**Explanatory Statement**

Issued by Authority of the Minister for Agriculture and Water Resources

*Export Control Act 1982*

*Export Control (Meat and Meat Products) Amendment (Trade Description Grain Fed)
Order 2018*

**Legislative Authority**

The *Export Control Act 1982* (the Act) provides for the control of the export of certain goods and for related purposes.

Section 25 of the Act provides that the Governor-General may make regulations empowering the Minister to make orders, not inconsistent with the Act. Regulation 3 of the *Export Control (Orders) Regulations 1982* (the Regulations), provides that the Minister may, by instrument in writing, make orders, not inconsistent with regulations made under the Act. The *Export Control (Meat and Meat Products) Orders 2005* (Meat Orders) is made under regulation 3 of the Regulations.

Under subsection 33(3) of the *Acts Interpretation Act 1901*, where an Act confers a power to make, grant or issue any instrument of a legislative or administrative character (including rules, regulations or by-laws), the power shall be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal, rescind, revoke, amend, or vary any such instrument.

**Purpose**

The purpose of the *Export Control (Meat and Meat Products) Amendment (Trade Description Grain Fed) Order 2018* (Amendment Order) is to include a third Grain Fed standard termed “Grain Fed Finished” in the list of standards that must be met before meat or meat products may be exported using the trade description “Grain Fed”.

**Background**

Part 1 of Schedule 7 to the Meat Orders sets out the conditions that must be met for the description “Grain Fed” to be applied to meat and meat products by reference to two Grain Fed standards. These standards provided for are “Grain Fed” and “Grain Fed Young Beef”.

**Impact and Effect**

The introduction of a third standard, termed “Grain Fed Finished”, provides an additional minimum standard to be applied to meat and meat products to be eligible for export. To meet the condition for the description GFF, cattle must be produced with the National Feedlot Accreditation Scheme (NFAS) production system, be raised on a specific high-energy ration for a minimum of 35 days-on feed and successfully achieve the grading “Meat Standards Australia (MSA)” when graded. The GFF standard, with its minimum number of days and MSA overlay, increases flexibility for brand owners and feedlot operators producing Grain Fed Beef by reducing the minimum number of days on feed, whilst continuing to ensure product integrity and eating quality. Adoption of the new standard is voluntary.

**Consultation**

On 12 September 2017 The Australian Lot feeders’ Association (ALFA) wrote to the Department of Agriculture and Water Resources (the department) with a proposal to amend the current description of Grain Fed in the Meat Orders to include a third grain fed standard.

ALFA led industry deliberations on the development of the proposed third grain fed standard, termed “Grain Fed Finished” (GFF), which culminated with the Australian Meat Industry Language and Standards Committee formally endorsing the technical specification on 2 August 2017.

During meeting 80 of the Export Meat Industry Advisory Committee (EMIAC) on 15 August 2018, the committee noted the proposed introduction of the GFF standard. Members of EMIAC include, but are not limited to the Australian Meat Industry Council, Teys Australia Pty Ltd and JBS Australia Pty Ltd.

On 6 August 2018 the department advised industry that until the Meat Orders were amended to include a reference to the GFF standard, it would consider applications for exemption, under Division IV, Part 2 of the Meat Orders, which would allow the export of GFF complaint beef until the Orders had been amended to include a reference to GFF.

On 21 November 2018, the Office of Best Practice Regulation Review advised (ID 24593) the department that based on the information provided a Regulation Impact Statement is not required.

**Details/ Operation**

Details of theAmendment Orderare set out in Attachment A.

**Other**

The Amendment Orderis compatible with the 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*.

**Attachment A**

**Details of the *Export Control (Meat and Meat Products) Amendment (Trade Description Grain Fed) Order 2018***

Section 1 – Name

This section provides that the name of this instrument is the *Export Control (Meat and Meat Products) Amendment (Trade Description Grain Fed) Order 2018* (Amendment Order).

Section 2 – Commencement

This section provides that the Amendment Order commences the day after registration.

Section 3 – Authority

This section provides that the Amendment Order is made under regulation 3 of the *Export Control (Orders) Regulations 1982*.

Section 4 – Schedules

This section provides that each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1 – Amendments

**Item 1**

Item 1 amends subclause 5.1 of Schedule 7 of the *Export Control (Meat and Meat Products) Orders 2005* to insert “, for Grain Fed Finished (symbol GFF)” after “(symbol GF)” to include a third Grain Fed standard termed “Grain Fed Finished” in the list of standards that must be met before meat or meat products may be exported using the trade description “Grain Fed”.

**ATTACHMENT B**

**Statement of Compatibility with Human Rights**

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

***Export Control (Meat and Meat Products) Amendment (Trade Description Grain Fed) Order 2018***

This Legislative Instrument is 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*.

**Overview of the Legislative Instrument**

The purpose of the *Export Control (Meat and Meat Products) Amendment (Trade Description Grain Fed) Order 2018* (Amendment Order) is to include a third Grain Fed standard termed “Grain Fed Finished” in the list of standards that must be met before meat or meat products may be exported using the trade description “Grain Fed”.

**Human rights implications**

This Amendment Order does not engage any of the applicable rights or freedoms.

**Conclusion**

The measures 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* as the Order does not engage any human rights issues.

**The Hon. David Littleproud MP**

**Minister for Agriculture and Water Resources**