



Export Control Legislation Amendment (2021 Measures No. 1) Rules 2021

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

Dated 7 December 2021

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

Contents

1	Name.....	1
2	Commencement	1
3	Authority.....	1
4	Schedules.....	1
	Schedule 1—Amendment of the Export Control (Animals) Rules 2021	2
	<i>Export Control (Animals) Rules 2021</i>	2
	Schedule 2—Amendment of the Export Control (Meat and Meat Products) Rules 2021	4
	<i>Export Control (Meat and Meat Products) Rules 2021</i>	4
	Schedule 3—Amendment of the Export Control (Miscellaneous) Rules 2021	8
	<i>Export Control (Miscellaneous) Rules 2021</i>	8
	Schedule 4—Amendment of the Export Control (Organic Goods) Rules 2021	9
	<i>Export Control (Organic Goods) Rules 2021</i>	9
	Schedule 5—Amendment of the Export Control (Plants and Plant Products) Rules 2021	10
	Part 1—Amendments commencing 1 January 2022	10
	<i>Export Control (Plants and Plant Products) Rules 2021</i>	10
	Part 2—Amendments commencing 1 July 2022	18
	<i>Export Control (Plants and Plant Products) Rules 2021</i>	18
	Schedule 6—Amendment of the Export Control (Poultry Meat and Poultry Meat Products) Rules 2021	20
	<i>Export Control (Poultry Meat and Poultry Meat Products) Rules 2021</i>	20
	Schedule 7—Amendment of the Export Control (Rabbit and Ratite Meat and Rabbit and Ratite Meat Products) Rules 2021	23
	<i>Export Control (Rabbit and Ratite Meat and Rabbit and Ratite Meat Products) Rules 2021</i>	23
	Schedule 8—Amendment of the Export Control (Wild Game Meat and Wild Game Meat Products) Rules 2021	26
	<i>Export Control (Wild Game Meat and Wild Game Meat Products) Rules 2021</i>	26

1 Name

This instrument is the *Export Control Legislation Amendment (2021 Measures No. 1) Rules 2021*.

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. Sections 1 to 4 and anything in this instrument not elsewhere covered by this table	The day after this instrument is registered.	8 December 2021
2. Schedules 1 and 2	1 January 2022.	1 January 2022
3. Schedule 3	The day after this instrument is registered.	8 December 2021
4. Schedule 4	1 January 2022.	1 January 2022
5. Schedule 5, Part 1	1 January 2022.	1 January 2022
6. Schedule 5, Part 2	1 July 2022.	1 July 2022
7. Schedules 6 to 8	1 January 2022.	1 January 2022

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 the *Export Control Act 2020*.

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—Amendment of the Export Control (Animals) Rules 2021

Export Control (Animals) Rules 2021

1 Section 2-24 (note)

Omit “section”, substitute “subsection”.

2 After section 4-5

Insert:

4-5A Australian Standards for the Export of Livestock

Export operations

- (1) Export operations to prepare prescribed livestock for export (by sea or air) at a registered establishment must be carried out in accordance with the Australian Standards for the Export of Livestock.

Reporting requirements

- (2) Without limiting subsection (1), the occupier of the registered establishment must give the Department written reports as required by the Australian Standards for the Export of Livestock.

Note: The Secretary may publish information given in those reports (see section 4-18).

3 At the end of Chapter 4

Add:

Part 9—Miscellaneous

4-18 Secretary may publish information in reports relating to prescribed livestock

The Secretary may publish information included in reports given to the Department by the occupier of a registered establishment as required by the Australian Standards for the Export of Livestock.

4 Subsection 6-6(2)

Omit “end of voyage or end of flight report for prescribed livestock exported by sea or air”, substitute “daily reports and end of voyage report for prescribed livestock exported by sea and end of journey report for prescribed livestock exported by air”.

5 Section 6-44 (heading)

Omit “end of voyage or end of flight report”, substitute “daily, end of voyage or end of journey reports”.

6 Section 6-44

Omit “end of voyage or end of flight report for prescribed livestock exported by sea or air”, substitute “daily reports or end of voyage report for prescribed livestock exported by sea or end of journey report for prescribed livestock exported by air”.

7 Paragraph 8-6(3)(a)

Omit “this Act”, substitute “the Act”.

8 Paragraph 8-11(3)(a)

Omit “this Act”, substitute “the Act”.

9 Section 8-26 (note)

Omit “certain plants or plant products”, substitute “prescribed livestock, prescribed live animals or prescribed animal reproductive material”.

10 Subparagraph 9-4(2)(a)(ii)

Omit “this Act”, substitute “the Act”.

11 Subsection 9-27(2)

After “included in”, insert “a daily report or”.

12 Section 9-48 (heading)

After “publish”, insert “information in”.

13 Section 9-48

After “publish”, insert “information included in”.

Schedule 2—Amendment of the Export Control (Meat and Meat Products) Rules 2021

Export Control (Meat and Meat Products) Rules 2021

1 Section 1-5 (definition of HGP)

Repeal the definition, substitute:

HGP (short for hormonal growth promotant) means:

- (a) a veterinary chemical product that:
 - (i) contains a substance that is, or a mixture of substances that are, responsible for oestrogenic, androgenic, gestagenic or thyrostatic activity to enhance growth or production in cattle; and
 - (ii) is registered for use for this purpose in Australia under section 14 of the Agvet Code set out in the Schedule to the *Agricultural and Veterinary Chemicals Code Act 1994*; or
- (b) a veterinary chemical product that contains oestradiol-17 β or an ester-like derivative of oestradiol-17 β .

2 After section 3-1

Insert:

Note: This Chapter includes requirements for certain prescribed meat and meat products and the bovine animals from which they are derived to be free of HGP treatment if the meat or meat products are for export to a member state of the European Union for food (see also Subdivision H of Division 2 of Part 1 of Chapter 5 (Meat or meat products for export to the European Union as food)).

3 After paragraph 3-2(c)

Insert:

; or (d) treatment records relating to the animal indicate that it has been treated with an HGP.

4 Paragraphs 4-15(1)(a) and (b)

Omit “an authorised”, substitute “a Commonwealth authorised”.

5 At the end of subsection 4-23(2)

Add:

- ; (i) any importing country requirement for a Commonwealth authorised officer to be present at the establishment while a meat inspection service is being carried out.

6 Subsection 4-30(4)

Repeal the subsection.

7 Subparagraphs 4-33(1)(a)(v) to (viii)

Repeal the subparagraphs, substitute:

- (v) the management practices in relation to meat inspection services of a particular registered establishment;

-
- (vi) the need to protect the health and safety of authorised officers while they are performing functions or exercising powers under the Act in or at a registered establishment;
 - (vii) the construction of a particular registered establishment where meat inspection services are carried out;
 - (viii) the operations of a particular registered establishment where meat inspection services are carried out;
 - (ix) an importing country requirement for a Commonwealth authorised officer to be present at an establishment where meat inspection services are carried out; or

8 After paragraph 4-33(1)(a)

Insert:

- (aa) there is no importing country requirement for a Commonwealth authorised officer to be present at a particular registered establishment where meat inspection services are carried out; or

9 Subsection 4-33(2)

Omit “paragraph (1)(b)”, substitute “paragraph (1)(aa) or (b)”.

10 After subsection 5-2(5)

Insert:

- (5A) Without limiting subsection (4), if operations to prepare prescribed meat or meat products to be covered by the arrangement include those that are to be the last operations to prepare the meat or meat products carried out at a registered establishment before export, the proposed arrangement must record details of:
 - (a) the information, methods, procedures, tests, monitoring and other evaluations to be used to verify that:
 - (i) the requirements of the Act in relation to the export of the prescribed meat or meat products have been or will be complied with; and
 - (ii) any importing country requirements relating to the prescribed meat or meat products have been or will be met; and
 - (b) a person who manages or controls those operations who is to be designated in the arrangement as a person who may verify the matters referred to in subparagraphs (a)(i) and (ii) and make the declaration required under section 7-8 in relation to the prescribed meat or meat products.

Note: Section 7-8 requires a declaration to be included in an application for an export permit.

11 Section 5-16

Repeal the section, substitute:

5-16 Loading of prescribed meat or meat products—supervision

Loading of prescribed meat or meat products for export must be carried out under the supervision of:

- (a) an authorised officer; or
- (b) a person designated in an approved arrangement as a person who may supervise the loading, if:
 - (i) the approved arrangement covers the last operations to prepare the meat or meat products at a registered establishment before export; and

- (ii) the supervision is in accordance with the arrangement.

12 Paragraph 5-28(1)(b)

Repeal the paragraph.

13 After paragraph 5-38(1)(a)

Insert:

- (aa) the date or dates of slaughter of the animals from which the meat or meat products were derived;
- (ab) the registered establishment (with the registration number) where the animals from which the meat or meat products were derived were slaughtered;
- (ac) for Halal meat—the Islamic organisation that carried out Halal meat certification operations in relation to the meat or meat products;

14 Paragraph 5-38(1)(k)

Repeal the paragraph, substitute:

- (k) a declaration stating:
 - (i) that, at the date the declaration is made, the prescribed export conditions, and any other conditions that apply in relation to the meat or meat products under the Act, have been complied with and any importing country requirements relating to the meat or meat products are met; and
 - (ii) any export market eligibility requirements for the relevant export market for the meat or meat products that are yet to be complied with;

15 Subsection 5-38(1) (note 2)

Repeal the note, substitute:

Note 2: For *Halal meat* and *Islamic organisation*, see section 1-5 of this instrument.

Note 3: See subsections (2) to (4) for matters relating to the declarations referred to in paragraphs (k) and (l) of this subsection.

16 Section 5-43 (heading)

Omit “Authorised”, substitute “Commonwealth authorised”.

17 Paragraphs 5-43(1)(a) and (b) and (2)(c)

Omit “an authorised”, substitute “a Commonwealth authorised”.

18 Subparagraph 5-45(5)(a)(ii)

Omit “prescribed”.

19 At the end of Part 3 of Chapter 7

Add:

7-8 Application for export permit must include declaration

- (1) For the purposes of paragraph 239(1)(c) of the Act, an application for an export permit for prescribed meat or meat products must include a declaration stating that:

- (a) the requirements of the Act in relation to the export of the prescribed meat or meat products have been complied with, or will be complied with before the meat or meat products are imported into the importing country; and
- (b) at the date the declaration is made, the importing country requirements (if any) relating to the prescribed meat or meat products are met.

- Note 1: The Secretary may approve a single form for an application for an export permit for prescribed meat or meat products and a notice of intention to export the prescribed meat or meat products (see paragraph 243(4)(b) of the Act).
- Note 2: For when requirements to give information (including a declaration) in writing can be met by an electronic communication, see section 9 of the *Electronic Transactions Act 1999*. For electronic signatures, see section 10 of that Act.
- Note 3: The Secretary may accept any information or document previously given to the Secretary in connection with an application made under the Act, or a notice of intention to export a consignment of prescribed goods given under this Act, as satisfying any requirement to give that information or document under subsection 239(1) of the Act (see subsection 239(2) of the Act).

- (2) A declaration referred to in subsection (1) must be made by:
- (a) a person who:
 - (i) manages or controls operations that are the last operations to prepare the prescribed meat or meat products carried out at a registered establishment before export; and
 - (ii) is designated in the approved arrangement as a person who may make the declaration; or
 - (b) a Commonwealth authorised officer.
- (3) A declaration:
- (a) must not be made if there are no reasonable grounds for making it; and
 - (b) must not be false or misleading; and
 - (c) must be signed and dated by the person who made it.

- Note: A person may commit an offence or be liable to a civil penalty if the person makes a false or misleading statement in an application or provides false or misleading information or documents (see sections 136.1, 137.1 and 137.2 of the *Criminal Code* and sections 367, 368 and 369 of the Act).

20 Paragraph 11-6(1)(a)

Repeal the paragraph.

Schedule 3—Amendment of the Export Control (Miscellaneous) Rules 2021

Export Control (Miscellaneous) Rules 2021

1 At the end of the instrument

Add:

Part 3—Publication of information

3-1 Secretary may publish certain protected information

- (1) The Secretary may publish, or otherwise disclose, protected information if:
 - (a) it does not include personal information about any individual; or
 - (b) all personal information about an individual included in the protected information is de-identified.

Meaning of de-identified

- (2) For the purposes of this section, personal information is *de-identified* if the information is no longer about an identifiable individual or an individual who is reasonably identifiable.

Schedule 4—Amendment of the Export Control (Organic Goods) Rules 2021

Export Control (Organic Goods) Rules 2021

1 After paragraph 2-2(f)

Insert:

; or (g) are exported in a consignment of not more than:

- (i) in liquid form—10 litres; or
- (ii) in any other case—10 kilograms.

Schedule 5—Amendment of the Export Control (Plants and Plant Products) Rules 2021

Part 1—Amendments commencing 1 January 2022

Export Control (Plants and Plant Products) Rules 2021

1 Section 1-6 (definition of *container*)

Omit “a shipping container”, substitute “a shipping container other than an airfreight container”.

2 Paragraph 1-7(1)(h)

Omit “, including varieties and synonyms”.

3 Subsection 1-7(2)

Repeal the subsection, substitute:

(2) A reference to a species of plant in a paragraph of subsection (1) includes a reference to:

- (a) a synonym for the species; and
- (b) each cultivated subspecies, variety and cultivar of the species; and
- (c) each cross of which a plant of the species is a parent.

4 Subsection 1-8(9) (definition of *kiwifruit*)

Omit “mans”, substitute “means”.

5 Subsection 2-1(1)

After “*Customs Act 1901*”, insert “or plant-based oils”.

6 Subsection 2-1(1) (note 2)

Repeal the note, substitute:

Note 2: Examples of plant-based oils include olive oil and canola oil.

Note 3: For *prescribed grain*, see section 1-7 of this instrument.

7 Paragraph 2-1(2)(a)

After “*Customs Act 1901*” insert “or plant-based oils”.

8 Subsection 2-1(2) (note)

After “*Customs Act 1901*” insert “, and plant-based oils,”.

9 Subsection 2-4(1) (table item 1, column headed “Prescribed export conditions”, paragraphs (d) and (e))

Repeal the paragraphs, substitute:

- (d) export operations of that kind in relation to the plants or plant products (other than treatment of the plants or plant products) must be carried out at a property that is accredited for export operations of that kind in relation to the plants or plant products and that importing country; and

- (e) at the time the export operations are carried out, the accreditation of the property must not be suspended in relation to those operations.

10 Paragraphs 2-12(1)(b), (2)(b) and (3)(c)

Omit “subject to subsection (4),”.

11 Subsection 2-12(4)

Repeal the subsection (including the note).

12 Subsection 3-1(2)

Repeal the subsection, substitute:

Importing country requirements must be able to be met

- (2) All importing country requirements relating to the export operations to be carried out at the property in relation to prescribed plants or plant products and the plants or plant products must be able to be met.

System of controls must be in place

- (3) For a property to be accredited for operations to prepare prescribed plants or plant products for export, there must be a system of controls in place at the property in relation to those operations, and the plants or plant products for which the property is to be accredited, to ensure that the conditions prescribed by sections 3-3A and 3-3B will be complied with in relation to those operations and the plants or plant products.

13 Section 3-3

Repeal the section, substitute:

3-3 Importing country requirements must be met

All importing country requirements relating to the export operations carried out at an accredited property in relation to prescribed plants or plant products and the plants or plant products must be met.

3-3A Property must be kept in appropriate condition

- (1) An accredited property must be kept in a condition:
- (a) appropriate for the export operations carried out at the property and the plants or plant products at the property; and
 - (b) that ensures that prescribed plants and plant products at the property are not, or not likely to be, infested by pests or contaminated.

Example: Materials at the property must be monitored, controlled and maintained so that they do not contaminate plants or plant products, and are not likely to harbour pests that could infest plants or plant products, at the property.

- (2) Without limiting subsection (1):
- (a) the property must be kept in a clean and hygienic condition appropriate for the export operations carried out at the property and the kind of plants or plant products at the property; and

- (b) pests and contaminants at the property must be controlled in a manner that is appropriate for the export operations and the kind of prescribed plants or plant products; and
- (c) if operations to prepare prescribed plants or plant products for export are carried out at the property—waste at the property must be appropriately treated and disposed of.

3-3B Plants and plant products must be traced

Prescribed plants and plant products prepared at an accredited property (the *relevant property*) must be traced:

- (a) from the property (if any) from which they were transferred to the relevant property; and
- (b) while they are at the relevant property; and
- (c) to the accredited property or registered establishment to which they are transferred from the relevant property.

14 Paragraph 3-10(e)

Repeal the paragraph.

15 After subparagraph 3-15(c)(i)

Insert:

- (ia) begins restructuring (within the meaning of section 453A of that Act);
or

16 Division 1 of Part 1 of Chapter 4 (heading)

Repeal the heading.

17 Section 4-1 (heading)

Omit “Division”, insert “Part”.

18 Section 4-1

Omit “Division”, insert “Part”.

19 Section 4-1

Omit “relating to construction, equipment and facilities”.

20 Section 4-1 (notes)

Repeal the notes, substitute:

- Note: The requirements in this Part also apply in relation to an application to renew the registration of the establishment (see section 4-15).

21 Section 4-2 (heading)

Repeal the heading, substitute:

4-2 Construction, equipment and facilities

22 After section 4-2

Insert:

4-3 Other requirements

Application of this section

- (1) The requirements prescribed by this section apply in relation to all establishments.

Importing country requirements must be able to be met

- (2) All importing country requirements relating to the export operations to be carried out at the establishment in relation to prescribed plants or plant products and the plants or plant products must be able to be met.

System of controls must be in place

- (3) There must be a system of controls in place at the establishment in relation to the export operations and the plants or plant products for which the establishment is to be registered to ensure that the conditions prescribed by sections 4-7A and 4-7B and, if applicable, section 4-8A will be complied with in relation to those operations and the plants or plant products.

23 Division 2 of Part 1 of Chapter 4

Repeal the Division.

24 Section 4-6

Omit “Division 1 of Part 1 of this Chapter”, substitute “section 4-2”.

25 Section 4-7

Repeal the section, substitute:

4-7 Importing country requirements must be met

All importing country requirements relating to the export operations carried out at a registered establishment in relation to prescribed plants or plant products and the plants or plant products must be met.

4-7A Establishment must be kept in appropriate condition

- (1) A registered establishment must be kept in a condition:
 - (a) appropriate for the export operations carried out at the establishment and the plants or plant products at the property; and
 - (b) that ensures that prescribed plants and plant products at the establishment are not, or not likely to be, infested by pests or contaminated.

Example: Materials at the establishment must be monitored, controlled and maintained so that they do not contaminate plants or plant products, and are not likely to harbour pests that could infest plants or plant products, at the establishment.

- (2) Without limiting subsection (1):
 - (a) the establishment must be kept in a clean and hygienic condition appropriate for the export operations carried out at the establishment and the kind of plants or plant products; and

- (b) pests and contaminants at the establishment must be controlled in a manner that is appropriate for the export operations and the kind of prescribed plants or plant products; and
- (c) toxic substances (including fumigants, rodenticides and insecticides) at the establishment must be managed and stored appropriately in accordance with applicable State or Territory laws (if any); and
- (d) waste at the establishment must be appropriately treated and disposed of.

4-7B Plants and plant products must be traced

Prescribed plants and plant products prepared at a registered establishment must be traced:

- (a) from the property (if any) from which they were transferred to the registered establishment; and
- (b) while they are at the registered establishment; and
- (c) to the premises to which they are transferred from the registered establishment.

26 After section 4-8

Insert:

4-8A Conditions relating to treatment of prescribed plants or plant products

If the export operations carried out at a registered establishment are, or include, operations to treat prescribed plants or plant products:

- (a) the operations must be safe and effective; and
- (b) the treatment must meet importing country requirements relating to the export operations and the plants or plant products; and
- (c) if the treatment involves the application of a chemical such as an insecticide or a fumigant—the use of the chemical must be lawful.

27 Section 4-15

Repeal the section, substitute:

4-15 Requirements for renewal of registration

For the purposes of paragraph 117(2)(g) of the Act, the requirements prescribed by Part 1 of this Chapter are prescribed in relation to an establishment that is registered to prepare prescribed plants or plant products for export.

Note: Other requirements are provided by paragraphs 117(2)(a) to (e) of the Act.

28 Section 4-16

Repeal the section, substitute:

4-16 Alterations for which approval is not required

For the purposes of subsection 122(2) of the Act, an alteration of a registered establishment is prescribed if it does not affect compliance with the conditions of registration of the establishment.

29 Subparagraph 4-17(a)(i)

Repeal the subparagraph.

30 Section 9-8

Repeal the section, substitute:

9-8 Assessments of prescribed plants or plant products

- (1) An assessment of prescribed plants or plant products must be carried out at an establishment that is registered to carry out export operations in relation to the plants or plant products.

Note: An assessment of non-prescribed plants or plant products may be carried out at any establishment.

- (2) However, subsection (1) does not prevent a reassessment of timber logs that are intended to be transported in or on a bulk vessel being carried out at a wharf that is not a registered establishment.

Note: If plants or plant products are intended to be transported in or on a bulk vessel, a bulk vessel approval, covering the cargo spaces of the vessel into or onto which it is intended to load the plants or plant products, must be in force for the bulk vessel, and not suspended, when the plants or plant products are loaded into or onto the vessel (see item 3 of the table in subsection 2-4(1)).

31 Paragraph 9-10(2)(d)

Omit “subsections 4-13(2) to (5)”, substitute “subsections 4-11(2) to (5)”.

32 Section 9-16 (heading)

Omit “higher”.

33 Paragraph 9-16(1)(c)

Omit “higher tolerance”, substitute “approved tolerance”.

34 Subsection 9-16(2)

Omit “higher tolerance”, substitute “approved tolerance”.

35 After section 9-19

Insert:

9-19A Condition of authorisation—bulk vessel inspections

For the purposes of paragraph 292(1)(a) of the Act, it is a condition of the authorisation of a third party authorised officer who may carry out inspections of bulk vessels that the third party authorised officer must make a video recording of each inspection carried out by the third party authorised officer.

36 Section 9-21 (at the end of the table)

Add:

- | | | |
|---|---|---|
| 3 | Either of the following: | Any of the following: |
| | (a) a person responsible for a bulk vessel; | (a) a marine surveyor’s certificate for the vessel was not issued by a qualified marine surveyor, or was obtained fraudulently; |

- | | |
|---|---|
| (b) if a bulk vessel is at a registered establishment and the occupier of the establishment, or another person who manages or controls export operations at the establishment, is not a person responsible for the bulk vessel—the occupier of the establishment or another person who manages or controls export operations at the establishment | (b) the requirements in paragraph 9-23(1)(a) or (b) are not continuing to be met in relation to the vessel;
(c) a species of the genus <i>Trogoderma</i> is detected in or on the vessel |
|---|---|

37 After subsection 9-22(2)

Insert:

- (2A) An authorised officer may make a video recording of an inspection of a bulk vessel carried out by the authorised officer under subsection (2).

Note: A third party authorised officer who carries out an inspection of a bulk vessel under subsection (2) must make a video recording of the inspection (see section 9-19A).

38 Paragraph 9-22(3)(a)

Omit “wharf”, substitute “berth”.

39 After paragraph 9-27(2)(a)

Insert:

- (aa) make a video recording of an inspection carried out under paragraph (a);

40 At the end of subsection 9-27(2)

Add:

Note: A third party authorised officer who carries out an inspection of a bulk vessel under paragraph (a) of this subsection, as delegate of the Secretary, must make a video recording of the inspection (see section 9-19A).

41 After paragraph 9-28(2)(a)

Insert:

- (aa) make a video recording of an inspection carried out under paragraph (a);

42 At the end of subsection 9-28(2)

Add:

Note: A third party authorised officer who carries out an inspection of a bulk vessel under paragraph (a) of this subsection, as delegate of the Secretary, must make a video recording of the inspection (see section 9-19A).

43 After paragraph 9-29(2)(a)

Insert:

- (aa) make a video recording of an inspection carried out under paragraph (a);

44 At the end of subsection 9-29(2)

Add:

Note: A third party authorised officer who carries out an inspection of a bulk vessel under paragraph (a) of this subsection, as delegate of the Secretary, must make a video recording of the inspection (see section 9-19A).

45 After paragraph 11-10(1)(b)

Insert:

(ba) each video recording made by the authorised officer of a bulk vessel inspection carried out by the authorised officer;

46 Subsection 11-10(3)

Omit “An authorised”, substitute “Subject to subsection (3A), an authorised”.

47 After subsection 11-10(3)

Insert:

(3A) A third party authorised officer must retain each record referred to in paragraph (1)(ba) for at least 1 year starting on the day the record is made by the third party authorised officer.

48 Amendments of listed provisions—*Trogoderma* spp.

Omit “*Trogoderma* spp.”, substitute “a species of the genus *Trogoderma*” in the following provisions:

- (a) paragraph 9-22(4)(b);
- (b) subsections 9-23(3) and (4);
- (c) paragraph 9-27(1)(c);
- (d) paragraph 9-29(1)(d);
- (e) subsections 9-31(4) and (5);
- (f) paragraph 9-36(1)(b).

Part 2—Amendments commencing 1 July 2022

Export Control (Plants and Plant Products) Rules 2021

49 Section 1-6

Insert:

accredited marine surveyor means a person who is accredited, under subsection 11-16(1), to carry out a bulk vessel survey for the purpose of deciding whether the vessel is suitable to transport prescribed plants or plant products to which subsection 9-23(2) applies.

Australasian Institute of Marine Surveyors means the Australasian Institute of Marine Surveyors Limited (ACN 615 920 397).

50 Section 1-6 (definition of *marine surveyor's certificate*)

Omit “a qualified”, substitute “an accredited”.

51 Section 1-6 (definition of *qualified marine surveyor*)

Repeal the definition.

52 Section 9-21 (table item 3, column 2, paragraph (a))

Omit “a qualified”, substitute “an accredited”.

53 Subparagraph 9-27(1)(a)(i)

Omit “a qualified”, substitute “an accredited”.

54 Subparagraph 9-29(1)(b)(i)

Omit “a qualified”, substitute “an accredited”.

55 Section 11-16 (heading)

Omit “**Qualified**”, substitute “**Accredited**”.

56 Subsection 11-16(1)

Repeal the subsection, substitute:

Accredited marine surveyors

- (1) For the purposes of this instrument, a person is accredited to carry out a survey of a bulk vessel (a *bulk vessel survey*) at a time (the *relevant time*) for the purpose of deciding whether the vessel is suitable to transport prescribed plants or plant products to which subsection 9-23(2) applies if, at the relevant time, the person is accredited by the Australasian Institute of Marine Surveyors for that purpose.

57 Subsection 11-16(2)

Omit “a qualified”, substitute “an accredited”.

58 Paragraphs 11-16(2)(a) and (b)

Omit “the qualified”, substitute “the accredited”.

59 At the end of section 11-16

Add:

Transitional

- (3) For the purposes of this instrument, a marine surveyor's certificate for a bulk vessel that was in force immediately before 1 July 2022 continues in force on and after that date as if it had been issued by an accredited marine surveyor.
- (4) Subsection (3) and this subsection are repealed at the end of 30 June 2023.

Schedule 6—Amendment of the Export Control (Poultry Meat and Poultry Meat Products) Rules 2021

Export Control (Poultry Meat and Poultry Meat Products) Rules 2021

1 After subsection 5-2(5)

Insert:

- (5A) Without limiting subsection (4), if operations to prepare prescribed poultry meat or poultry meat products to be covered by the arrangement include operations that are to be the last operations to prepare the poultry meat or poultry meat products carried out at a registered establishment before export, the proposed arrangement must record details of:
- (a) the information, methods, procedures, tests, monitoring and other evaluations to be used to verify that:
 - (i) the requirements of the Act in relation to the export of the prescribed poultry meat or poultry meat products have been, or will be complied with; and
 - (ii) any importing country requirements relating to the prescribed poultry meat or poultry meat products have been, or will be met; and
 - (b) a person who manages or controls those operations who is to be designated in the arrangement as a person who may verify the matters referred to in subparagraphs (a)(i) and (ii) and make the declaration required under section 7-8 in relation to the prescribed poultry meat or poultry meat products.

Note: Section 7-8 requires a declaration to be included in an application for an export permit.

2 Section 5-13

Repeal the section, substitute:

5-13 Loading of prescribed poultry meat or poultry meat products—supervision

Loading of prescribed poultry meat or poultry meat products for export must be carried out under the supervision of:

- (a) an authorised officer; or
- (b) a person designated in an approved arrangement as a person who may supervise the loading, if:
 - (i) the approved arrangement covers the last operations to prepare the poultry meat or poultry meat products at a registered establishment before export; and
 - (ii) the supervision is in accordance with the arrangement.

3 After paragraph 5-31(1)(a)

Insert:

- (aa) the date or dates of slaughter of the poultry from which the poultry meat or poultry meat products were derived;

- (ab) the registered establishment (with the registration number) where the poultry from which the poultry meat or poultry meat products were derived were slaughtered;

4 Paragraph 5-31(1)(k)

Repeal the paragraph, substitute:

- (k) a declaration stating:
 - (i) that, at the date the declaration is made, the prescribed export conditions, and any other conditions that apply in relation to the poultry meat or poultry meat products under the Act, have been complied with and any importing country requirements relating to the poultry meat or poultry meat products are met; and
 - (ii) any export market eligibility requirements for the relevant export market for the poultry meat or poultry meat products that are yet to be complied with;

5 Subparagraph 5-35(5)(a)(ii)

Omit “prescribed”.

6 At the end of Part 3 of Chapter 7

Add:

7-8 Application for export permit must include declaration

- (1) For the purposes of paragraph 239(1)(c) of the Act, an application for an export permit for prescribed poultry meat or poultry meat products must include a declaration stating that:
 - (a) the requirements of the Act in relation to the export of the prescribed poultry meat or poultry meat products have been complied with, or will be complied with before the poultry meat or poultry meat products are imported into the importing country; and
 - (b) at the date the declaration is made, the importing country requirements (if any) relating to the prescribed poultry meat or poultry meat products are met.

Note 1: The Secretary may approve a single form for an application for an export permit for prescribed poultry meat or poultry meat products and a notice of intention to export the prescribed poultry meat or poultry meat products (see paragraph 243(4)(b) of the Act).

Note 2: For when requirements to give information (including a declaration) in writing can be met by an electronic communication, see section 9 of the *Electronic Transactions Act 1999*. For electronic signatures, see section 10 of that Act.

Note 3: The Secretary may accept any information or document previously given to the Secretary in connection with an application made under the Act, or a notice of intention to export a consignment of prescribed goods given under the Act, as satisfying any requirement to give that information or document under subsection 239(1) of the Act (see subsection 239(2) of the Act).

- (2) A declaration referred to in subsection (1) must be made by:
 - (a) a person who:
 - (i) manages or controls operations that are the last operations to prepare the poultry meat or poultry meat products carried out at a registered establishment before export; and

- (ii) is designated in the approved arrangement as a person who may make the declaration; or
 - (b) a Commonwealth authorised officer.
- (3) A declaration:
- (a) must not be made if there are no reasonable grounds for making it; and
 - (b) must not be false or misleading; and
 - (c) must be signed and dated by the person who made it.

Note: A person may commit an offence or be liable to a civil penalty if the person makes a false or misleading statement in an application or provides false or misleading information or documents (see sections 136.1, 137.1 and 137.2 of the *Criminal Code* and sections 367, 368 and 369 of the Act).

7 Paragraph 11-6(1)(a)

Repeal the paragraph.

Schedule 7—Amendment of the Export Control (Rabbit and Ratite Meat and Rabbit and Ratite Meat Products) Rules 2021

Export Control (Rabbit and Ratite Meat and Rabbit and Ratite Meat Products) Rules 2021

1 After subsection 5-2(5)

Insert:

- (5A) Without limiting subsection (4), if operations to prepare prescribed rabbit meat, ratite meat, rabbit meat products or ratite meat products to be covered by the arrangement include those that are to be the last operations to prepare the meat or meat products carried out at a registered establishment before export, the proposed arrangement must record details of:
- (a) the information, methods, procedures, tests, monitoring and other evaluations to be used to verify that:
 - (i) the requirements of the Act in relation to the export of the prescribed rabbit meat, ratite meat, rabbit meat products or ratite meat products have been, or will be complied with; and
 - (ii) any importing country requirements relating to the prescribed rabbit meat, ratite meat, rabbit meat products or ratite meat products have been, or will be met; and
 - (b) a person who manages or controls those operations who is to be designated in the arrangement as a person who may verify the matters referred to in subparagraphs (a)(i) and (ii) and make the declaration required under section 7-8 in relation to the prescribed rabbit meat, ratite meat, rabbit meat products or ratite meat products.

Note: Section 7-8 requires a declaration to be included in an application for an export permit.

2 Section 5-17

Repeal the section, substitute:

5-17 Loading of prescribed rabbit meat, ratite meat, rabbit meat products or ratite meat products—supervision

Loading of prescribed rabbit meat, ratite meat, rabbit meat products or ratite meat products for export must be carried out under the supervision of:

- (a) an authorised officer; or
- (b) a person designated in an approved arrangement as a person who may supervise the loading, if:
 - (i) the approved arrangement covers the last operations to prepare the meat or meat products at a registered establishment before export; and
 - (ii) the supervision is in accordance with the arrangement.

3 After paragraph 5-38(1)(a)

Insert:

- (aa) the date or dates of slaughter of the animals from which the meat or meat products were derived;
- (ab) the registered establishment (with the registration number) where the animals from which the meat or meat products were derived were slaughtered;

4 Paragraph 5-38(1)(k)

Repeal the paragraph, substitute:

- (k) a declaration stating:
 - (i) that, at the date the declaration is made, the prescribed export conditions, and any other conditions that apply in relation to the meat or meat products under the Act, have been complied with and any importing country requirements relating to the meat or meat products are met; and
 - (ii) any export market eligibility requirements for the relevant export market for the meat or meat products that are yet to be complied with;

5 Subparagraph 5-42(5)(a)(ii)

Omit “prescribed”.

6 At the end of Part 3 of Chapter 7

Add:

7-8 Application for export permit must include declaration

- (1) For the purposes of paragraph 239(1)(c) of the Act, an application for an export permit for prescribed rabbit meat, ratite meat, rabbit meat products or ratite meat products must include a declaration stating that:
 - (a) the requirements of the Act in relation to the export of prescribed rabbit meat, ratite meat, rabbit meat products or ratite meat products have been complied with, or will be complied with before the meat or meat products are imported into the importing country; and
 - (b) at the date the declaration is made, the importing country requirements (if any) relating to the prescribed rabbit meat, ratite meat, rabbit meat products or ratite meat products are met.

Note 1: The Secretary may approve a single form for an application for an export permit for prescribed rabbit meat, ratite meat, rabbit meat products or ratite meat products and a notice of intention to export the prescribed rabbit meat, ratite meat, rabbit meat products or ratite meat products (see paragraph 243(4)(b) of the Act).

Note 2: For when requirements to give information (including a declaration) in writing can be met by an electronic communication, see section 9 of the *Electronic Transactions Act 1999*. For electronic signatures, see section 10 of that Act.

Note 3: The Secretary may accept any information or document previously given to the Secretary in connection with an application made under the Act, or a notice of intention to export a consignment of prescribed goods given under the Act, as satisfying any requirement to give that information or document under subsection 239(1) of the Act (see subsection 239(2) of the Act).

- (2) A declaration referred to in subsection (1) must be made by:
 - (a) a person who:

- (i) manages or controls operations that are the last operations to prepare the meat or meat products carried out at a registered establishment before export; and
 - (ii) is designated in the approved arrangement as a person who may make the declaration; or
- (b) a Commonwealth authorised officer.
- (3) A declaration:
- (a) must not be made if there are no reasonable grounds for making it; and
 - (b) must not be false or misleading; and
 - (c) must be signed and dated by the person who made it.

Note: A person may commit an offence or be liable to a civil penalty if the person makes a false or misleading statement in an application or provides false or misleading information or documents (see sections 136.1, 137.1 and 137.2 of the *Criminal Code* and sections 367, 368 and 369 of the Act).

7 Paragraph 11-6(1)(a)

Repeal the paragraph.

Schedule 8—Amendment of the Export Control (Wild Game Meat and Wild Game Meat Products) Rules 2021

Export Control (Wild Game Meat and Wild Game Meat Products) Rules 2021

1 After subsection 5-2(5)

Insert:

- (5A) Without limiting subsection (4), if operations to prepare prescribed wild game meat or wild game meat products to be covered by the arrangement include those that are to be the last operations to prepare the wild game meat or wild game meat products carried out at a registered establishment before export, the proposed arrangement must record details of:
- (a) the information, methods, procedures, tests, monitoring and other evaluations to be used to verify that:
 - (i) the requirements of the Act in relation to the export of the prescribed wild game meat or wild game meat products have been, or will be complied with; and
 - (ii) any importing country requirements relating to the prescribed wild game meat or wild game meat products have been, or will be met; and
 - (b) a person who manages or controls those operations who is to be designated in the arrangement as a person who may verify the matters referred to in subparagraphs (a)(i) and (ii) and make the declaration required under section 7-8 in relation to the prescribed wild game meat or wild game meat products.

Note: Section 7-8 requires a declaration to be included in an application for an export permit.

2 Section 5-11

Repeal the section, substitute:

5-11 Loading of prescribed wild game meat or wild game meat products— supervision

Loading of prescribed wild game meat or wild game meat products for export must be carried out under the supervision of:

- (a) an authorised officer; or
- (b) a person designated in an approved arrangement as a person who may supervise the loading, if:
 - (i) the approved arrangement covers the last operations to prepare the wild game meat or wild game meat products at a registered establishment before export; and
 - (ii) the supervision is in accordance with the arrangement.

3 Subsection 5-19(2) (note 3)

Repeal the note.

4 Subsection 5-19(6)

Repeal the subsection.

5 Subsection 5-20(2) (note 3)

Repeal the note.

6 Subsection 5-20(5)

Repeal the subsection.

7 Paragraph 5-28(1)(k)

Repeal the paragraph, substitute:

(k) a declaration stating:

- (i) that, at the date the declaration is made, the prescribed export conditions, and any other conditions that apply in relation to the wild game meat or wild game meat products under the Act, have been complied with and any importing country requirements relating to the wild game meat or wild game meat products are met; and
- (ii) any export market eligibility requirements for the relevant export market for the wild game meat or wild game meat products that are yet to be complied with;

8 Subparagraph 5-32(5)(a)(ii)

Omit “prescribed”.

9 At the end of Part 3 of Chapter 7

Add:

7-8 Application for export permit must include declaration

- (1) For the purposes of paragraph 239(1)(c) of the Act, an application for an export permit for prescribed wild game meat or wild game meat products must include a declaration stating that:
 - (a) the requirements of the Act in relation to the export of the prescribed wild game meat or wild game meat products have been complied with, or will be complied with before the wild game meat or wild game meat products are imported into the importing country; and
 - (b) at the date the declaration is made, the importing country requirements (if any) relating to the prescribed wild game meat or wild game meat products are met.

Note 1: The Secretary may approve a single form for an application for an export permit for prescribed wild game meat or wild game meat products and a notice of intention to export the prescribed wild game meat or wild game meat products (see paragraph 243(4)(b) of the Act).

Note 2: For when requirements to give information (including a declaration) in writing can be met by an electronic communication, see section 9 of the *Electronic Transactions Act 1999*. For electronic signatures, see section 10 of that Act.

Note 3: The Secretary may accept any information or document previously given to the Secretary in connection with an application made under the Act, or a notice of intention to export a consignment of prescribed goods given under the Act, as satisfying any requirement to give that information or document under subsection 239(1) of the Act (see subsection 239(2) of the Act).

- (2) A declaration referred to in subsection (1) must be made by:
- (a) a person who:
 - (i) manages or controls operations that are the last operations to prepare the wild game meat or wild game meat products carried out at a registered establishment before export; and
 - (ii) is designated in the approved arrangement as a person who may make the declaration; or
 - (b) a Commonwealth authorised officer.
- (3) A declaration:
- (a) must not be made if there are no reasonable grounds for making it; and
 - (b) must not be false or misleading; and
 - (c) must be signed and dated by the person who made it.

Note: A person may commit an offence or be liable to a civil penalty if the person makes a false or misleading statement in an application or provides false or misleading information or documents (see sections 136.1, 137.1 and 137.2 of the *Criminal Code* and sections 367, 368 and 369 of the Act).

10 Paragraph 11-6(1)(a)

Repeal the paragraph.