

## **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 (Quotas) Act 1990*  
*Dairy Produce Act 1986*

*Export Quotas Legislation Amendment Regulation 2016*

### **Legislative Authority**

Section 74 of the *Australian Meat and Live-stock Industry Act 1997*, Section 9 of the *Australian Meat and Live-stock Industry (Quotas) Act 1990*, and Section 126 of the *Dairy Produce Act 1986* provide that the Governor General may make regulations prescribing all matters required or permitted by these Acts to be prescribed; or necessary or convenient to be prescribed for carrying out or giving effect to these Acts.

Under the authority of these Acts, the Governor-General has made the *Australian Meat and Live-stock Industry Regulations 1998*, *Australian Meat and Live-stock Industry (Quotas) Regulations 2000* and the *Dairy Produce Regulations 1986* respectively.

Under subsection 33(3) of the *Acts Interpretation Act 1901* a power in an Act to make an instrument, such as a regulation, is construed as including a power to repeal any such instrument, among other things.

### **Purpose**

The purpose of the *Export Quotas Legislation Amendment Regulation 2016* (the Regulation) is to amend or repeal the following regulations on 1 January 2017:

- Australian Meat and Live-stock Industry Regulations 1998 (Regulation 3 and 3A)
- Dairy Produce Regulations 1986 (Part 2 and Schedule 1A)
- Australian Meat and Live-stock Industry (Quotas) Regulations 2000 (entire regulation)

Repealing and amending these regulations will remove redundant legislation, given all quota subordinate legislation will reside as Orders under the *Export Control Act 1982*, as of 1 January 2017. It will also ensure quota can only be administered under one head of power.

### **Background**

Where export tariff rate quotas are established by trade agreements Australia seeks to manage the quotas in order to offer exporters the maximum concessions possible on agricultural products. For example, eight new quotas introduced under the Japan-Australia Economic Partnership Agreement saved exporters approximately \$9 million in tariffs in 2015.

Australia administers quotas in a way that:

- minimises market distortion from quota administration

- minimises regulatory intervention and barriers to exporting
- optimises the commercial value and use of the quota
- ensures consistent, transparent and efficient administration
- considers commercial arrangements, and
- rewards market development.

The *Export Control Amendment (Quotas) Act 2015* (the Quotas Act), which received royal assent on 11 December 2015, enables the Secretary to make orders providing for, or in relation to, the establishment and administration of a system, or systems, of tariff rate quotas for the export of goods. Orders may be made to cover goods currently subject to quota regulation but could cover any other goods that quotas may apply to in the future. The Quotas Act complements the government's strategic approach for capturing premium markets outlined in the Agricultural Competitiveness White Paper and builds on the gains from recent free trade agreements with our major trading partners.

Following the enactment of this legislation, legislative instruments governing red meat and dairy quotas were remade to sit under section 23A of the *Export Control Act 1982*. Due to the transition of these arrangements, it is necessary to repeal the provisions of the *Australian Meat and Live-stock Industry Regulations 1998*, the *Australian Meat and Live-stock Industry (Quotas) Regulations 2000* and the *Dairy Produce Regulations 1986* that previously governed red meat and dairy quotas.

### **Impact and Effect**

Repealing these regulations will remove redundant legislation, given all quota subordinate legislation will reside as Orders under the *Export Control Act 1982*, as of 1 January 2017. It will also ensure quota can only be administered under one head of power.

### **Consultation**

The department consulted the affected quota industries through their peak industry bodies throughout 2015. Regular teleconferences and meetings took place to ensure industry awareness of the changes made by the *Export Control Amendment (Quotas) Act 2015*, and to ensure that the transition of existing quota arrangements under the newly created section 23A of the *Export Control Act 1982* were understood and fully supported.

The department consulted with the Office of Best Practice Regulation (OBPR) and was advised that a RIS is not required as the changes are minor and machinery in nature, OBPR ID:19443.

The 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](#).

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

## **Details of the Export Quotas Legislation Amendment Regulation 2016**

### **Section 1 – Name**

This section would provide that the name of the proposed Regulation is the *Export Quotas Legislation Amendment Regulation 2016*.

### **Section 2 – Commencement**

This section would provide for the proposed Regulation to commence on 1 January 2017.

### **Section 3 – Authority**

This section would provide for the proposed Regulation to be made under the *Australian Meat and Live-stock Industry Act 1997*, the *Australian Meat and Live-stock Industry (Quotas) Act 1990* and the *Dairy Produce Act 1986*.

### **Section 4 – Schedules**

This section would operate in accordance with Schedule 1 and Schedule 2 of the proposed Regulation to repeal or amend the following instruments:

- Australian Meat and Live-stock Industry Regulations 1998 (Regulation 3 and 3A)
- Dairy Produce Regulations 1986 (Part 2 and Schedule 1A).
- Australian Meat and Live-stock Industry (Quotas) Regulations 2000 (entire regulation)

## **Statement of Compatibility with Human Rights**

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

### *Agriculture Legislation Amendment (Quotas) 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 *Agriculture Legislation Amendment (Quotas) Regulation 2016* (the Regulation) repeals the following regulations:

- Australian Meat and Live-stock Industry Regulations 1998 (Regulation 3 and 3A)
- Dairy Produce Regulations 1986 (Part 2 and Schedule 1A)
- Australian Meat and Live-stock Industry (Quotas) Regulations 2000 (entire regulation)

Repealing these regulations will remove redundant legislation, given all quota subordinate legislation will reside as Orders under the *Export Control Act 1982*, as of 1 January 2017. It will also ensure quota can only be administered under one head of power.

### **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**