**Explanatory Statement**

Issued by Authority of the Minister for Agriculture and Water Resources

*Export Control Act 1982*

*Export Control (Animals) Amendment (Export of Livestock) Order 2018*

**Legislative Authority**

The Governor-General may make regulations under section 25 of the *Export Control Act 1982* (the Act). Section 9C of the Act provides that the regulations may provide for the payment by an exporter of the reasonable costs (including salary, transport and accommodation costs) of activities undertaken within or outside Australia by an authorised officer under section 9D or 9E in relation to an approved export program that applies to the export activities of the exporter.

Under paragraph 25(2)(g), regulations may be made empowering the Minister to make orders, not inconsistent with the regulations, with respect to any matter for or in relation to which provisions may be made by the regulations. 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.

Under subsection 33(3) of the *Acts Interpretation Act 1901*, where an Act confers a power to make, grant or issue any instrument of a legislative or administrative character (including rules, regulations or by-laws), the power shall be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal, rescind, revoke, amend, or vary any such instrument.

**Purpose**

The purpose of the Export Control (Animals) Amendment (Export of Livestock) Order 2018 (the Amendment Order) is to provide for an exporter of livestock to pay costs of activities undertaken by an authorised officer under the Act in relation to an approved export program.

**Background**

The export of animals is governed by the Animals Order. Part 1A relates to the export of livestock.

**Impact and Effect**

The Animals Order already provides for exporters to pay reasonable costs of activities undertaken by authorised officers in relation to the export of live animals other than livestock. The Amendment Order makes an identical provision for costs associated with the export of livestock.

**Consultation**

No consultation was undertaken.

**Details/ Operation**

Details of the Amendment Order are set out in the Attachment A.

**Other**

The Amendment Order is compatible with the 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 B.

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

**Attachment**

**Details of the *Export Control (Animals) Amendment (Export of Livestock) Order 2018***

Section 1 – Name

This section provides that the name of the Amendment Order is the Export Control (Animals) Amendment (Export of Livestock) Order 2018.

Section 2 – Commencement

This section provides for the Amendment Order to commence at the time it is registered.

Section 3 – Authority

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

Section 4 – Schedules

This section provides that the Amendment Order is amended as set out in a Schedule to the instrument and that each Schedule is amended or repealed as set out in the applicable items in the Schedule concerned and that any other item in a Schedule has effect according to its terms.

Schedule 1 – Amendments

**Item 1** inserts a provision that states that an exporter must pay the reasonable costs of activities undertaken by an authorised officer. Costs include the cost of the authorised officer’s salary, transport and accommodation.

**Statement of Compatibility with Human Rights**

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

*Export Control (Animals) Amendment (Export of Livestock) Order 2018*

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 Amendment Order is to provide for an exporter of livestock to pay costs of activities undertaken by an authorised officer under the Act in relation to an approved export program. This measure will provide for better assurance of animal health and welfare in accordance with the requirements of the legislative framework and community expectations.

**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. David Littleproud MP**

**Minister for Agriculture and Water Resources**