ensuring animal welfare outcomes for live-stock exports. The Licence Conditions Order makes compliance with those provisions a condition of a licence under the Act.

### **Consultation**

In developing the regulatory framework comprised in this Order, the Australian Government consulted with a range of stakeholders including the domestic livestock industry, the livestock export industry, state and territory governments, Australia's trading partners, animal welfare organisations and the Australian Veterinary Association.

A Regulation Impact Statement ('Livestock Exports – Regulatory Framework for Animals Welfare Assurance', reference number 12978) has been approved by the Office of Best Practice Regulation.

The Licence Conditions Order is a legislative instrument for the purposes of the *Legislative Instrument Act 2003*.

### **Human rights compatibility statement**

The amendments in the Amendment Order are compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*. The amendments are with respect to livestock exports and do not engage any human rights issues.

Details of the Licence Conditions Order are set out below:

### **Section 1 — Name of Order**

This section provides that the Order is the *Australian Meat and Live-stock Industry (Conditions on Live-stock Export Licences) Order 2012*.

### **Section 2 — Commencement**

This section provides that the Licence Conditions Order commences on 1 March 2012.

### **Section 3 — Conditions on export licences**

This section provides that the holder of a live-stock export licence must comply with any relevant provisions of the *Export Control (Animals) Order 2004*.

The Act defines the expression ‘live-stock export licence’ as meaning ‘a licence granted under this Part to export live-stock from Australia, and includes such a licence that has been renewed’. Paragraph 13 (1) (b) of the *Legislative Instruments Act 2003* operates so that the expression ‘live-stock export licence’ will have the same meaning in the Licence Conditions Order.

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 orders made under section 17 of the Act. Accordingly, the Licence Conditions Order makes compliance with the Animals Order a condition of a live-stock export licence under the Act.