

EXPLANATORY STATEMENT

Australian Meat and Live-stock Industry Act 1997

Australian Meat and Live-stock Industry Legislation Amendment (Prohibition of Export of Sheep by Sea to Middle East – 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 Legislation Amendment (Prohibition of Export of Sheep by Sea to Middle East – Northern Summer) Order 2019* (Amendment Order) is to amend the *Australian Meat and Live-stock Industry (Prohibition of Export of Sheep by Sea to Middle East – Northern Summer) Order 2019* (Prohibition Order) to:

- extend the existing prohibition of the export of sheep by sea on all vessels which will travel to, or travel through waters in the Arabian Sea north of latitude 11°N at any time during the voyage until 22 September.

All sheep exports to the Middle East will be permitted from 23 September 2019.

The Amendment Order also consequentially amends the *Australian Meat and Live-stock Industry (Export of Sheep by Sea to Middle East) Order 2018* (Order) to update a note in the Order to reflect the amendments made in the Prohibition Order.

Background

The Prohibition Order was introduced as a response to the *Independent Review of Conditions for the Export of Sheep to the Middle East during the Northern Hemisphere Summer* by Dr Michael McCarthy. This review can be accessed free of charge at <https://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22media%2Fpressrel%2F5971715%22>.

When the department implemented the prohibition on the export of sheep by sea to the Middle East from 1 June to 31 August 2019, via the Prohibition Order in April 2019, it indicated that it would be making a decision on conditions for September and October 2019 at a later date.

The rationale for the conditions implemented by the Amendment Order was derived from analysis of an international dataset of historical temperatures provided by the Bureau of Meteorology, findings from the Heat Stress Risk Assessment (HSRA) Review, industry

research, voyage reports, independent observer reports and on board environmental and behavioural observations made during voyages in May 2019.

Impact and Effect

The Amendment Order amends the Prohibition Order to provide that the holder of a sheep export licence must not export a consignment of sheep from Australia by sea on a vessel if that vessel leaves an Australian port during the period from 1 June to 22 September 2019, and will travel to or through waters of the Arabian Sea north of latitude 11°N at any time during the voyage.

Consultation

From 12 to 22 July 2019, the Department of Agriculture consulted on proposed options for arrangements for live sheep exports during the months of September and October 2019. The public consultation process received 218 submissions from a range of stakeholders including sheep export licence holders, producers, peak industry bodies, research and development organisations and animal welfare advocates.

The Office of Best Practice Regulation was consulted and it was determined that a Regulation Impact Statement was not required (ID: 24480).

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 Legislation Amendment (Prohibition of Export of Sheep by Sea to Middle East – Northern Summer) Order 2019

Section 1 Name

Section 1 provides that the name of the instrument is the *Australian Meat and Live-stock Industry Legislation Amendment (Prohibition of Export of Sheep by Sea to Middle East – 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 *Australian Meat and Live-stock Industry Act 1997*.

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

Part 1 – Main amendments

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

Item 1 – Section 5 (heading)

Item 1 repeals the heading of the section and substitutes a new heading, “Prohibition of export of sheep through certain waters in the Arabian Sea”.

Item 2 – Paragraph 5(1)(a)

Item 2 omits the reference to 31 August 2019 and substitutes it with 22 September 2019.

Part 2 – Consequential amendments

Australian Meat and Live-stock Industry (Export of Sheep by Sea to Middle East) Order 2018

Item 3 – Subsection 6(3) (paragraph (a) of the note)

Item 3 omits the reference to 31 August 2019 and substitutes it with 22 September 2019.

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

- extend the existing prohibition on the export of sheep by sea on all vessels which will travel to, or travel through waters in the Arabian Sea north of latitude 11°N at any time during the voyage until 22 September 2019.

The Amendment Order also consequentially amends the *Australian Meat and Live-stock Industry (Export of Sheep by Sea to Middle East) Order 2018* to update a note in the Order to reflect the amendments made.

Human rights implications

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

Conclusion

The Amendment Order is compatible with human rights as it does not raise any human rights issues.

Daryl Quinlivan
Secretary of the Department of Agriculture