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The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

Live Animal Export Prohibition (Ending Cruelty) Bill 2014

No. , 2014

(Mr Wilkie)

**A Bill for an Act to restrict the export of live
animals for slaughter pending its prohibition, and
for related purposes**

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1 **A Bill for an Act to restrict the export of live**
2 **animals for slaughter pending its prohibition, and**
3 **for related purposes**

4 The Parliament of Australia enacts:

5 **1 Short title**

6 This Act may be cited as the *Live Animal Export Prohibition*
7 *(Ending Cruelty) Bill 2014*.

8 **2 Commencement**

9 This Act commences on the day after it receives the Royal Assent.

1 **3 Schedule(s)**

2 Each Act specified in a Schedule to this Act is amended or
3 repealed as set out in the applicable items in the Schedule
4 concerned, and any other item in a Schedule to this Act has effect
5 according to its terms.

6

Schedule 1—Amendments

Australian Meat and Livestock Industry Act 1997

1 Section 3

Insert:

live-stock for slaughter means live-stock that are intended to be exported and slaughtered overseas.

2 At the end of section 10

Add:

- (4) A licence under this section does not permit a person to export live-stock for slaughter on or after 1 July 2017.

3 After section 16

Insert:

16A Export licence for live-stock for slaughter subject to additional conditions

- (1) The following conditions apply in relation to a licence to export live-stock for slaughter:
- (a) the licence holder will take all reasonable efforts to ensure that the live-stock are treated satisfactorily in the country of destination;
 - (b) if the licence holder becomes aware of evidence that live-stock exported by the licence holder have not been treated satisfactorily, the licence holder will notify the Secretary in writing within 14 days after the licence holder becomes aware.

- (2) In this section:

licence to export live-stock for slaughter means any licence issued under this Act to export live-stock, to the extent that it permits the export of live-stock for slaughter.

1 *treated satisfactorily* has same meaning as in section 9N of the
2 *Export Control Act 1982*.

3 *Transitional provision*

4 (3) Paragraph (1)(a) does not apply in relation to live-stock exported
5 under a permission, consent or approval that was issued under the
6 *Export Control Act 1982* on the basis that the exporter had grounds
7 for a transitional exemption under subsection 9N(7) of that Act.

8 ***Export Control Act 1982***

9 **4 After Part IIA**

10 Insert:

11 **Part IIB—Export of live-stock for slaughter**

12

13 **9N Conditions on export of live-stock for slaughter until 1 July 2017**

14 (1) This section applies until immediately before 1 July 2017.

15 *Prohibition on export of live-stock for slaughter unless certain*
16 *conditions fulfilled*

17 (2) The regulations are taken to have declared that live-stock for
18 slaughter are prescribed goods.

19 (3) The regulations are taken to have prohibited the export of livestock
20 for slaughter unless permitted by or in accordance with the
21 regulations.

22 (4) Live-stock for slaughter may not be exported, and a licence,
23 permission, consent or approval to export the live-stock may not be
24 granted under the regulations, unless the Secretary is satisfied
25 either that the live-stock will be treated satisfactorily in the country
26 of destination or that there are grounds for a transitional
27 exemption.

When live-stock are treated satisfactorily

- 1
- 2 (5) Live-stock for slaughter will be ***treated satisfactorily*** in the country
3 of destination if they will be:
- 4 (a) kept in that country in holding premises that comply with the
5 Holding Standards; and
- 6 (b) transported to slaughter, unloaded, kept in lairage and
7 slaughtered in accordance with the OIE Guidelines; and
- 8 (c) stunned using appropriate humane restraints immediately
9 before slaughter.
- 10 (6) In forming a view as to whether live-stock will be treated
11 satisfactorily, the Secretary may take into account;
- 12 (a) any undertakings given by, or contractual or legislative
13 obligations on, persons who will control the live-stock in the
14 country of export; and
- 15 (b) any history of exports of live-stock for slaughter to the same
16 persons or to the same country; and
- 17 (c) any other matters that he or she considers relevant.

18 *When there are grounds for a transitional exemption*

- 19 (7) A person who proposes to export live-stock for slaughter has
20 ***grounds for a transitional exemption*** if:
- 21 (a) for export within 3 months after the commencement day—
22 the person will be in breach of a contract entered into before
23 the commencement day if the export does not take place at
24 that time; or
- 25 (b) for export between 3 and 6 months after the commencement
26 day—the person:
- 27 (i) will be in breach of a contract entered into before the
28 commencement day if the export does not take place at
29 that time; and
- 30 (ii) is unable to satisfy the Secretary that the live-stock will
31 be treated satisfactorily; and
- 32 (iii) has made reasonable attempts to ensure that the
33 live-stock will be treated satisfactorily; and
- 34 (iv) has made reasonable attempts to re-negotiate the
35 contract to avoid the obligation.
-

1 *Definitions*

2 (8) In this section:

3 *commencement day* means the day on which the *Live Animal*
4 *Export Prohibition (Ending Cruelty) Act 2014* commenced.

5 *Holding Standards* means Standards 3.1, 3.2, 3.4, 3.5, 3.7(a),
6 3.7(b), 3.7(e), 3.7(f), 3.7(g), 3.7(h), 3.11, 3.14, 3.16 and 3.17 of the
7 *Australian Standards for the Export of Livestock* (Version 2.3),
8 published by the Department of Agriculture, Fisheries and
9 Forestry, with the following modifications:

10 (a) references to “registered premises” are changed to “holding
11 premises”;

12 (b) references to “paddock or shed” in Standard 3.16 are changed
13 to “holding pen”;

14 (c) references to “date of export” in Standard 3.16 are changed to
15 “date of delivery to slaughter facility or other disposal”;

16 (d) the word “rejected” and the words “Criteria for rejection are
17 outlined in Appendix 3.1” are deleted from Standard 3.17.

18 *live-stock for slaughter* has the same meaning as in the *Australian*
19 *Meat and Live-stock Industry Act 1997*.

20 *OIE Guidelines* means the relevant sections of the current version
21 of the *Terrestrial Animal Health Code* published by the OIE (the
22 World Organisation for Animal Health).

23 **9P Ban on export of live-stock for slaughter**

24 (1) This section applies on and from 1 July 2017.

25 (2) The regulations are taken to have declared that live-stock for
26 slaughter are prescribed goods.

27 (3) The regulations are taken to have prohibited the export of livestock
28 for slaughter absolutely.