Livestock Export (Merino) Orders (No. 1 of 1990)
as amended
made under regulation 3 of the

Export Control (Orders) Regulations 1982

This compilation was prepared on 10 July 2008
taking into account amendments up to Livestock Export (Merino) Orders
(Amendment) (No. 1 of 2008)

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1 **Citation** [see Note 1]

These Orders and any amendment to these Orders that may come in from time to time may be cited as the *Livestock Export (Merino) Orders*.

2 **Commencement** [see Note 1]

These Orders shall come into operation on gazettal.

3 **Application**

3.1 These Orders apply to:

(a) merino rams;
(b) merino reproductive material; and
(c) merino ewes, ova and embryos.

3.2 Merino rams, merino reproductive material and merino ewes, ova and embryos are declared to be prescribed goods for the purposes of section 3 of the *Export Control Act 1982* (the Act).

4 **Interpretation**

4.1 In these Orders, unless the contrary intention appears:

*authorized officer* means an officer who is employed by the Australian Public Service and who is duly authorized by the Secretary.

*consignment* means a consignment or intended consignment of one or more merinos to one export destination by one exporter.

*designated export auction* means a livestock auction conducted wholly, or in part, for the purpose of the purchase of merino rams:

(a) for export; or
(b) for the production of reproductive material for export;

being an auction declared to be a designated export auction:

(c) by the Australian Association of Stud Merino Breeders Limited, in accordance with the Guidelines and Conditions for Merino Export Sales and Nomination of Merino Rams as Export Semen Donors published by that Association, as in force on January 2008; and
(d) before the start of the 2008 ram selling season.

*embryos* and *ova* are those which come from a merino ewe.

*exemption from prohibition* means an exemption granted under order 8 or 9.

*merino* means:

(a) in the case of a live animal — a ram or ewe that is, or could be, registered as a merino ram or ewe in the Australian Stud Merino Flock Register under the rules of the Australian Association of Stud Merino Breeders Ltd; and
(b) in the case of embryo, an ovum or semen — an embryo, an ovum or semen that derives from a merino animal.

**National Register** means the National Register of Merino Semen Export Donors, maintained by the Australian Association of Stud Merino Breeders Limited in accordance with the Guidelines and Conditions for Merino Export Sales and Nomination of Merino Rams as Export Semen Donors published by that Association, as in force on January 2008.

**reproductive material** means the semen of a merino ram.

**semen** is that which comes from a merino ram.

4.2 The Prescribed Goods (General) Orders as amended do not apply to these Orders unless the contrary intention appears.

5 **Export prohibited**

5.1 The export, to any country other than New Zealand, of merino rams, merino semen, merino ewes, merino ova or merino embryos is prohibited, unless:

(a) in the case of an export for the purpose only of a scientific research project — an exemption is granted under order 9; or

(b) in any other case — an exemption is granted under order 8.

5A **Restriction on exemption**

5A.1 The Minister may determine an annual export quota comprising merino rams for export and rams from which reproductive material may be derived for export.

*Note* A notice of the annual quota is set out in the Guidelines and Conditions for Merino Export Sales and Nomination of Merino Rams as Export Semen Donors.

6 **Application of Prescribed Goods (General) Orders**

6.1 Nothing in these Orders is taken to affect the operation of Part 3 of the Prescribed Goods (General) Orders, as in force from time to time.

7 **Application for exemption**

An application for exemption under order 8 shall be taken to be a notice of intention to export as provided for under section 6 of the Act, together with a Record of Merino Ram Sold for Export certificate as issued by the Australian Association of Stud Merino Breeders Ltd.

8 **Exemption from prohibition — reproductive purpose**

8.1 Subject to suborder 8.2:

(a) the Secretary; or

(b) subject to order 10 — an authorized officer;

may grant an exemption from the prohibition under order 5 to an exporter who applies, in writing, to the Secretary for the exemption.
8.2 An exemption may be granted only if:

(a) in the case of a ram or semen — the ram, or donor ram, was purchased at a designated export auction for the purpose of export for reproduction or for the production of semen for export, and:
   (i) a certificate known as a ‘Record of Merino Ram Sold for Export’ has been issued in respect of the ram by the Australian Association of Stud Merino Breeders Limited; and
   (ii) all the requirements of the Guidelines and Conditions for Merino Export Sales and Nomination of Merino Rams as Export Semen Donors, published by the Australian Association of Stud Merino Breeders Limited, as in force on January 2008 have been complied with in respect of the ram; and
   (iii) if there is in force an annual quota under order 5A.1 — the exemption will not result in the quota being exceeded; or

(b) in the case of reproductive material derived from a ram other than a ram purchased at a designated export auction:
   (i) the ram is recorded in the National Register; and
   (ii) all the requirements of the Guidelines and Conditions for Merino Export Sales and Nomination of Merino Rams as Export Semen Donors, published by the Australian Association of Stud Merino Breeders Limited and as in force on January 2008 have been complied with in respect of the ram; and
   (iii) if there is an annual quota in force under order 5A.1 — the exemption will not result in the quota being exceeded; or

(c) in the case of a ram or ewe purchased for the purpose of slaughter in an overseas country other than New Zealand — the intending exporter has made a statutory declaration:
   (i) stating that the purchase is for purpose of slaughter; and
   (ii) specifying the country of destination; and
   (iii) stating the purchase price.

9 Exemption from prohibition — scientific purpose

9.1 The Secretary or, subject to order 10, an authorized officer, may grant an exemption from the prohibition under order 5 to an exporter who applies, in writing to the Secretary for the exemption.

9.2 An application must:

(a) be made at least 28 days before the proposed date of export; and

(b) state the reason for seeking the exemption; and

(c) include, or be supplemented by, any information that the Secretary, or the authorized officer, reasonably requires in deciding whether to grant the exemption.
Refusal to grant exemption

The Secretary may direct that an exemption shall not be granted if he has reason to believe that a person whose actions caused the conditions of order 8 or 9 not to be met on a previous occasion may again do so.

Exemption

11.1 An exemption granted in accordance with order 8 or 9 may be subject to such conditions as the Secretary thinks fit.

11.2 An exemption shall be in the form of:
   (a) an official stamp approved by the Secretary for the purpose; and
   (b) the signature of an authorized officer applied within the stamp at the time the exemption is granted.

11.3 An exemption granted in accordance with order 8 or 9 shall be valid for a period of 28 days after the date on which it was signed by an authorized officer.

Revocation, suspension or surrender of exemption

12.1 Where the Secretary has reason to believe that any condition to which an exemption is subject has not been complied with, the Secretary may revoke or suspend the exemption.

12.2 Where the Secretary has reason to believe that any circumstance directly relevant to a matter specified in order 8 or 9 has changed since the exemption was granted, the Secretary may require the surrender of the exemption and may grant another exemption with different, additional or different and additional conditions.

Delegation

13.1 The Secretary may, either generally or as otherwise provided by the instrument of delegation, by writing signed by the Secretary, delegate to an authorized officer any of the Secretary’s powers under orders, other than this power of delegation.

13.2 A power so delegated, when exercised by the delegate, shall, for the purposes of these Orders, be deemed to have been exercised by the Secretary.

13.3 A delegation under this order does not prevent the exercise of a power by the Secretary.

Compliance with directions

An exporter, or a person who is an employee or an agent of the exporter, shall not fail to comply with a direction given by an authorized officer.
15 **Reconsideration of decisions**

Part 20 of the Prescribed Goods (General) Orders as amended is applicable to these Orders.

*Note* Part 20 of the Prescribed Goods (General) Orders provides that a person whose interests are affected by a decision made by the Secretary (or the Secretary’s delegate) may apply to the Secretary for reconsideration of the decision. The person is entitled to apply to the Administrative Appeals Tribunal (AAT) for review of the Secretary’s decision.

16 **Reference to orders**

A reference in these Orders to the Prescribed Goods (General) Orders as amended is a reference to those Orders as in existence at the time of the making of these Orders.
Notes to the *Livestock Export (Merino) Orders (No. 1 of 1990)*

**Note 1**

The *Livestock Export (Merino) Orders (No. 1 of 1990)* (in force under regulation 3 of the *Export Control (Orders) Regulations 1982*) as shown in this compilation is amended as indicated in the Tables below.

Under the *Legislative Instruments Act 2003*, which came into force on 1 January 2005, it is a requirement for all non-exempt legislative instruments to be registered on the Federal Register of Legislative Instruments.

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