



## **Export Control (Animals) Amendment (2017 Measures No. 1) Order 2017**

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I, Barnaby Joyce, Deputy Prime Minister and Minister for Agriculture and Water Resources, make the following order.

Dated 29 August 2017

Barnaby Joyce

Deputy Prime Minister and Minister for Agriculture and Water Resources

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## 1 Name

This instrument is the *Export Control (Animals) Amendment (2017 Measures No. 1) Order 2017*.

## 2 Commencement

- (1) Each provision of this instrument 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 instrument	The day after this instrument is registered.	31 August 2017

Note: This table relates only to the provisions of this instrument as originally made.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

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

## 3 Authority

This instrument is made under regulation 3 of the *Export Control (Orders) Regulations 1982*.

## 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

## **Schedule 1—Main amendments**

### ***Export Control (Animals) Order 2004***

#### **1 Part 1A (heading)**

Repeal the heading, substitute:

### **Part 1A—Export of live-stock**

#### **2 Paragraph 2.04(3)(b)**

Omit “, boundaries and topography”, substitute “and boundaries”.

#### **3 Paragraph 2.04(3)(c)**

Omit “and specifications”.

#### **4 Subsection 2.04(6)**

Repeal the subsection, substitute:

- (6) The application must specify the months during which the premises are proposed to be used to hold and assemble live-stock for export.

#### **5 Section 2.06**

Repeal the section, substitute:

#### **2.06 Assessment of application**

- (1) For the purposes of deciding whether to approve an application for registration of premises, the Secretary may evaluate the premises in an audit.
- (2) For the purposes of deciding whether to approve an application for registration of premises, the Secretary may request any of the following that the Secretary reasonably requires:
  - (a) further information or documents of the kind specified by the Secretary;
  - (b) the applicant’s consent to an inspection by an authorised officer nominated by the Secretary of the premises and the facilities and equipment to be used in the operations carried out at the premises;
  - (c) a demonstration of the operations and procedures to be followed at the premises;
  - (d) the applicant’s consent to the use (at the applicant’s expense) of an appropriately qualified person nominated by the Secretary in any inspection, evaluation or demonstration.

#### **6 Subsection 2.09(1)**

Omit “1 year”, substitute “5 years”.

#### **7 Section 4A.05**

Repeal the section, substitute:

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**4A.05 Period of accreditation**

Accreditation of a veterinarian is for:

- (a) 5 years from the date of the notice of accreditation; or
- (b) if a shorter period is specified in the notice of accreditation—that shorter period;

unless the accreditation is withdrawn earlier at the request of the veterinarian or revoked.

**8 Section 5.01**

Insert:

*CRMP* means consignment risk management plan.

**9 Section 5.02**

Repeal the section, substitute:

**5.02 Purpose of audit**

An audit may be carried out under this Part for any of the following purposes:

- (a) to evaluate an arrangement for which an application for approval has been made under section 1A.02;
- (b) to evaluate premises in relation to which an application for registration has been made under section 2.04;
- (c) to establish whether the operator of registered premises, an exporter of animals or animal reproductive material, or an accredited veterinarian is complying with the following (as applicable):
  - (i) the requirements of the Act, this Order, or the AMLI Act;
  - (ii) the requirements of an approved export program;
  - (iii) the conditions of registration of the premises;
  - (iv) an approved arrangement or the conditions of an approved arrangement;
  - (v) the conditions of an export instrument;
  - (vi) the conditions of accreditation of a veterinarian.

**10 Subsection 5.05(1)**

Omit “registered”.

**11 Paragraph 5.07(2)(c)**

Omit “registered”.

**12 Paragraph 5.07(3)(b)**

Repeal the paragraph, substitute:

- (b) whichever of the following is applicable:
  - (i) if the purpose of the audit was to evaluate an arrangement referred to in paragraph 5.02(a)—the officer’s findings in relation to the arrangement;
  - (ii) if the purpose of the audit was to evaluate premises referred to in paragraph 5.02(b)—the officer’s findings in relation to the premises;

- (iii) if the purpose of the audit was to establish whether certain requirements, conditions or an approved arrangement are being complied with by a person as referred to in paragraph 5.02(c)—whether the officer considers that the requirements, conditions or approved arrangement have been complied with by the person; and

### **13 Paragraph 5.07(3)(c)**

Omit “opinion”, substitute “findings”.

### **14 Subsection 5.07(4)**

Repeal the subsection, substitute:

- (4) The report must also:
  - (a) if the purpose of the audit was to evaluate an arrangement referred to in paragraph 5.02(a):
    - (i) describe any ways in which the arrangement fails to comply with the requirements of the Act or this Order; and
    - (ii) set out the officer’s recommendations for correcting any such failures; or
  - (b) if the purpose of the audit was to evaluate premises referred to in paragraph 5.02(b):
    - (i) describe any ways in which the premises, or operations carried out at the premises, fail to comply with the requirements of the Act or this Order; and
    - (ii) set out the officer’s recommendations for correcting any such failures; or
  - (c) if the purpose of the audit was to establish whether certain requirements, conditions or an approved arrangement are being complied with by a person as referred to in paragraph 5.02(c):
    - (i) describe any failure to comply with the requirements, conditions or approved arrangement discovered by the officer; and
    - (ii) set out the officer’s recommendations for corrective action.

### **15 Paragraph 5.07(5)(b)**

Omit “registered premises”, substitute “the premises”.

### **16 In the appropriate position in Part 7**

Insert:

#### **7.07 Application of amendments made by the *Export Control (Animals) Amendment (2017 Measures No. 1) Order 2017***

##### *Assessment of applications relating to registration of premises*

- (1) The amendments made by items 2 to 5 of Schedule 1 to the *Export Control (Animals) Amendment (2017 Measures No. 1) Order 2017* apply in relation to an application under section 2.04, 2.12 or 2.13 made on or after the day that Order commences.



*Duration of registration of premises for holding and assembling live-stock for export*

- (2) The amendment made by item 6 of Schedule 1 to the *Export Control (Animals) Amendment (2017 Measures No. 1) Order 2017* applies in relation to the registration of premises (including on application under section 2.12) if the date of the notice of registration is the date that Order commences or a date after that commencement.

*Period of accreditation of veterinarians*

- (3) The amendment made by item 7 of Schedule 1 to the *Export Control (Animals) Amendment (2017 Measures No. 1) Order 2017* applies in relation to the accreditation of a veterinarian if the date of the notice of accreditation is the date that Order commences or a date after that commencement.

## Schedule 2—Other amendments

### *Export Control (Animals) Order 2004*

#### **1 Subsection 1.05(1) (definition of *registered premises*)**

Omit “Division 2.2”, substitute “Part 2”.

#### **2 Subsection 1A.01(1)**

Repeal the subsection.

#### **3 Subsection 1A.01(2)**

Omit “(2) For paragraph (1)(a), the conditions are as follows”, substitute “The export of live-stock is prohibited unless the following conditions are complied with”.

#### **4 Section 1A.24 (note)**

Repeal the note, substitute:

Note: If any of the requirements of this section are not met in relation to the export of live-stock, the export of the live-stock will be prohibited by section 1A.01 as the condition in paragraph (c) of that section will not be complied with.

#### **5 Part 2 (heading)**

Repeal the heading, substitute:

## **Part 2—Registration of premises**

#### **6 Division 2.1 of Part 2 (heading)**

Repeal the heading.

#### **7 Section 2.01**

Repeal the following definitions:

- (a) definition of *CRMP*;
- (b) definition of *sourcing*.

#### **8 Sections 2.01A, 2.01B and 2.02**

Repeal the sections.

#### **9 Division 2.2 of Part 2 (heading)**

Repeal the heading.

#### **10 Section 2.03**

Repeal the section, substitute:

#### **2.03 Application of this Part**

This Part makes provision in relation to the registration of premises to be used for holding and assembling live-stock for export.

Note: Live-stock for export by sea must be held before export, and assembled for export, in registered premises (see paragraph 1A.01(d)). Certain live-stock for export by air must

be held before export, and assembled for export, in registered premises or premises approved under section 1A.27 (see paragraph 1A.01(e)).

**11 Subsection 2.04(1)**

Omit “Division”, substitute “Part”.

**12 Paragraph 2.10(1)(e)**

Omit “or subsection 2.45(3)”.

**13 Paragraph 2.10(1)(g)**

Repeal the paragraph.

**14 Subsection 2.10(2)**

Omit “or CRMP” (wherever occurring).

**15 Divisions 2.4 and 2.5 of Part 2**

Repeal the Divisions.

**16 Section 4A.03**

Repeal the section.

**17 Section 5.01 (definition of *export instrument*)**

Omit “, a permission to leave for loading”.