EXPLANATORY STATEMENT

Issued by the authority of the Minister for Agriculture, Fisheries and Forestry

Export Control Act 1982

Game, Poultry and Rabbit Meat Amendment Orders 2010 (No. 1)

Background

Sub-section 25(1) of the Export Control Act 1982 (‘the Act’) provides that the Governor-General may make regulations, not inconsistent with the Act, prescribing matters required or permitted by the Act to be prescribed, or necessary or convenient to be prescribed for the carrying out or giving effect to the Act.

Subsection 25(2)(g) of the Act provides that the Governor-General may make regulations empowering the Minister to make orders, not inconsistent with the regulations, with respect to any matter for or in relation to which provision may be made by the regulations. Regulation 3 of the Export Control (Orders) Regulations 1982 (‘the Regulations’) provides that the Minister may, by instrument in writing, make orders, not inconsistent with regulations made under the Act, with respect to any matter for or in relation to which provision may be made by regulations made under the Act.

The Game, Poultry and Rabbit Meat Orders 1985 (‘the Principal Orders’), are made by the Minister under regulation 3 of the Regulations. The Principal Orders regulate the export of game, rabbit and poultry meat. From 1 December 2010, wild game meat and wild game meat products, and poultry meat and poultry meat products, will be regulated by separate export control orders. Those orders are the Export Control (Wild Game Meat and Wild Game Meat Products) Orders 2010 (‘the Wild Game Orders’) and the Export Control (Poultry Meat and Poultry Meat Products) Orders 2010 (‘the Poultry Orders’).

The purpose of the Game, Poultry and Rabbit Meat Amendment Orders 2010 (No. 1) (‘the Amendment Orders’) is to make amendments to certain provisions of the Principal Orders to remove the regulation of wild game meat, poultry meat and their products as a consequence of the introduction of the Wild Game Orders and the Poultry Orders. The Principal Orders will be renamed as the Export Control (Rabbit and Ratite Meat) Orders 1985 and will be limited to rabbit meat and ratite meat and their products. The amendments in this instrument are therefore of a consequential nature.

Consultation

The Department of Agriculture, Fisheries, and Forestry, as represented by the Australian Quarantine and Inspection Service, undertook extensive consultation with the relevant industry bodies on the making of the Wild Game Orders and the Poultry Orders. The regulation impact statements included in the explanatory statements to those orders provide a detailed account of the nature of the consultation. The Office of Best Practice Regulation advised that a regulation impact statement is not required for the Amendment Orders.

Operation

Details regarding the operation of the Amendment Orders are set out below.
EXPLANATION OF PROVISIONS

Order 1 provides that the name of the Amendment Orders is the *Game, Poultry and Rabbit Meat Amendment Orders 2010 (No. 1)*.

Order 2 provides that the Amendment Orders commence on the commencement of the *Export Control (Wild Game Meat and Wild Game Meat Products) Orders 2010* (‘the Wild Game Orders’). The Wild Game Orders commence on 1 December 2010 or, if they have not been registered by then, on the day after they are registered.

Order 3 provides that Schedule 1 amends the *Game, Poultry and Rabbit Meat Orders 1985* (‘the Principal Orders’).

Schedule 1 – Amendments

Item 1 renames the Principal Orders. The new name will be the *Export Control (Rabbit and Ratite Meat) Orders 1985*. This is to reflect the limiting of the Principal Orders to the regulation of rabbit and ratite meat (and their products) and the exclusion of wild game and poultry meat (and their products) as a consequence of the introduction of the Wild Game Orders and the Poultry Orders.

Item 2 limits the scope of the Principal Orders to rabbit meat, rabbit meat products, ratite meat and ratite meat products. However, wild game rabbit and wild game ratite will be covered separately by the Wild Game Orders. In the Poultry Orders, ratites will be excluded from the definition of ‘poultry’ so that ratites will not be regulated by the Poultry Orders.

Items 3 to 7 make consequential amendments to the definitions in the Principal Orders. Terms that are no longer used are omitted, while some new terms are introduced. The definitions of *ratite meat* and *ratite meat product* align with the previous definitions of *poultry meat* and *poultry meat product*. Definitions are also introduced for the *Australian Rabbit Meat Standard* and the *Australian Ratite Meat Standard*.

Item 8 amends order 5A to apply it to ratite meat and ratite meat products instead of poultry meat and poultry meat products. Order 5A limits the scope of the Principal Orders in respect of ratites (and any other applicable export control order) by only requiring compliance with a requirement of the Orders where compliance is required by the relevant importing country.

Items 9 to 12 are consequential amendments to give effect to the removal of wild game meat, wild game meat products, poultry meat and poultry meat products from the scope of the Principal Orders. These amendments remove provisions that only applied to wild game meat and wild game meat products, remove references to poultry and wild game meat, and limit provisions that previously applied to poultry generally to apply to ratites specifically.

Item 13 requires the preparation and export of rabbit meat and rabbit meat products to comply with the Australian Standard for Hygienic Production of Rabbit Meat for Human Consumption (AS 4466:1997). The previous requirement was to comply with the Exports (Meat) Regulations, which have ceased to have effect.

Items 14 and 15 are consequential amendments to give effect to the removal of wild game meat, wild game meat products, poultry meat and poultry meat products from the scope of the Principal Orders. These amendments remove provisions that only applied to wild game meat and wild game meat products, remove references to poultry and wild game meat, and limit provisions that previously applied to poultry generally to apply to ratites specifically.
Item 16 requires the preparation and export of rabbit meat and rabbit meat products to comply with the Australian Standard for Hygienic Production of Rabbit Meat for Human Consumption (AS 4466:1997). The previous requirement was to comply with the Exports (Meat) Regulations, which have ceased to have effect.

Items 17 to 30 are consequential amendments to give effect to the removal of wild game meat, wild game meat products, poultry meat and poultry meat products from the scope of the Principal Orders. These amendments remove provisions that only applied to wild game meat and wild game meat products, remove references to poultry and wild game meat, and limit provisions that previously applied to poultry generally to apply to ratites specifically.