

EXPLANATORY STATEMENT

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

Export Control Act 1982

Export Control (Animals) Amendment Order 2005 (No. 1)

Subsection 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 or necessary or convenient to be prescribed for the carrying out or giving effect to the Act.

Paragraph 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* 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 under the Act.

Section 9B of the Act enables regulations to be made for the accreditation of veterinarians for the purposes of undertaking approved export programs in relation to eligible live animals and eligible animal reproductive material. Eligible live animals and eligible animal reproductive material are defined in section 3 of the Act to mean prescribed goods consisting of live animals and animal reproductive material respectively. The definition for eligible live animals includes live-stock.

The *Export Control (Animals) Order 2004* (“the Order”) regulates the export of live animals (including live-stock) and animal reproductive material. Part 2 of the Order specifies the conditions and restrictions for live-stock exports. Division 2.3 of Part 2 deals with the accreditation of veterinarians for the purposes of the Act. This division implements the Government’s response to Recommendation 4 of the Keniry Report into Live-stock Exports by requiring veterinarians undertaking examinations, treatment or testing of live-stock for export under approved export programs to be accredited in accordance with Part IIA of the Act. Division 2.3 also specifies the record keeping requirements for accredited veterinarians.

Section 2.17 of Division 2.3 originally provided that a veterinarian whose name is on the list of approved veterinarians held by the Australian Quarantine and Inspection Service on 1 December 2004 is taken to be an accredited veterinarian for the purposes of section 9B of the Act. This is an interim measure for accrediting veterinarians. The date referenced in the section coincided with the date of commencement of the Order. AQIS compiled the list of veterinarians after several months of advertising and contacting exporters, veterinarians, veterinary boards and veterinary associations.

Since the commencement of the Order on 1 December 2004, AQIS has received additional expressions of interest from a number of veterinarians wishing to become accredited veterinarians. The *Export Control (Animals) Amendment Order 2005 (No. 1)*

(“the Amendment Order”) amends section 2.17 of the *Export Control (Animals) Order 2004* to enable additional veterinarians to become accredited veterinarians for the purpose of undertaking approved export programs in relation to live-stock.

Details of the Amendment Order are set out below:

Part 1 – Preliminary

Section 1

1. This section provides that the Amendment Order is named the *Export Control (Animals) Amendment Order 2005 (No. 1)*.

Section 2

2. This section provides that the Amendment Order commences on the day after it is registered on the Federal Register of Legislative Instruments.

Section 3

3. This section provides that Schedule 1 amends the *Export Control (Animals) Orders 2004*.

SCHEDULE 1

Item 1

4. This item substitutes the original section 2.17 with a new section that deals with the accreditation of veterinarians.

5. The new subsection 2.17(1) provides a definition for ***veterinarian***. The effect of this definition is to ensure that veterinarians to whom the new section applies are registered appropriately under a law of a State or Territory.

6. The new subsection 2.17(2) provides that, for the purposes of section 9B of the Act, a veterinarian is an accredited veterinarian if he or she receives a notice of accreditation from the Secretary to the Department of Agriculture, Fisheries and Forestry (“the Secretary”). The notice of accreditation will be provided to the veterinarian in writing.

7. The new subsection 2.17(3) provides that the Secretary may give a notice of accreditation to a veterinarian if the veterinarian has satisfactorily completed the Accreditation Program for Australian Veterinarians. This program is conducted by Animal Health Australia and is directly relevant to the work undertaken by accredited veterinarians in relation to live-stock exports.

8. The new subsection 2.17(4) provides that the Secretary may publish a list of accredited veterinarians from time to time. The note under the new subsection states that a list of accredited veterinarians is available on the Australian Quarantine and Inspection Service website. The list does not constitute the accreditation process itself but, if published by the Secretary, would allow accredited veterinarians to be identified

by persons intending to export live-stock.

9. The new subsection 2.17(5) is a transitional provision that enables persons named on the list of approved veterinarians on 1 December 2004 to remain accredited veterinarians until 1 May 2005. After 1 May 2005, veterinarians must hold a notice of accreditation, issued by the Secretary under subsection (3), to continue to perform activities under approved export programs.