

EXPLANATORY STATEMENT

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

Export Control Act 1982

Export Control (Prescribed Goods–General) Amendment Order 2012 (No.1)

Legislative Authority

Subsection 25(1) of the *Export Control Act 1982* (the Act) permits the Governor-General to make regulations prescribing matters required or permitted to be prescribed by the Act; or necessary or convenient to be prescribed for carrying out or giving effect to the Act.

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

Regulation 3 of the *Export Control (Orders) Regulations 1982* (the Regulations) 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 13.05 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 marks for Halal meat must conform to the standards specified in the section.

The *Export Control (Prescribed Goods–General) Amendment Order 2011 (No.1)* (the Amending Order) which commenced on 23 December 2011 introduced a new single Australian Halal mark (new official mark) in subsection 13.05(3) of the Order, replacing the old official state-based mark (old official mark). A transition period of 6 months from the commencement date of the Amending Order was provided for in section 18.03 of the Order. This transition period is due to expire on 23 June 2012.

Purpose

The purpose of the *Export Control (Prescribed Goods–General) Amendment Order 2012 (No.1)* (the Amendment Order) is to amend the current transition period so that the old official mark continues in force for an additional 8 months after 22 June 2012, the commencement date of this amendment. It is intended that the current transition period continue to 23 February 2013.

An extended transition period will allow industry to phase out the old official mark and use up existing stocks of products marked with the old design.

Consultation

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

Industry has advised that the current transition period to 23 June 2012 does not provide sufficient time to update their systems to achieve compliance with the new regime.

Industry, via the Australian Meat Industry Council, has advised that a transition period ending in February 2013 would be sufficient time.

Prior to the commencement of the new official mark, DAFF advised overseas trading partners of the changes to the design of the mark and the transition period of 6 months from the commencement date provided for in the legislation.

DAFF also advised importing countries and trading partners that they could expect to see both the new official mark and old official mark during and after the end of the current transition period.

The Office of Best Practice Regulation (OBPR) has been consulted and the OBPR reference number is 13756.

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:

Section 1 – Name of Regulation

This Order provides that the name of the Amendment Order is the *Export Control (Prescribed Goods–General) Amendment Order 2012 (No.1)*.

Section 2 – Commencement

This Order provides that the Amendment Order commences on 22 June 2012.

Section 3 – Amendment of *Export Control (Prescribed Goods–General) Order 2005*

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

Schedule 1 – Amendments

Item 1 substitutes an amended heading for section 13.05 of the Order which replaces the word “halal” with “Halal” with a capital letter. This is a technical amendment to correct typography.

Item 2 substitutes subsection 13.06(1) of the Order with a new reference to the Manual of Importing Country Requirements (MICO_R), replacing the old “Export Meat Manual”. MICO_R is an online database of importing country requirements for meat and other products.

A definition of MICO_R is provided in subsection 13.06(1): MICO_R means *Manual of Importing Country Requirements* published by the Department of Agriculture, Fisheries and Forestry on 25 January 2012.

This subsection also includes a notation with an available web link to MICoR at www.daff.gov.au/micor

The effect of the amendment is that foreign country identification marks in this section will now be specified on MICoR.

Item 3 omits “the Export Meat Manual” from subsection 13.06(2) of the Order and inserts new reference to MICoR. The purpose of the amendment is as outlined in item 2 above.

Item 4 omits “the Export Meat Manual” from subsection 13.06(3)(c) of the Order and inserts new reference to MICoR. The purpose of the amendment is as outlined in item 3 above.

Item 5 substitutes an amended heading for section 18.03 of the Order which replaces the word “halal” with “Halal” with a capital letter. This is a technical amendment to correct typography.

Item 6 omits the words “for 6 months after the commencement date” from subsection 18.03(2) of the Order, which is contained in the transitional provision relating to official marks for Halal meat, and inserts “until 23 February 2013.”

The purpose of the amendment is to provide industry with a transition period of an additional 8 months which will now end on 23 February 2013.

This will allow industry adequate time to replace the old official mark with the new official mark and use up existing stocks of products marked with the old design.

Statement of Compatibility with Human Rights

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

Export Control (Prescribed Goods-General) Amendment Order 2012 (No.1)

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 Legislative Instrument amends the transitional provision relating to official marks for halal meat. This provision provides that the old official mark continues to be in force for a transition period of 6 months after the amendment to introduce the new official mark.

The purpose of this instrument is to provide industry with a transition period of an additional 8 months until 23 February 2013.

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. Peter Douglas Sidebottom MP, Parliamentary Secretary for Agriculture,
Fisheries and Forestry**