

## **EXPLANATORY STATEMENT**

### *Australian Meat and Live-stock Industry Act 1997*

### *Australian Meat and Live-stock Industry (Export of Sheep by Sea to Middle East) Amendment (Northern Summer) Order 2019*

#### **Legislative Authority**

Paragraph 17(1)(a) of the *Australian Meat and Live-stock Industry Act 1997* (the Act) provides that the Secretary may, by legislative instrument, make orders, not inconsistent with the regulations, to be complied with by holders of export licences. Paragraph 17(5)(a) 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.

#### **Purpose**

The purpose of the *Australian Meat and Live-stock Industry (Export of Sheep by Sea to Middle East) Amendment (Northern Summer) Order 2019* (Amendment Order) is to amend the *Australian Meat and Live-stock Industry (Export of Sheep by Sea to Middle East) Order 2018* (Middle East Order) to provide that the Middle East Order does not permit the export of a consignment of live sheep if the export is prohibited by the *Australian Meat and Live-stock Industry (Prohibition of Export of Sheep by Sea to Middle East – Northern Summer) Order 2019* (Northern Summer Order).

#### **Background**

The Act is part of the regulatory framework that enables the Australian Government to regulate the export of live-stock from Australia and impose requirements on export licence-holders to ensure specific animal welfare outcomes for live-stock exports.

The Northern Summer Order was made in response to the report provided by Dr Michael McCarthy following the *Independent Review of Conditions for the Export of Sheep to the Middle East during the Northern Hemisphere Summer* (McCarthy Review). The Northern Summer Order prohibits live sheep exports for the hot months beginning 1 June 2019 to 31 August 2019 (inclusive) of the northern summer.

#### **Impact and Effect**

The effect of the Amendment Order is that it clarifies for holders of sheep export licenses that if an export of sheep is prohibited by the Northern Summer Order then the Middle East Order does not permit that export.

#### **Consultation**

Key stakeholders engaged with Dr McCarthy during his review.

In relation to the Northern Summer Order, the Secretary considered the draft report and recommendations by the HSRA review technical reference panel, submissions to the HSRA

review public consultation process and reports by independent observers on board vessels during May and June 2018.

The Amendment Order is a consequential amendment required for clarity because of the Northern Summer Order, on which the department undertook consultation with stakeholders including industry and animal welfare groups. A range of views were received in submissions which were taken into consideration during drafting of that order.

### **Details/Operation**

Details of the Amendment Order are set out in Attachment A.

The Amendment Order is 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*.

**Details of the *Australian Meat and Live-stock Industry (Export of Sheep by Sea to Middle East) Amendment (Northern Summer) Order 2019***

**Part 1 Preliminary**

**Section 1 Name**

Section 1 provides that the name of the instrument is the *Australian Meat and Live-stock Industry (Export of Sheep by Sea to Middle East) Amendment (Northern Summer) Order 2019* (Amendment Order).

**Section 2 Commencement**

Section 2 provides that the Amendment Order commences on the day after the instrument is registered on the Federal Register of Legislation.

**Section 3 Authority**

Section 3 provides that the authority for making the Amendment Order is section 17 of the Act.

**Section 4 Schedules**

Section 4 provides that each instrument that is specified in the Schedule to this Amendment Order is amended or repealed as set out in the applicable items in the Schedule concerned.

**Schedule 1 Amendments**

Item 1 adds subsection 6(3) at the end of section 8 in the Middle East Order. Subsection 6(3) provides that to avoid doubt, the Middle East Order does not permit the export of a consignment of sheep if the export is prohibited by the *Australian Meat and Live-stock Industry (Prohibition of Export of Sheep by Sea to Middle East—Northern Summer) Order 2019*.

The item further adds a note in subsection 6(3) that explains what subsection 5(1) of the Northern Summer Order provides, which is that the holder of a sheep export licence must not export a consignment of sheep from Australia by sea on a vessel that leaves an Australian port during the period starting at the start of 1 June 2019 and ending at the end of 31 August 2019 (paragraph 5(1)(a) and that will travel, or travels, through waters in the Arabian Sea north of latitude 11°N at any time during its voyage (paragraph 5(1)(b)).

**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 (Export of Sheep by Sea to Middle East) Amendment (Northern Summer) Order 2019.*

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 *Australian Meat and Live-stock Industry (Export of Sheep by Sea to Middle East) Amendment (Northern Summer) Order 2019* (the Legislative Instrument) amends the *Australian Meat and Live-stock Industry (Export of Sheep by Sea to Middle East) Order 2018* (Middle East Order) to provide that the Middle East Order does not permit the export of a consignment of sheep if the export is prohibited by the *Australian Meat and Live-stock Industry (Prohibition of Export of Sheep by Sea to Middle East – Northern Summer) Order 2019* (Northern Summer Order).

**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**  
**Secretary of the Department of Agriculture and Water Resources**