

## **Livestock Export (Animal Welfare Conditions) Bill 2012**

*Introduced into the House of Representatives on 10 September 2012*

*By: Mr Wilkie MP*

### **Purpose of the bill**

1.2 This bill amends the *Australian Meat and Live-stock Industry Act 1997* to:

- provide that live-stock exported for slaughter are transported and slaughtered humanely;
- make the secretary responsible to ensure that live-stock exported for slaughter under a live-stock export licence are treated humanely and if not, cease their export; and
- penalise the holder of a live-stock export licence if they fail to inform the secretary of inhumane treatment of live-stock.

1.3 The statement of compatibility states that the bill does not engage any human rights.

1.4 The committee notes that powers relating to licensing regimes, including the power to refuse or revoke licences, are by their nature likely to engage the right to a fair hearing in article 14(1) of the International Covenant on Civil and Political Rights (ICCPR).

1.5 Article 14(1) of the ICCPR provides a general fair procedures guarantee by protecting the right to a fair and public hearing by an independent and impartial tribunal established by law in the determination of rights and obligations. The requirement to comply with article 14(1) of the ICCPR extends to particular executive and administrative decisions where the outcome has a direct impact on 'private law' rights and obligations (ie where the legal position of a private party is at stake).

1.6 The specific operation of these powers would appear to be subject to the existing review framework contained in the parent Act and are therefore unlikely to raise any human rights concerns. The statement however does not identify the safeguards contained in the parent Act or discuss their interaction with these amendments.

**1.7 The committee considers this bill does not appear to raise any human rights concerns. However, the committee proposes to write to Mr Wilkie in an advisory capacity with regard to the claim in the statement of compatibility that the bill does not engage any human rights.**