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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

Live Sheep Long Haul Export Prohibition Bill 2018

EXPLANATORY MEMORANDUM

and

STATEMENT OF COMPATIBILITY WITH HUMAN RIGHTS

Circulated by authority of
the Member for Mayo, Ms Rebekha Sharkie MP

Live Sheep Long Haul Export Prohibition Bill 2018

OUTLINE

The *Live Sheep Long Haul Export Prohibition Bill 2018* amends the *Export Control Act 1982*, the *Australian Meat and Live-stock Industry Act 1997* and the *Export Control Act 2018*.

The Bill introduces provisions which will restrict the long haul export of live sheep and lambs during the northern summer months of July, August or September in a five year transitional period, or at any time after that period, where the voyage is by ship and of duration exceeding ten days, and where a place in that voyage, regardless of whether that place is the final destination, is either the Persian Gulf or the Red Sea.

FINANCIAL IMPACT

The bill will have no financial impact.

NOTES ON CLAUSES

Clause 1 Short title

This clause is a formal provision and specifies the short title of the Bill as the *Live Sheep Long Haul Export Prohibition Bill 2018*.

Clause 2 Commencement

Clause 2 provides for the Bill to commence from the day the Act receives the Royal Assent.

It also provides for the commencement of the amendments that are contingent on the commencement of the *Export Control Act 2018* to commence on the later of the commencement of schedule 1 and the commencement of that Act.

Clause 3 Schedules

Clause 3 provides that legislation specified in a Schedule is amended or repealed as set out in that Schedule.

Schedule 1

Australian Meat and Live-stock Industry Act 1997

Item 1 inserts **section 16A** into the Act, which specifies that an export license is subject to additional conditions if the voyage is by ship, is to the Persian Gulf or Red Sea, its cargo is either live sheep or lambs, it takes place during the months of July, August, or September in the transitional period or at any time after that period, and is of 10 or more days in duration.

The *transitional period* is the period of 5 years, starting on the day Schedule 1 of the Act commences.

Items 2 and 3 make consequential amendments to ensure that orders and directions under sections 17 and 18 of the Act cannot be inconsistent with the new condition in section 16A. **Item 4** also makes a consequential amendment.

Item 5 inserts **subsection 2AA** after subsection 23(2) of the Act and specifies that, if the Secretary of the Department has reasonable grounds for believing that the holder of a live-stock export licence has contravened a condition in section 16A, the Secretary must give a written notice to the holder (of the export licence).

Items 6 and 7 make amendments consequential to item 5.

Export Control Act 1982

Item 8 inserts **section 7AA** into the Act, providing regulations are taken to prohibit long haul export (being journey in excess of 10 days duration) of live sheep and lambs by ship to the Persian Gulf or Red Sea, regardless of whether that place is the intended final destination. The regulations contain the following conditions and restrictions;

- (1) The regulations are taken to declare that live-stock, being sheep or lambs, are *prescribed goods* for the purposes of this Act.
- (2) Regulations made for the purposes of subsection 7(1) prohibit the export of live-stock that are sheep or lambs, by ship, to:
 - (a) a place in the Persian Gulf or the Red Sea (whether or not that place is the intended final overseas destination for the sheep or lambs); or
 - (b) any other place, if the route of the ship to that place is through the Persian Gulf or the Red Sea;unless:
 - (c) the condition in subsection (3) is complied with; and
 - (d) any other conditions or restrictions prescribed for the purposes of section 7 that are applicable to the goods are, to the extent that those other conditions or restrictions are not inconsistent with subsection (3) of this section, complied with.
- (3) The condition is that:
 - (a) the sheep or lambs are exported at a time that is:
 - (i) before the end of the transitional period; but
 - (ii) not in July, August or September; or
 - (b) the duration of the voyage is less than 10 days.

Definitions

- (4) In this section:

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

transitional period means the period of 5 years starting on the day Schedule 1 to the *Live Sheep Long Haul Export Prohibition Act 2018* commences.

Item 9 Application of amendments

The amendments of the *Australian Meat and Live-stock Industry Act 1997* made by Schedule 1 to the Bill apply in relation to a live-stock export licence that is in force on or after the commencement of Schedule 1, whether the licence was granted before, on or after that commencement.

The amendment of the *Export Control Act 1982* made by Schedule 1 to the Bill applies in relation to an act or omission occurring on or after the commencement of Schedule 1.

Schedule 2

Export Control Act 2018

Item 1 provides additional rules at the end of Division 3 of Part 1 of Chapter 2, section 29A, to prohibit long haul export of live sheep and lambs by vessel to the Persian Gulf or Red Sea subject to the following conditions.

Live sheep and lambs are taken to be prescribed goods

- (1) Rules made for the purposes of subsection 28(1) are taken to prescribe live sheep and live lambs.

Prohibition on export to Persian Gulf or Red Sea subject to conditions

- (2) Rules made for the purposes of subsection 29(1) are taken to prohibit the export of live sheep or live lambs from Australian territory, by vessel, to:
 - (a) a place in the Persian Gulf or the Red Sea (whether or not that place is the intended final overseas destination for the sheep or lambs); or
 - (b) any other place, if the route of the vessel to that place is through the Persian Gulf or the Red Sea;

unless:

- (c) the condition in subsection (3) is complied with; and
 - (b) any other prescribed export conditions that are applicable to the goods are, to the extent that those other conditions are not inconsistent with subsection (3) of this section, complied with.
- (3) The condition is that:
 - (a) the sheep or lambs are exported at a time that is:
 - (i) before the end of the transitional period; but
 - (ii) not in July, August or September; or
 - (b) the duration of the voyage is less than 10 days.
 - (4) Subsection (3) is a prescribed export condition for the purposes of this Act.

Meaning of transitional period

- (5) In this section:

transitional period means the period which starts on the commencement of this section; and ends at the end of the period of 5 years starting on the day Schedule 1 to the *Live Sheep Long Haul Export Prohibition Act 2018* commences.

Item 2 ensures that the amendment of the *Export Control Act 2018* made by Schedule 2 to the Bill applies in relation to an act or omission occurring on or after the commencement of that Schedule.

STATEMENT OF COMPATIBILITY WITH HUMAN RIGHTS

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

Live Sheep Long Haul Export Prohibition Bill 2018

This bill 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 bill

The *Live Sheep Long Haul Export Prohibition Bill 2018* amends the *Export Control Act 1982* and the *Australian Meat and Live-stock Industry Act 1997* to restrict the long haul export of live sheep and lambs during the northern summer months of July, August and September, where the voyage is by ship and of duration exceeding ten days, and where a place in that voyage, regardless of whether that place is the final destination, is either the Persian Gulf or Red Sea.

Human rights implications

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

Conclusion

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

Ms Rebekha Sharkie MP