



Export Control (Miscellaneous) Rules 2021

I, Andrew Edgar Francis Metcalfe AO, Secretary of the Department of Agriculture, Water and the Environment, make the following rules.

Dated 19 March 2021

Andrew Edgar Francis Metcalfe AO
Secretary of the Department of Agriculture, Water and the Environment

Contents

Part 1—Preliminary	1
1-1 Name.....	1
1-2 Commencement	1
1-3 Authority.....	1
1-4 Definitions	1
Part 2—Decisions that may be made by computer program	2
2-1 Decisions that may be made by operation of computer program	2

Part 1—Preliminary

1-1 Name

This instrument is the *Export Control (Miscellaneous) Rules 2021*.

1-2 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	At the same time as section 3 of the <i>Export Control Act 2020</i> commences.	3 am (A.C.T.) 28 March 2021

Note: This table relates only to the provisions of this instrument as originally made.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.

1-3 Authority

This instrument is made under the *Export Control Act 2020*.

1-4 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including the following:

- (a) government certificate;
- (b) non-prescribed goods;
- (c) Regulatory Powers Act.

In this instrument:

Act means the *Export Control Act 2020*, and includes:

- (a) legislative instruments made under the *Export Control Act 2020*; and
- (b) the Regulatory Powers Act as it applies in relation to the *Export Control Act 2020*.

Part 2—Decisions that may be made by computer program

2-1 Decisions that may be made by operation of computer program

Kinds of decisions

- (1) For the purposes of paragraph 286(2)(a) of the Act and subject to subsection (2), a decision under paragraph 67(1)(a) of the Act to issue a government certificate in relation to a kind of non-prescribed goods may be made by the operation of a computer program (an **authorised computer program**) under an arrangement made under subsection 286(1) of the Act.
- (2) Subsection (1) applies in relation to a decision only if no other rules prescribed for the purposes of paragraph 286(2)(a) of the Act apply in relation to the decision.

Example: This section does not apply in relation to a decision under paragraph 67(1)(a) of the Act to issue a government certificate in relation to non-prescribed plants or plant products because this decision is prescribed by section 9-17 of the *Export Control (Plants and Plant Products) Rules 2021*.

Persons who may use computer program

- (3) For the purposes of paragraph 286(2)(b) of the Act, the following persons may use an authorised computer program for a decision referred to in subsection (1) of this section:
 - (a) a person applying for a government certificate in relation to a kind of non-prescribed goods under subsection 65(1) of the Act;
 - (b) an APS employee in the Department;
 - (c) a person performing services for the Department under a contract;if the Secretary has given the person a unique identifier to enable the person to access the computer program.

Conditions of use of computer program

- (4) For the purposes of paragraph 286(2)(c) of the Act, a person who may use an authorised computer program under subsection (3) of this section must:
 - (a) be satisfied on reasonable grounds that information entered into the computer program by the person for the purpose of enabling decisions to be made by operation of the computer program is true and correct; and
 - (b) ensure that the information is accurately entered into the computer program.