

EXPLANATORY STATEMENT

Issued by the Authority of the Parliamentary Secretary for Agriculture, Fisheries and Forestry

Export Control Act 1982

Export Control (Prescribed Goods – General) Amendment Order 2011 (No.1)

Legislative Authority

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

Section 3 of the Act defines ‘official mark’ to mean any stamp, seal, label or mark that is declared by the regulations to be an official mark.

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 made under the Act.

Subsection 13.05 (3) of the *Export Control (Prescribed Goods – General) Order 2005* (the Order) declares that for the purposes of the definition of official mark in section 3 of the Act, the design of the mark must conform to the standards specified in the section. Under subsection 13.05 (3), the design must include an abbreviation of the name of the State or Territory in which the registered establishment at which the goods were produced is located, and be of the dimensions set out in subsection 13.05 (4).

Purpose

The purpose of the *Export Control (Prescribed Goods – General) Amendment Order 2011 (No.1)* (the Amendment Order) is to replace the official state-based mark with a new single Australian halal mark. The Australian Quarantine Inspection Service (AQIS) Halal Consultative Committee has requested that the Order be amended to update the official halal mark which is declared in subsection 13.05(3) and subsection 13.05(4) which specify the uses and sizes of the mark.

The introduction of the new design for the halal mark does not change the existing requirement to apply the halal mark to eligible meat or meat products for export. Under the current *Export Control (Meat and Meat Products) Orders 2005*, where meat and meat products are prepared as halal for export, the meat must be identified by the application of an official halal mark as provided for in Order 13.05(3) of the Order.

Consultation

The export meat industry through the AQIS Halal Consultative Committee (AHCC) supported and requested the new design. The AHCC is comprised of representatives from the export meat industry processor sector, Islamic Organisations approved under the Regulations, AUS-MEAT and the department.

AHCC further requested the existing State based design be replaced with a design that enables an export registered establishment preparing halal meat or meat products to be identified through the inclusion of the establishment's registration number in the mark. The change in design is also supported by this committee.

The Office of Best Practice Regulation (OBPR) was consulted and agreed that the amendment does not need a Regulation Impact Statement. The OBPR reference number is 12731.

Prior to the commencement of the use of the new halal mark, DAFF will write to overseas trading partners advising of the changes to the design of the official halal mark and the transition period of 6 months from the commencement date provided for in the legislation. This will allow industry to phase out the old design and enable use of existing stocks of product marked with the old design.

The Amendment Order is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

Details of the Amendment Order are set out below:

Order 1

1. This Order provides that the name of the Amendment Order is the *Export Control (Prescribed Goods – General) Amendment Order 2011 (No. 1)*.

Order 2

2. This Order commences on the day after registration.

Order 3

3. This Order provides that Schedule 1 amends the *Export Control (Prescribed Goods – General) Order 2005*.

Schedule 1 Amendments

Item 1 amends subsections 13.05 (3) and (4) by substituting the old halal mark for the new halal mark (but with the registration number of the establishment at which the goods were produced substituted for ‘A’) and of the dimensions set out in subsection (4).

Item 2 inserts a new section 18.03 after the Table to section 18.02.

The purpose of the amendment is to provide industry with a transition period of six months from the commencement date of the Amendment Order.

This will allow industry adequate time to replace the official state-based mark with the proposed halal mark and to enable use of existing stocks of product marked with the old design.