

## EXPLANATORY STATEMENT

Issued by the Secretary of the Department of Agriculture and Water Resources

*Australian Meat and Live-stock Industry Act 1997*

*Australian Meat and Live-stock Industry (Standards) Amendment Order 2016*

### **Background**

Paragraph 17(1)(a) of the *Australian Meat and Live-stock Industry Act 1997* (**‘the Act’**) provides that the Secretary may make written orders to be complied with by holders of export licences. One order made under this provision is the *Australian Meat and Live-stock Industry (Standards) Order 2005* (**‘the Standards Order’**).

The *Australian Standards for the Export of Livestock (Version 2.3) 2011* (**‘ASEL’**) sets out the basic standards for the conduct of the live-stock export trade, as required by Australian Federal, State and Territory governments and as decided upon following consultation with industry bodies and other stakeholders.

ASEL covers the sourcing and on-farm preparation of live-stock, land transport of live-stock for export, management of live-stock in registered premises, vessel preparation and loading, on-board management of live-stock and air transport of live-stock. Species covered by ASEL include cattle, sheep, goats, buffalo, deer and camelids (camels, llama, alpacas and vicunas).

Section 3 of the Standards Order provides that the holder of a live-stock export licence must not export live-stock except in accordance with ASEL.

### **Purpose and operation**

The recently-inserted Part 1A of the *Export Control (Animals) Order 2004* (**‘the Animals Order’**) provides for approved arrangements (**‘approved arrangements’**) to streamline the process of preparing and certifying live-stock exports from Australia.

The *Australian Meat and Live-stock Industry (Standards) Amendment Order 2016* (**‘the Amendment Order’**) amends section 3 of the Standards Order to provide that plans of the export of live-stock made under approved arrangements in Part 1A of the Animals Order will be taken to be included within the scope of all references to consignment risk management plans and Notices of Intention to export which are contained in ASEL. This has the practical effect of incorporating approved arrangements within the scope of ASEL.

### **Consultation**

Consultation was not undertaken specifically for the making of the Amendment Order because it was undertaken for the making of the *Export Control (Animals) Amendment (Approved Arrangements) Order 2015*, which implemented approved arrangements for live-stock exports. The Amendment Order alters the Standards Order in a manner merely consequential to the implementation of approved arrangements for live-stock exports.

Representatives, service providers and research and development bodies in the live-stock producer and export industries (Australian Livestock Exporters' Council, LiveCorp and Meat & Livestock Australia), as well as live-stock exporters, were consulted on the reform project to introduce approved arrangements for exports of live-stock.

The Office of Best Practice Regulation (OBPR) has been consulted and agrees that in light of their acceptance of the Standard Form Regulation Impact Statement (RIS) prepared for the implementation of approved arrangements for live-stock exports (RIS ID: 18455), the amendments contained in the Amendment Order are machinery in nature and no further input from them is required.

Details of the Amendment Order are at [Attachment A](#).

The Amendment Order is compatible with human rights and freedoms recognised or declared under section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*. A full statement of compatibility is set out in [Attachment B](#).

The Amendment Order is a legislative instrument for the purposes of the *Legislation Act 2003*.

## Section 1

Section 1 provides that the name of the Amendment Order is the *Australian Meat and Live-stock Industry (Standards) Amendment Order 2016*.

## Section 2

Section 2 provides that the Amendment Order is to commence the day after it is registered in the Federal Register of Legislation.

## Section 3

Section 3 provides that the Amendment Order is made under section 17 of the Act.

## Section 4

Section 4 provides that each instrument set out in the Schedule is amended as per the terms of the Schedule itself.

## Schedule 1 Amendments

### *Item 1*

Item 1 inserts a 'sub-section 1' marker into the text of section 3 of the Standards Order.

### *Item 2*

Item 2 repeals the existing note to section 3 of the Standards Order and inserts a new note which provides that ASEL could in 2016 be viewed on the Department's website.

### *Item 3*

Item 3 inserts a new sub-section 2 into section 3 of the Standards Order. The existing provision in section 3, which becomes sub-section 3(1), provides that holders of live-stock export licences must not export live-stock except in accordance with ASEL. The new sub-section 2 provides that all references in ASEL to:

- consignment risk management plans (CRMPs), which are variously described;
- Notices of Intention (NOIs) to export; and
- Approved NOIs and CRMPs;

are to be taken to include references to plans for the export of live-stock prepared by holders of live-stock export licences under approved arrangements. This is because exporters with an approved arrangement no longer prepare CRMPs or have their NOIs approved by the Department – instead, their approved arrangement contains a plan for the export of live-stock which describes how ASEL will be complied with.

## **Statement of Compatibility with Human Rights**

*Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011*

### ***Australian Meat and Live-stock Industry (Standards) Amendments Order 2016***

#### **Overview of Amending Instrument**

This Instrument amends the Standards Order to provide that references in ASEL to Consignment Risk Management Plans and Notices of Intention to export will be taken to include plans for live-stock export prepared under the new approved arrangements provisions contained in Part 1A of the *Export Control (Animals) Order 2004*.

Approved arrangements are designed to streamline existing procedures for the export of live-stock from Australia. The existing procedures require compliance with ASEL. This Amendment Instrument ensures that plans properly made under these streamlined procedures will also come within the scope of ASEL.

#### **Human rights implications**

This Legislative Instrument does not engage any of the applicable rights or freedoms.

#### **Conclusion**

This Legislative Instrument is compatible with human rights as it does not raise any human rights issues.

**Daryl Quinlivan**