

Legislative Instruments (Agricultural Export Instruments) Sunset-Altering Declaration 2014

EXPLANATORY STATEMENT

Issued by the Attorney-General
in compliance with section 26 of the *Legislative Instruments Act 2003*

INTRODUCTION

This declaration was made under paragraph 51A(1) of the *Legislative Instruments Act 2003* (the LIA) and is a legislative instrument for the purposes of the LIA. The declaration is subject to the disallowance provisions of the LIA.

OUTLINE

The purpose of Part 6 of the LIA on sunsetting of legislative instruments is to ensure that legislative instruments are kept up to date and only remain in force for so long as they are needed.

Paragraph 51A enables the Attorney-General to align the sunsetting dates of two or more instruments by a declaration. The instruments will then all cease to be in force on the day specified in the declaration instead of the scheduled sunsetting day of each instrument.

This allows instruments to continue to be in force for a further but limited period of time when they would otherwise sunset – or to sunset earlier than the originally scheduled sunsetting day. This removes the administrative burden as well as legislative inconsistencies which arise from remaking instruments of related legislation independently at different times.

PROCESS BEFORE CERTIFICATE WAS MADE

Regulatory impact analysis

Before this certificate was issued, its expected impact was assessed using the Preliminary Assessment tool approved by the Office of Best Practice Regulation (OBPR). That assessment indicated that it would have no or low negative impact on businesses, individuals and the economy. This assessment has been confirmed by the OBPR (OBPR reference 14747).

Statement of compatibility with human rights obligations

Before this regulation was made, its impact on human rights was assessed using tools and guidance published by the Attorney-General's Department. It is fully compatible with human rights as defined in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Consultation before making

Before this declaration was issued, the Attorney-General considered the general obligation to consult imposed by section 17 of the LIA, and the specific circumstances where consultation may be unnecessary or inappropriate set out in section 18. Consultation involved the Department of the Prime Minister and Cabinet and the Department of Agriculture. The declaration does not significantly alter existing arrangements or interfere with other planned reviews of agricultural legislation. Accordingly, further consultation was unnecessary.

Statutory preconditions relevant to this declaration

If the Attorney-General is satisfied that the statutory conditions in section 51A of the LIA are met, the sunset day of two or more legislative instruments can be aligned by means of a declaration made under that section. In terms of process, the LIA requires:

- the responsible rule maker to apply to the Attorney-General
- the Attorney-General to be satisfied that the instrument meets the statutory conditions, and
- the Attorney-General to make a declaration which is a legislative instrument and subject to disallowance.

More information

The detail of the declaration is provided in [Attachment A](#).

A copy of each instrument which is the subject of this declaration, and which will now sunset at a different day as specified in this certificate, is available on the whole-of-government ComLaw website.

NOTES ON THE DECLARATION

Section 1 Name of declaration

This section provides for the declaration to be named as the *Legislative Instruments (Agricultural Export Instruments) Sunset-altering Declaration 2014*. The declaration may be cited by that name.

Section 2 Commencement

This section provides for the certificate to commence on the day after it is registered.

Section 3 Authority

This section provides that the certificate is made under paragraph 51A(1) of the *Legislative Instruments Act 2003*.

Section 4 Repeal of agricultural export instruments to facilitate review etc.

This section provides that each instrument mentioned in Schedule 1 is repealed on 1 April 2020. This is the aligned sunset day for those instruments, which would otherwise sunset between 1 April 2015 and 1 April 2022. For most of the instruments the sunset day is thus deferred to a later day; for some it has been moved forward to an earlier day. For the purpose of clarity the section includes a statement that the legal requirements are met, i.e. that these instruments would otherwise be repealed by section 50 of the *Legislative Instruments Act 2003*, that they are or will be the subject of a single review and that the declaration facilitates the undertaking of the review.

Section 5 Repeal of this declaration

This section provides that the declaration is repealed on 2 April 2020, which is the day after the aligned sunset day. This declaration remains thus in force only as long as it is needed.

Schedule 1- Repeals

This schedule inserts a table with all the legislative instruments of agricultural export legislation for which sunset is aligned to 1 April 2020. The second column of the table identifies the name of the legislative instrument and the third column identifies the Federal Register of Legislative Instruments (FRLI) identifier number for each instrument.

Item	Legislative instrument	FRLI identifier
1	<i>Australian Meat and Live-stock Industry Act 1997</i> —Declaration of Approved Donor (made on 30 June 1998)	F2006B11743
2	<i>Australian Meat and Live-stock Industry Act 1997</i> —Declaration of Approved Donor (made on 7 July 1998)	F2006B11745
3	<i>Australian Meat and Live-stock Industry Act 1997</i> —Declaration of Approved Donor (made on 21 August 1998)	F2006B11747
4	<i>Australian Meat and Live-stock Industry Act 1997</i> —Declaration of Industry Marketing Body (made on 30 June 1998)	F2006B11746
5	<i>Australian Meat and Live-stock Industry Act 1997</i> —Declaration of Research Body (made on 30 June 1998)	F2006B11741

6	<i>Australian Meat and Live-stock Industry (Conditions on live-stock export licences) Order 2012</i>	F2012L00440
7	<i>Australian Meat and Live-stock Industry (Export Licensing) Regulations 1998</i>	F1998B00186
8	<i>Australian Meat and Live-stock Industry (Export of Live-stock to Saudi Arabia) Order 2005</i>	F2005L01580
9	<i>Australian Meat and Live-stock Industry (Live Cattle Exports to Republic of Korea) Order 2002</i>	F2002B00287
10	<i>Australian Meat and Live-stock Industry (Live-stock Export Marketing Body and Live-stock Export Research Body) Declaration 2004</i>	F2006B11748
11	<i>Australian Meat and Live-stock Industry (Meat Processor Marketing and Research Bodies) Declaration 2007</i>	F2007L02579
12	<i>Australian Meat and Live-stock Industry Regulations 1998</i>	F1998B00099
13	<i>Australian Meat and Live-stock Industry (Standards) Order 2005</i>	F2005L01911
14	<i>Australian Meat and Live-stock (Quotas) Regulations 2000</i>	F2000B00311
15	Domestic Meat Premises Charge Regulations	F1996B01285
16	<i>Export Control (Animals) Order 2004</i>	F2005B00456
17	<i>Export Control (Eggs and Egg Products) Orders 2005</i>	F2005L02703
18	<i>Export Control (Fees) Orders 2001</i>	F2001B00473
19	<i>Export Control (Fish and Fish Products) Orders 2005</i>	F2005L02705
20	<i>Export Control (Hardwood Wood Chips) Regulations 1996</i>	F1996B01313
21	<i>Export Control (Meat and Meat Products) Orders 2005</i>	F2005L00154
22	<i>Export Control (Milk and Milk Products) Orders 2005</i>	F2005L02871
23	<i>Export Control (Orders) Regulations 1982</i>	F1997B01647
24	Export Control (Organic Produce Certification) Orders	F2000B00014
25	<i>Export Control (Plants and Plant Products) Order 2011</i>	F2011L02005
26	<i>Export Control (Poultry Meat and Poultry Meat Products) Orders 2010</i>	F2010L03051
27	<i>Export Control (Prescribed Goods — General) Order 2005</i>	F2005L00144
28	Export Control (Processed Fruits and Vegetables) Orders	F2000B00006
29	<i>Export Control (Rabbit and Ratite Meat) Orders 1985</i>	F1999B00230
30	Export Control (Regional Forest Agreements) Regulations	F1997B02604
31	Export Control (Unprocessed Wood) Regulations	F1996B01073
32	<i>Export Control (Wild Game Meat and Wild Game Meat Products) Orders 2010</i>	F2010L03050
33	<i>Export Inspection and Meat Charges Collection Regulations 1985</i>	F1996B01149
34	<i>Export Inspection (Establishment Registration Charges) Regulations 1985</i>	F1996B01673
35	<i>Export Inspection (Quantity Charge) Regulations 1985</i>	F1996B01399
36	<i>Export Inspection (Service Charge) Regulations 1985</i>	F1996B01436
37	Meat Export Charge Collection Regulations	F1997B01970
38	Meat Export Charge Regulations	F1996B01871
39	Meat Inspection (Modification) Regulations	F1996B01913
40	<i>Meat Inspection (Orders) Regulations 1984</i>	F1997B01967