EXPLANATORY STATEMENT

Export Control (Protection of Animal Welfare) Order 2011

made under the Export Control (Orders) Regulations 1982 (under the Export Control Act 1982)

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

Authority for making Order

The Export Control (Protection of Animal Welfare) Order 2011 (Order) is made under regulation 3 of the Export Control (Orders) Regulations 1982. That regulation empowers the Minister to make orders with respect to any matter for or in relation to which provision may be made by the regulations. Regulation 3 is itself authorised by subsection 25(1) of the Export Control Act 1982 (the Act).

Purpose of the Order

The purpose of the Order is to address concerns regarding slaughter of live-stock at the places listed in Schedule 1 to the Order. These are places in which it is considered that slaughter and related operations are not carried out in accordance with the recommendations and standards set out in the Terrestrial Animal Health Code (2010) published by the World Organisation for Animal Health ('OIE recommendations').

The Order prohibits the export of live animals to those places.

However, if in the future the Minister is satisfied that slaughter and related operations at a listed place are in accordance with the OIE recommendations or will conform to those recommendations within a period satisfactory to the Minister, the Minister may grant approval to an exporter to export live-stock to that place. In relation to places where the Minister considers that slaughter and related operations will comply within a satisfactory period, but not that they already comply, the Minister may grant approval for an export only if satisfied that the live-stock in that export will be treated in conformity with the OIE recommendations.

The approval can be given subject to conditions, and can be revoked, including where the Minister is not satisfied that the OIE recommendations are being complied with.

Documents incorporated in the Order by reference

The Order authorises the Minister to grant approval where satisfied that slaughter and related operations at a place comply or will comply with Chapter 7.5 of the Terrestrial Animal Health Code (2010) published by the World Organisation for Animal Health.

Consultation

Given the circumstances in which the Order needs to be made, detailed consultation with industry has not been possible.

Details

Section 1 — Name of Order

This section gives the name of the Order.

Section 2 — Commencement

The Order commences on the day after it is registered in the Federal Register of Legislative Instruments.
Section 3 — Definition

This section defines OIE recommendations. The note to the section gives the Internet address for the Terrestrial Animal Health Code (2010).

Section 4 — Prohibition of exports of live animals

This section prohibits the export of live animals for slaughter in a place described in Schedule 1, which lists the locations of certain abattoirs in Indonesia.

Section 5 — Approvals where places conform to OIE recommendations

This section applies where the Minister is satisfied that slaughter and related operations at a place in the Schedule are being conducted in accordance with relevant OIE recommendations. It also applies if the Minister is satisfied that arrangements are in force that will, within a satisfactory period, ensure that slaughter and related operations at the place will be conducted in accordance with those OIE recommendations.

In that case, the Minister may grant approval for livestock to be exported to that place. In relation to places where the Minister considers that slaughter and related operations will comply within a satisfactory period, but is not satisfied that they already comply, the Minister may grant approval for an export only if satisfied that the livestock in that export will be treated in conformity with the OIE recommendations.

An approval may be conditional.

Subsection 5(3) is a non-exhaustive list of cases where the Minister may revoke an approval, including for failure to comply with the conditions on the approval and where the Minister considers that operations at the place are not being conducted in accordance with relevant OIE recommendations.

Schedule 1

Schedule 1 lists the places covered by the Order.