



Export Control Amendment (Miscellaneous Measures) Act 2021

No. 11, 2021

**An Act to amend the *Export Control Act 2020*, and
for related purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation
(<https://www.legislation.gov.au/>)

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Export Control Amendment (Miscellaneous Measures) Act 2021

No. 11, 2021

An Act to amend the *Export Control Act 2020*, and for related purposes

[Assented to 1 March 2021]

The Parliament of Australia enacts:

1 Short title

This Act is the *Export Control Amendment (Miscellaneous Measures) Act 2021*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Act	The day after this Act receives the Royal Assent.	2 March 2021

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Export Control Act 2020

1 Paragraphs 120(3)(a) and (b)

Repeal the paragraphs, substitute:

- (a) the requirements referred to in paragraphs 112(2)(b) to (f) would continue to be met; and
- (b) any other requirement prescribed by the rules would be met; and
- (c) in the case of a variation because a new person (other than the occupier of the registered establishment) has started, or is to start, managing or controlling export operations at the registered establishment—the occupier of the registered establishment is a fit and proper person (having regard to the matters referred to in section 372).

2 At the end of subsection 225(2)

Add:

- ; (c) whether any other requirement prescribed by the rules has been met, or will be met before the goods to which the application relates are imported into the importing country.

3 Paragraph 242(c)

Repeal the paragraph, substitute:

- | |
|---|
| <ul style="list-style-type: none">(c) at the time or within the period prescribed by the rules, or at a different time or within a different period allowed by the Secretary. |
|---|

The rules may provide that the Secretary may approve a notice of intention to export a consignment of a kind of prescribed goods.

4 Section 243 (heading)

Omit “requirements”.

5 Subsection 243(1)

Omit all the words before paragraph (a), substitute:

- (1) If the rules provide for a notice of intention to export a consignment of prescribed goods to be given, the notice must:

6 Paragraph 243(1)(g)

Repeal the paragraph, substitute:

(g) be given:

- (i) at the time or within the period prescribed by the rules;
or
- (ii) if the Secretary allows a different time or a different period in relation to the consignment—at that time or within that period.

7 At the end of section 243

Add:

Rules may provide for the Secretary to approve notice of intention to export consignment

- (5) The rules may:
 - (a) provide that the Secretary may approve, or refuse to approve, a notice of intention to export a consignment of a kind of prescribed goods that is given in compliance with the requirements referred to in subsection (1) for the notice; and
 - (b) make provision for and in relation to matters related to the Secretary's decision to approve or refuse to approve the notice.

8 Paragraph 372(1)(a)

After "117", insert ", 120".

9 Section 386 (at the end of the heading)

Add "or tariff rate quota certificates".

10 At the end of subsection 386(1)

Add "or tariff rate quota certificates".

11 Subsection 386(1) (note)

Omit “entitlements”, substitute “systems”.

12 Subsection 386(2)

After “entitlements”, insert “or tariff rate quota certificates”.

13 At the end of subsection 386(3)

Add “or tariff rate quota certificates”.

14 Paragraph 432(3)(g)

Repeal the paragraph, substitute:

- (g) any matter contained in any instrument or writing that:
 - (i) sets out, or provides a method for calculating, the tariff rate quota for the importation of a kind of goods into a country from Australian territory; and
 - (ii) is made by the authority or body that is responsible for regulating the importation of goods of that kind into that country from Australian territory;
- (h) any matter contained in an agreement between Australia and another country or a body (for example, the European Union) that sets out, or provides a method for calculating, the tariff rate quota for the importation of a kind of goods into a country covered by the agreement from Australian territory.

*[Minister’s second reading speech made in—
House of Representatives on 11 November 2020
Senate on 3 February 2021]*

(148/20)
