

Attachment 3

Current Regulatory Arrangements Impacting on the Export Of Prescribed Goods

National Legislation

(This list excludes numerous charging Acts and Levy Acts)

Name of Act	Potential Impact on Export of Prescribed Goods
At the Border	
<ul style="list-style-type: none"> • <i>The Customs Act 1901</i> 	<p>Part V1 of this Act deals with the exportation of Goods. This Act allows for the making of regulations, including regulations to prohibit exports. It also regulates the entry of goods for export and the use of computers for export entry and clearance purposes.</p>
Industry Specific Acts	
<ul style="list-style-type: none"> • <i>Australian Meat and Livestock Industry Act 1997</i> 	<p>This Act regulates the red meat industry. It requires that exporters are licensed and allows for the administration of a quota system.</p>
<ul style="list-style-type: none"> • <i>Australian Horticultural Corporation Act 1987</i> 	<p>This Act allows for regulations empowering the Corporation to control the export of horticultural products from Australia, including prohibiting exports and requiring a licence to export.</p>
<ul style="list-style-type: none"> • <i>Dairy Produce Act 1986</i> 	<p>This Act allows for regulations to be made prescribing the conditions that must be complied with for controlled dairy produce. The Act also requires exporters to be licensed.</p>
<ul style="list-style-type: none"> • <i>Wheat Marketing Act 1989</i> 	<p>This Act requires that the Wheat Marketing Authority grant permission to export wheat.</p>
Other	
<ul style="list-style-type: none"> • <i>Trade Practices Act 1974</i> 	<p>The primary focus of this Act is on trade within Australia. However, part IV which deals with industry codes could be used by industries that export. Country of Origin representations also comes under this legislation.</p>
<ul style="list-style-type: none"> • <i>The Food Standards Code</i> 	<p>The Food Standards Code is referenced in the Export Control Orders</p>

State Legislation

State or Territory	Public Health Acts	Industry Acts	Animal/ Plant Health Acts	Other
NSW	<ul style="list-style-type: none"> • <i>Food Act 1989</i> • <i>Food Standards Code</i> 	<ul style="list-style-type: none"> • <i>Meat Industry Act 1989</i> • <i>Poultry Processing Act 1969</i> • <i>Poultry Meat Industry Act 1986</i> • <i>Dairy Industry Act</i> 	<ul style="list-style-type: none"> • <i>Stock Disease Act 1923</i> • <i>Plant Diseases Act 1924</i> • <i>Exotic Disease of Animals Act 1991</i> 	<ul style="list-style-type: none"> • <i>Agricultural and Veterinary Chemicals Act 1994</i>
Victoria	<ul style="list-style-type: none"> • <i>Food Act 1997</i> 	<ul style="list-style-type: none"> • <i>Meat Industry Act 1993</i> • <i>Dairy Industry Act 1994</i> • <i>Dried Fruits Act 1958</i> 	<ul style="list-style-type: none"> • <i>Livestock Disease Control Act 1994</i> 	<ul style="list-style-type: none"> • <i>Agricultural and Veterinary Chemicals Act 1994</i>
Queensland	<ul style="list-style-type: none"> • <i>Food Act 1981</i> • <i>Food Hygiene Regulations 1989</i> • <i>Food Standards Regulation</i> 	<ul style="list-style-type: none"> • <i>Meat Industry Act 1993</i> • <i>Dairy Industry Act 1993</i> 	<ul style="list-style-type: none"> • <i>Stock Act 1915</i> 	<ul style="list-style-type: none"> • <i>Agricultural and Veterinary Chemicals Act 1994</i>
South Australia	<ul style="list-style-type: none"> • <i>Food Act 1985</i> • <i>Food Hygiene Regulations 1990</i> • <i>Public and Environment Health Act 1987</i> 	<ul style="list-style-type: none"> • <i>Meat Hygiene Act 1994</i> • <i>Poultry Meat Industry Act 1969</i> • <i>Dairy Industry Act 1992</i> • 	<ul style="list-style-type: none"> • <i>Stock Act 1990</i> 	<ul style="list-style-type: none"> • <i>Agricultural and Veterinary Chemicals Act 1994</i>
Western Australia	<ul style="list-style-type: none"> • <i>Health Act 1911</i> • <i>Health (Food Hygiene) Regulations 1993</i> 	<ul style="list-style-type: none"> • <i>Meat Authority Industry Act 1976</i> • <i>Chicken Meat Industry Act 1997</i> • <i>Dairy Industry Act 1973</i> 	<ul style="list-style-type: none"> • <i>Stock Diseases Act 1968</i> 	<ul style="list-style-type: none"> • <i>Agricultural and Veterinary Chemicals Act 1995</i>
Tasmania	<ul style="list-style-type: none"> • <i>Public Health Act 1962</i> 	<ul style="list-style-type: none"> • <i>Meat Hygiene Act 1985</i> • <i>Dairy Industry Act 1994</i> 	<ul style="list-style-type: none"> • <i>Animal Health Act 1995</i> 	<ul style="list-style-type: none"> • <i>Agricultural and Veterinary Chemicals Act 1994</i>
ACT	<ul style="list-style-type: none"> • <i>Food Act 1992</i> 		<ul style="list-style-type: none"> • <i>Stock Act 1991</i> • <i>Animal Diseases Act 1993</i> 	
Northern Territory	<ul style="list-style-type: none"> • <i>Food Act 1986</i> • <i>Food Standards Regulations 1988</i> 	<ul style="list-style-type: none"> • <i>Meat Industry Act 1996</i> 	<ul style="list-style-type: none"> • <i>Stock Diseases Act</i> 	<ul style="list-style-type: none"> • <i>Agricultural and Veterinary Chemicals Act 1994</i>

Commentary

- The Acts listed include some of the numerous Acts that have the potential to impact on the exporters and processors of export food with respect to wholesomeness. Consequently, Commonwealth and State legislation regulating workplace relations, occupational health and safety, fees, charges and levies etc have not been included.
- The requirements of State and Territory Acts may or may not duplicate requirements legislated for under the Export Control Act and further research would be required to determine the extent of any overlap.
- Issues worthy of further consideration or research, in relation to the interaction of State, other Commonwealth and AQIS administered legislation might include the following.
 - There is an overlap in licence and registration requirements found in State and Commonwealth legislation. For example, red meat processors are required to be licensed under the Australian Meat and Livestock Industry Act, registered under the Export Control Act and licensed under State Legislation.
 - In some instances, the Export Control Act relies on State legislation to ensure that exported food is safe and wholesome. Plant and animal health is constitutionally the responsibility of State governments. Legislation such as the *Exotic Diseases Act 1981*, and the *Stock Diseases Act 1923* in New South Wales are the first step to ensuring the health of animals presented for slaughter. Further, various state Agricultural and Veterinary Chemicals Acts regulate the use of production chemicals in the interest of clean, green product.