

## EXPLANATORY STATEMENT

### *Australian Meat and Live-stock Industry (Export of Live-stock to the Republic of Indonesia) Order 2011 (No. 2)*

made under section 17 of the *Australian Meat and Live-stock Industry Act 1997*

Issued by the authority of the

Secretary of the Department of Agriculture, Fisheries and Forestry

#### **Authority for making the Order**

The *Australian Meat and Live-stock Industry (Export of Live-Stock to the Republic of Indonesia) Order 2011 (No. 2)* (the **Order**) is made under section 17 of the *Australian Meat and Live-stock Industry Act 1997* (the **Act**). That section authorises the Secretary of the Department of Agriculture, Fisheries and Forestry (the **Secretary**) to make orders to be complied with by the holders of export licences under the Act.

#### **Purpose of the Order**

The purpose of the Order is to repeal the *Australian Meat and Live-stock Industry (Export of Live-stock to the Republic of Indonesia) Order 2011* and the *Australian Meat and Live-stock Industry (Protection of Animal Welfare) Order 2011*, to allow a resumption of trade in exports of live-stock to the Republic of Indonesia.

The Order will allow regulated trade to resume where the live-stock export licence holder can provide assurance that relevant recommendations and standards set out in Chapter 7 of the *Terrestrial Animal Health Code* (2010) published by the World Organisation for Animal health (**OIE recommendations**) will be met during transport, handling, slaughter and related operations. This will complement the domestic regulation of live-stock, including the Australian Standards for the Export of Livestock (Version 2.3) April 2011 which require certain standards to be met up to the point of unloading overseas. This aims to ensure that the management of animal welfare along the entire supply chain from domestic sourcing of live-stock to the point of slaughter meets acceptable standards.

#### **Documents incorporated in the Order by reference**

The definitions of *live-stock* and *live-stock export licence* under the Act are incorporated into the Order. Chapter 7 of the *Terrestrial Animal Health Code* (2010) published by the World Organisation for Animal Health is also incorporated into the Order under the definition of 'OIE recommendations'.

#### **Consultation**

The framework for allowing the resumption of export trade in live-stock to the Republic of Indonesia has been the subject of consultation with industry through an Industry-Government Working Group.

#### **Details**

##### **Section 1 — Name of the Order**

The name of the Order is the *Australian Meat and Live-stock Industry (Export of Live-stock to the Republic of Indonesia) Order 2011 (No. 2)*.

##### **Section 2 — Commencement**

The Order commences on the day after it is registered.

##### **Section 3 — Repeal**

This section repeals both the *Australian Meat and Live-stock Industry (Export of Live-stock to the Republic of Indonesia) Order 2011* made on 7 June 2011 and the *Australian Meat and Live-stock Industry (Protection of Animal Welfare) Order 2011* made on 2 June 2011.

## **Section 4 — Definitions**

This section provides that *live-stock* and *live-stock export licence* have the same meanings as in the Act. This section also defines *OIE recommendations*. The note to the section gives the internet address for the *Terrestrial Animal Health Code* (2010) in which the OIE recommendations are set out in chapter 7.

## **Section 5 — Export of live-stock to the Republic of Indonesia subject to approval**

The purpose of this section is to prevent the holder of a live-stock export licence from exporting live-stock to the Republic of Indonesia unless the licence holder has first obtained the approval of the Secretary to that export.. Section 6 of the Order confers a discretion on the Secretary to grant an approval. The approval is not required in relation to live-stock exported for the purposes of breeding. However, other requirements in respect of breeder stock may need to be met such as under the Act or under the *Export Control Act 1982*.

## **Section 6 — Approvals where consignments comply with acceptable standards**

This section confers a discretion on the Secretary whereby the Secretary may grant approval to the holder of a live-stock export licence for the export of certain live-stock to the Republic of Indonesia, provided that the Secretary is satisfied that relevant OIE recommendations will be met with respect to the transport, handling, slaughter and related operations.

Subsection 6(3) provides that, in addition to the other matters the Secretary may have regard to, the Secretary may have regard to the live-stock export licence holder's record in compliance with approval conditions when deciding whether to grant approval.

Subsection 6(4) provides that the Secretary may grant an approval subject to conditions. These conditions may relate to the transport, handling and slaughter of live-stock and related operations, and independent auditing thereof; the identification and reconciliation of live-stock, and independent auditing thereof; access to premises; and any other matters the Secretary considers appropriate.

In granting an approval, conditions may be specified which bear on the Secretary's satisfaction that OIE recommendations will be met. Conditions may be directed to achieving the outcomes that particular live-stock will follow a predetermined path through the supply chain, that facilities relating to transport, handling and slaughter achieve OIE recommendations, and that there is reporting and collection of appropriate records to verify the integrity of the supply chain.

Conditions may relate to:

1. the live-stock export licence holder's degree of control over transport and handling operations and standards throughout the supply chain through to, and including, slaughter
2. the ability to identify, track, reconcile and report on the movement of live-stock throughout this supply chain
3. the ability for the live-stock export licence holder to provide access to premises in the Republic of Indonesia for the purposes of verifying claims made in relation to the conditions of the licence granted pursuant to section 6 of the Order
4. the independent auditing of (1) and (2) above
5. any other matter the Secretary considers appropriate relating to the meeting of OIE recommendations.

Subsection 6(5) provides that the Secretary may revoke an approval given under subsection 6(1) of the Order. The circumstances in which the Secretary may revoke an approval include where the Secretary considers that the transport, handling, slaughter and related operations of the consignment are not being conducted according to OIE recommendations; or where the holder of the live-stock export licence has not complied with any condition in the approval or in a previous approval.

## **Section 7 — Provision of information, declarations and documents**

This section provides that the Secretary may require the holder of a live-stock export licence to provide information, documents or declarations to the Secretary. This may be done for the purposes of assessing an

approval, granting an approval, developing appropriate conditions for approval or assessing compliance with the conditions of an approval.