

EXPLANATORY STATEMENT

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

Export Control Act 1982

Export Control (Animals) Amendment (Approved Arrangements) Order 2016

Legislative Authority

The Governor-General may make regulations under section 25 of the *Export Control Act 1982* (the Act). Under regulation 3 of the *Export Control (Orders) Regulations 1982* (the Regulations), the Minister may make orders, not inconsistent with regulations made under the Act. The *Export Control (Animals) Order 2004* (the Animals Order) is made under regulation 3 of the Regulations.

Purpose

The purpose of the *Export Control (Animals) Amendment (Approved Arrangements) Order 2016* (the Amendment Order) is to amend the Animals Order to remove the requirement that live-stock exporters seeking approved arrangements must already hold a live-stock export licence under the *Australian Meat and Live-stock Industry Act 1997*.

Background

The Animals Order governs the export of live-stock.

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 Order removes the requirement that live-stock exporters seeking approved arrangements must already hold a live-stock export licence under the *Australian Meat and Live-stock Industry Act 1997*. Live-stock exporters are now able to apply for approved arrangements in advance of being granted an export licence.

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 Order is a legislative instrument for the purposes of the *Legislation Act 2003*.

The Amendment Order 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 *Export Control (Animals) Amendment (Approved Arrangements) Order 2016*

Section 1 – Name

This section provides that the name of the Order is the *Export Control (Animals) Amendment (Approved Arrangements) Order 2016*.

Section 2 – Commencement

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

Section 3 – Authority

This section provides that the Order is made under regulation 3 of the *Export Control (Orders) Regulations 1982*.

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

Export Control (Animals) Amendment (Approved Arrangements) Order 2016

Item 1 – subsection 1A.02(1)

This item omits reference to an applicant holding a live-stock export licence under the *Australian Meat and Live-stock Industry Act 1997*.

Item 2 – subparagraph 1A.05(1)(b)(iii)

This item inserts wording to apply to live-stock export licences which may be granted in the future under the *Australian Meat and Live-stock Industry Act 1997*. This item requires that the Secretary must be satisfied that acting in accordance with an approved arrangement will ensure compliance with conditions to which such a licence would be subject.

Item 3 – subsection 1A.07(1)(note)

This item amends an existing note to provide a second example of a subject matter which may be dealt with in conditions which could be imposed upon approved arrangements. The

second example is holding a live-stock export licence under the *Australian Meat and Live-stock Industry Act 1997*.

Statement of Compatibility with Human Rights

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

Export Control (Animals) Amendment (Approved Arrangements) Order 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 *Export Control (Animals) Amendment (Approved Arrangements) Order 2016* is to remove the requirement that live-stock exporters seeking approved arrangements must already hold a live-stock export licence under the *Australian Meat and Live-stock Industry Act 1997*. Such exporters will be able to apply for approved arrangements in advance of being granted an export licence

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