

EXPLANATORY STATEMENT

Issued by Authority of the Deputy Prime Minister and Minister for Agriculture and Water Resources

Australian Meat and Live-stock Industry Act 1997

Australian Meat and Live-stock Industry (Export Licensing) Amendment (Approved Arrangements) Regulation 2016

Legislative Authority

The Governor-General may make regulations under section 74 of the *Australian Meat and Live-stock Industry Act 1997*. The *Australian Meat and Live-stock Industry (Export Licensing) Regulations 1998* (the Regulations) govern the export of live-stock.

Purpose

The purpose of the Australian Meat and Live-stock Industry (Export Licensing) Amendment (Approved Arrangements) Regulation 2016 ('the Amendment Regulation') is to amend the Regulations to remove the requirement that live-stock exporters operating under approved arrangements must have operations and governance manuals.

Background

On 30 October 2015, the Minister for Agriculture and Water Resources made the *Export Control (Animals) Amendment (Approved Arrangements) Order 2015*, which inserted Part 1A into the Animals Order. This provided for 'approved arrangements' in the context of live-stock exports, to operate in place of prior arrangements. This reform was designed to reduce red tape and increase performance efficiency of export certification of live-stock.

Impact and Effect

The Amendment Regulation removes the requirement that live-stock exporters operating under approved arrangements must have operations and governance manuals. An approved arrangement includes within its scope the information on how a business operates and is governed. It therefore separately meets the requirements of an operations and governance manual presently set out in the Regulations. The Regulations' requirement for an operations and governance manual can therefore be deleted for exporters operating under approved arrangements.

Consultation

Representatives, service providers and research and development bodies in the live-stock producer and export industries (Australian Livestock Exporters' Council, LiveCorp and Meat & Livestock Australia) were consulted on the reform project to introduce approved arrangements for exports of live-stock through a roundtable process from November 2014 onwards. These bodies represent the interests of Australia's live-stock producers and exporters in the areas of live-stock management, health and welfare, supply chain efficiency and market access and development.

Live-stock exporters have been consulted on the policy design for approved arrangements for exports of live-stock since February 2015.

Animal welfare and protection organisations (RSPCA and Animals Australia) were briefed on the reform project to introduce approved arrangements.

The Office of Best Practice Regulation (OBPR) was consulted (OBPR ID:18445).

The Amendment Regulation is a legislative instrument for the purposes of the *Legislation Act 2003*.

The Amendment Regulation is compatible with human rights and freedoms recognised or declared under section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*. A full statement of compatibility is set out in Attachment A.

Details of the Australian Meat and Live-stock Industry (Export Licensing) Amendment (Approved Arrangements) Regulation 2016

Section 1 – Name

This section provides that the name of this instrument is the *Australian Meat and Live-stock Industry (Export Licensing) Amendment (Approved Arrangements) Regulation 2016*.

Section 2 – Commencement

This section provides for the Amendment Regulation to commence the day after the instrument is registered.

Section 3 – Authority

This section provides that the Amendment Regulation is made under *Australian Meat and Live-stock Industry Act 1997*.

Section 4 – Schedules

This section provides that each instrument specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1–Amendments

Australian Meat and Live-stock Industry (Export Licensing) Regulations 1998

Item 1 – Subregulation 3(1)

This item provides that the term ‘approved arrangement’ is to have the same meaning as in the *Export Control (Animals) Order 2004*.

Item 2 – Paragraph 14(4)(a)

This item inserts wording so that an operations and governance manual is only required if there are no approved arrangements.

Item 3 – Paragraph 16(1)(j)

This item inserts the words ‘if required’ to confirm that an operations and governance manual will not always be required.

Item 4 – Regulation 17

This item repeals the current regulation 17 and inserts in its place a new provision which holds that in situations where applications for a live-stock export licence are to be accompanied by an operations and governance manual, the grant of the license is the approval of the manual.

Item 5 – Subregulation 18(1)

This item amends subregulation 18(1) so that the operations and governance manual provisions in the remainder of regulation 18 are to only apply in situations where there is no approved arrangement.

Item 6 – Subregulation 18(2)

This item repeals a spent provision concerning licences granted before 1 December 2004.

Item 7 – Paragraph 19(1)(b)

This item repeals a spent provision concerning licences which were granted before 1 December 2004.

Statement of Compatibility with Human Rights

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

*Australian Meat and Live-stock Industry (Export Licensing) Amendment
(Approved Arrangements) Regulation 2016*

This Legislative Instrument 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 Legislative Instrument

The purpose of the *Australian Meat and Live-stock Industry (Export Licensing) Amendment (Approved Arrangements) Regulation 2016* is to remove the requirement that live-stock exporters under approved arrangements hold operations and governance manuals. This is because an approved arrangement includes within its scope the information on how a business operates and is governed. It therefore separately meets the requirements of an operations and governance manual presently set out in the Regulations.

Human rights implications

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

Conclusion

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

The Hon. Barnaby Joyce MP
Deputy Prime Minister and Minister for Agriculture and Water Resources