

EXPLANATORY STATEMENT

Issued by Authority of the Secretary of the Department of Agriculture, Fisheries and Forestry

Export Control Act 2020

Export Control Legislation Amendment (2024 Measures No. 2) Rules 2024

Legislative Authority

The *Export Control Legislation Amendment (2024 Measures No. 2) Rules 2024* (the Amendment Rules) are made by the Secretary of the Department of Agriculture, Fisheries and Forestry (the department) under section 432 of the *Export Control Act 2020* (the Act).

Section 432 of the Act relevantly provides that the Secretary of the department (the Secretary) may, by legislative instrument, make rules prescribing matters required or permitted by the Act, or that are necessary or convenient to be prescribed for carrying out or giving effect to the Act.

A number of provisions in the Act set the parameters of the Secretary's rule-making power and either:

- Provide examples of the kinds of things for which the Secretary may make provision in the rules; or
- Set out the default matters for the provision and allow the Secretary to give further detail, or set out additional requirements, in the rules.

Under section 289 of the Act, the Minister may give directions to the Secretary about the performance of the Secretary's functions or the exercise of the Secretary's powers in making rules under section 432 of the Act. Directions made by the Minister to the Secretary are legislative instruments but are not subject to disallowance or sunset. At the time of commencement, a Ministerial direction has not been made under section 289 of the Act for the purposes of rules relating to the export of goods.

Subsection 33(3) of the *Acts Interpretation Act 1901* provides that where an Act confers a power to make, grant or issue any instrument of a legislative or administrative character (including rules, regulations or by-laws) the power shall be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal, rescind, revoke, amend or vary any such instrument.

Purpose

The Amendment Rules amend various provisions of the following instruments:

- *Export Control (Fees and Payments) Rules 2021* (Fees Rules);
- *Export Control (Meat and Meat Products) Rules 2021* (Meat Rules);
- *Export Control (Poultry Meat and Poultry Meat Products) Rules 2021* (Poultry Meat Rules);
- *Export Control (Rabbit and Ratite Meat and Rabbit and Ratite Meat Products) Rules 2021* (Rabbit and Ratite Meat Rules); and

- *Export Control (Wild Game Meat and Wild Game Meat Products) Rules 2021* (Wild Game Meat Rules).

The Amendment Rules amend the Fees Rules, Meat Rules, Poultry Meat Rules, Rabbit and Ratite Meat Rules and Wild Game Meat Rules for the purposes of clarifying provisions relating to allocated meat inspection services.

The Amendment Rules also amend the Rabbit and Ratite Meat Rules and Wild Game Meat Rules for the purposes of facilitating new requirements relating to meat inspection reforms.

Background

The department regularly reviews the rules made under the Act to ensure that it supports the competitiveness and productivity of Australia's agricultural export sector. The amendments ensure that the rules made under the Act remain fit for purpose and are updated to reflect current operational requirements.

Impact and Effect

The amendments to the Fees Rules, Meat Rules, Poultry Meat Rules, Rabbit and Ratite Meat Rules and Wild Game Meat Rules clarify the way in which meat inspection services are allocated and the fees payable for those services. The amendments to the Fees Rules also clarify the fee-bearing activity in relation to which fees are charged for considering applications to accredit a property, register an establishment or approve certain other arrangements relating to exports.

The amendments to the Rabbit and Ratite Meat Rules and the Wild Game Meat Rules relating to meat inspection reforms make minor amendments to the circumstances in which departmental officers are allocated to registered establishments.

The Office of Impact Analysis has advised that a regulation impact statement is not required as the proposal is unlikely to have a more than minor impact in relation to the amendments to clarify the fees payable for certain meat inspection services (OIA ref OIA23-05474). In relation to the amendments relating to meat inspection reforms, the Office of Best Practice Regulation (as the OIA was then known) advised that a regulation impact is not required (OBPR ref OBPR22-20503 and OBPR22-42672).

Consultation

The meat inspection reforms were consulted on through the Meat Modernisation Working Group established in July 2020, comprising senior representatives of the Australian export meat industry and the department. The changes to the Rabbit and Ratite Meat Rules and the Wild Game Meat Rules that relate to the allocation of Commonwealth authorised officers to registered export meat establishments realises the commitment from industry to the full implementation of the 2011 Australian Government Authorised Officer (AAO) Australian Export Meat Inspection System (AEMIS) reforms. The amendments to clarify the way in which meat inspection services are allocated and the fees payable for those services reflect arrangements agreed between the Department and registered establishments in AEMIS agreements, which deal with meat inspection service allocations. Registered establishments are the only entities affected by these amendments. The amendments to clarify the fees

payable for meat inspection services were part of the information consulted on during development of the 2021-22 cost recovery implementation statement for meat exports.

Details/ Operation

The Amendment Rules are a legislative instrument for the purposes of the *Legislation Act 2003*.

The Amendment Rules commence on 1 November 2024.

Details of the Amendment Rules are set out in Attachment A.

Other

The Amendment Rules are compatible with the human rights and freedoms recognised or declared under section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*. A full Statement of Compatibility with Human Rights is set out in Attachment B.

Details of the *Export Control Legislation Amendment (2024 Measures No. 2) Rules 2024*

Section 1 – Name

This section provides that the name of the instrument is the *Export Control Legislation Amendment (2024 Measures No. 2) Rules 2024* (the Amendment Rules).

Section 2 – Commencement

This section provides that the Amendment Rules commence on 1 November 2024.

Section 3 – Authority

This section provides that the Amendment Rules are made under the *Export Control Act 2020* (the Act).

Section 4 – Schedules

This section provides for the amendment or repeal of instruments as set out in a Schedule to the Amendment Rules. This enables the amendment of the *Export Control (Fees and Payments) Rules 2021*, *Export Control (Meat and Meat Products) Rules 2021*, *Export Control (Poultry Meat and Poultry Meat Products) Rules 2021*, *Export Control (Rabbit and Ratite Meat and Rabbit and Ratite Meat Products) Rules 2021* and *Export Control (Wild Game Meat and Wild Game Meat Products) Rules 2021* (see Schedule 1 below).

Schedule 1 – Amendments

Export Control (Fees and Payments) Rules 2021

Item [1] – Section 1-6 (definition of *allocated authorised officer*)

Section 1-6 of the *Export Control (Fees and Payments) Rules 2021* (the Fees Rules) provides for the definitions of terms used throughout the Fees Rules, including the definition of *allocated authorised officer*.

This item repeals the definition of *allocated authorised officer*. This term is no longer used in the Fees Rules following the repeal and substitution of section 2-4 of the Fees Rules and as such no longer requires a definition.

Item [2] – Section 1-6

Section 1-6 of the Fees Rules provides for definitions of terms used throughout the Fees Rules. This item inserts the definition for *meat inspection position*.

Meat inspection position means a meat inspection position within the meaning of any of the following:

- the *Export Control (Meat and Meat Products) Rules 2021*;
- the *Export Control (Poultry Meat and Poultry Meat Products) Rules 2021*;
- the *Export Control (Rabbit and Ratite Meat and Rabbit and Ratite Meat Products) Rules 2021*;
- the *Export Control (Wild Game Meat and Wild Game Meat Products) Rules 2021*.

Each of the above rules provide a definition for *meat inspection position*, inserted by items 8, 13, 21 and 33 of this Schedule.

Item [3] – Section 2-4

Section 2-4 of the Fees Rules prescribes, for the purposes of subsection 399(1) of the Act, fees that may be charged in relation to meat inspection services carried out by a Commonwealth authorised officer in relation to prescribed meat or meat products for export.

“Meat inspection service” is defined in section 1-6 of the Fees Rules to mean a meat inspection service within the meaning of the relevant export control meat commodity rules. Within each of those rules, a “meat inspection service” is defined to mean an assessment of meat or meat products under Part 2 of Chapter 9 of the Act. A “Commonwealth authorised officer” is defined in section 12 of the Act to mean an authorised officer who is an officer or employee of a Commonwealth body.

“Prescribed meat” and “prescribed meat products” are defined in section 1-6 of the Fees Rules to mean prescribed meat, poultry meat, rabbit meat, ratite meat and wild game meat and meat products within the meaning of the relevant export control commodity rules.

This item repeals section 2-4 of the Fees Rules and substitutes a new section. The purpose of new section 2-4 is to make clear that:

- the fees in column 2 of the table in section 2-4 apply to meat inspection services carried out at the establishment during the hours allocated to the establishment, while the fees in existing column 2 of table item 5 in section 2-3 apply to unplanned hours that are carried out at the establishment over and above the allocated hours;
- the amount of the fee will be adjusted depending on whether the meat inspection position is allocated to the registered establishment for less than 40 hours, exactly 40 hours or more than 40 hours, meaning that an establishment will only be charged for hours actually allocated to the establishment;
- where there is a shutdown, termination or variation that occurs partway through a month after the required period of notice is given, the establishment will not be charged for the whole month; and
- monthly fees will only be charged in relation to meat inspection services that are provided on an ongoing basis for a period of one month or more. Where a meat inspection service is provided on an ad hoc basis for a few hours or days at a time, the fee will relate to the exact hours (or part thereof) allocated to the establishment and will not be converted to a monthly amount.

New subsection 2-4(1) of the Fees Rules provides that the fee that may be charged in relation to the fee-bearing activity specified in column 1 of the table in new subsection 2-4(1) is the amount specified in, or worked out in accordance with, column 2 of the new table.

Item 1 of the table in new subsection 2-4(1) sets out the fee that applies for meat inspection services carried out at a registered establishment by a person occupying a meat inspection position allocated to the establishment during the hours (or part thereof) that the position is allocated to carry out the services at the establishment. Column 2 of item 1 of the table in new subsection 2-4(1) sets out that a different fee will apply depending on whether a meat inspection position is allocated to the establishment for more than one month and if so, whether the meat inspection position is allocated to a registered establishment to carry out the activity for 40 hours per week, more than 40 hours per week, or less than 40 hours per week.

Paragraph (a) of column 2 of item 1 of the table in subsection 2-4(1) sets out the amount for a meat inspection position allocated to the registered establishment for 1 month or more to carry out the activity for 40 hours per week. A different fee will apply depending on whether the position allocated to the registered establishment is occupied by a veterinarian, or by an officer other than a veterinarian.

Paragraph (b) of column 2 of item 1 of the table in subsection 2-4(1) sets out the amount for a meat inspection position allocated to the registered establishment for 1 month or more to carry out the activity for more than 40 hours per week. The amount is the sum of the amount that would have applied to the position under paragraph (a) of column 2 of item 1 of the table in subsection 2-4(1) had the position been allocated to carry out the activity for 40 hours per week and the amount worked out for the position using the formula in subsection 2-4(2) of the Fees Rules (as inserted by this item).

Paragraph (c) of column 2 of item 1 of the table in subsection 2-4(1) sets out the amount for a meat inspection position allocated to a registered establishment for 1 month or more to carry out the activity for less than 40 hours per week. The amount is the amount worked out for the position using the formula in subsection 2-4(2) of the Fees Rules (as inserted by this item).

Paragraph (d) of column 2 of item 1 of the table in subsection 2-4(1) sets out the amount for a meat inspection position allocated to a registered establishment for less than 1 month. As with paragraphs (a) to (c), a different fee will apply depending on whether the position allocated to the registered establishment is occupied by a veterinarian, or by an officer other than a veterinarian. The fee under paragraph (d) is calculated according to each quarter hour of the period that the position is allocated to the establishment to carry out the activity.

New subsection 2-4(2) of the Fees Rules sets out specific inputs and the formula referred to in paragraphs (b) and (c) of column 2 of item 1 of the table in subsection 2-4(1) inserted by this item.

The formula is:

$$\text{Number of quarter hours} \times \text{Quarterly hour fee} \times 4.33$$

where:

number of quarter hours means:

- if the meat inspection position is allocated to the registered establishment to carry out meat inspection services for more than 40 hours per week—the number of quarter hours after the first 40 hours per week that the position is allocated to carry out the services at the establishment; or
- if the meat inspection position is allocated to the registered establishment to carry out meat inspection services for less than 40 hours per week—the number of quarter hours per week that the position is allocated to carry out the services at the establishment.

Quarterly hour fee means:

- if the meat inspection position allocated to the registered establishment to carry out meat inspection services is occupied by a veterinarian—\$36; or
- if the meat inspection position allocated to the registered establishment to carry out meat inspection services is occupied by a person other than by a veterinarian—\$27.

The formula is used to calculate the amount of the fee for each position allocated to a registered establishment for the purposes of carrying out the activity for more than 40 hours per week (as set out in paragraph (b) of column 2 of item 1 of the table in subsection 2-4(1) of the Fees Rules inserted by this item) and the amount of the fee for each position allocated to a registered establishment for the purposes of carrying out the activity for less than 40 hours per week (as set out in paragraph (c) of column 2 of item 1 of the table in subsection 2-4(1) of the Fees Rules inserted by this item).

New subsections 2-4(3), (4) and (5) of the Fees Rules provide for the pro-rating of fees if there is a shutdown, termination or variation partway through a month for which the required notice has been given.

New subsection 2-4(3) provides for the pro-rating of monthly fees if the occupier of a registered establishment with an allocation of meat inspection services notifies the Secretary, in writing, that the meat inspection services are not required for a specified period (the ***shutdown period***) and the notice is given within the period, or by the time, required by the

rules relating to the meat inspection services. The monthly fee for a meat inspection position allocated to the registered establishment to carry out meat inspection services is reduced by the percentage (rounded to the nearest whole number, rounding up if the first decimal place is 5 or more) worked out as follows:

$$\frac{\text{Number of days in month that shutdown period occurs other than days in shutdown period}}{\text{Number of days in month that shutdown period occurs}} \times 100$$

New subsection 2-4(4) provides for the pro-rating of monthly fees if the occupier of a registered establishment with an allocation of meat inspection services notifies the Secretary, in writing, that the occupier wishes to terminate the provision of meat inspection services on a specified day (the *termination day*) and the notice is given within the period, or by the time, required by the rules relating to the meat inspection services, and the termination of some, or all, meat inspection services results in a meat inspection position (the *affected position*) allocated to the registered establishment being terminated. The monthly fee for the affected position is reduced by the percentage (rounded to the nearest whole number, rounding up if the first decimal place is 5 or more) worked out as follows:

$$\frac{\text{Number of days in month before termination day}}{\text{Number of days in month that termination day occurs}} \times 100$$

New subsection 2-4(5) provides for the pro-rating of monthly fees if the Secretary varies the allocation of meat inspection services to a registered establishment in accordance with rules relating to the meat inspection service, and the number of hours that a meat inspection position (the *affected position*) is allocated to the establishment to carry out the meat inspection services is increased or reduced on the day the variation takes effect (the *variation day*). The amount of the fee for the month that the variation day occurs is the sum of the following amounts:

- the monthly fee for the affected position that applies before the variation day reduced by the percentage (rounded to the nearest whole number, rounding up if the first decimal place is 5) worked out using the below formula;
- the monthly fee for the affected position that applies on and from the variation day reduced by the percentage (rounded to the nearest whole number, rounding up if the first decimal place is 5 or more) worked out using the below formula.

Subsection 2-4(6) provides for the formula, where “number of relevant days” means the number of days in the month before the variation day, or after the variation day for the rest of the month, as relevant:

$$\frac{\text{Number of relevant days}}{\text{Number of days in month that variation day occurs}} \times 100$$

Item [4] – Subsection 2-11(1) (table item 1, column 1)

Subsection 2-11(1) of the Fees Rules provides for fees in relation to activities carried out in dealing with applications to accredit a property, register an establishment or approve a

proposed arrangement or an Exporter Supply Chain Assurance System (ESCAS), and related applications.

This item omits “Activities carried out by a Commonwealth authorised officer under subsection 379(9) of the Act in relation to” and substitutes “Consideration by a Commonwealth authorised officer of” in column 1 of item 1 of the table in subsection 2-11(1) of the Fees Rules.

This amendment clarifies that the fee-bearing activity covered in item 1 of the table in subsection 2-11(1) is the consideration by a Commonwealth authorised officer of certain applications under the Act.

Item [5] – Subsection 2-11(1) (table item 1A)

This item repeals table item 1A of subsection 2-11(1) of the Fees Rules.

This amendment is consequential to the change in wording in table item 1 of subsection 2-11(1) made by item 4 of this Schedule. As table item 1A relates to consideration by a Commonwealth authorised officer of the same applications as those listed in table item 1, these two table items relate to the same fee-bearing activity and table item 1A can be repealed.

Item [6] – Subsection 2-11(1) (table items 2 to 7, column 1)

This item omits “Activities carried out by a Commonwealth authorised officer under subsection 379(9) of the Act in relation to” and substitutes “Consideration by a Commonwealth authorised officer of” in column 1 of items 2 to 7 of the table in subsection 2-11(1) of the Fees Rules.

This amendment clarifies that the fee-bearing activity covered in items 2 to 7 of the table in subsection 2-11(1) is the consideration by a Commonwealth authorised officer of certain applications under the Act.

Item [7] – At the end of Part 5

Part 5 of the Fees Rules provides for transitional provisions. This item adds new Division 2 to Part 5 of the Fees Rules. New Division 2 provides for the transitional arrangements for the amendments made by this instrument.

New Division 2 provides that the amendments made by this Schedule apply in relation to a fee-bearing activity carried out on or after 1 November 2024. This transitional provision clarifies that the amendments apply prospectively.

Export Control (Meat and Meat Products) Rules 2021

Item [8] – Section 1-5

Section 1-5 of the *Export Control (Meat and Meat Products) Rules 2021* (the Meat Rules) provides for the definitions of terms used throughout the Meat Rules.

This item inserts the definition for *meat inspection position* in section 1-5 of the Meat Rules.

Meat inspection position means a position that is occupied by a Commonwealth authorised officer and is allocated under Part 6 of Chapter 4 of the Meat Rules to an establishment for the purposes of undertaking meat inspection services at the establishment.

Item [9] – Section 1-5 (definition of *slaughter floor meat inspection service*)

This item repeals the definition of “slaughter floor meat inspection service” in section 1-5 of the Meat Rules.

This amendment is consequential to item 10 of this Schedule, which repeals and replaces section 4-23 of the Meat Rules. The amended provision no longer refers to “slaughter floor meat inspection service” and as this term is not used elsewhere in the Meat Rules, the definition is repealed.

Item [10] – Section 4-23

Section 4-23 of the Meat Rules provides for the preliminary allocation of meat inspection services.

This item repeals section 4-23 and substitutes new section 4-23 of the Meat Rules. Previous section 4-23 required the Secretary to determine a preliminary allocation of meat inspection services to an establishment after receiving an application from the occupier of the establishment, but the provision did not specify in detail how an allocation must be made. The purpose of new section 4-23 is to specify the way in which meat inspection services are allocated in practice, to ensure it is clear in the legislation that it is a position that is allocated to the establishment rather than a specific officer. Together with the amendments to section 2-4 of the Fees Rules (see item 3 of this Schedule) this ensures that a registered establishment can only be charged a single fee for an allocated position regardless of how many Commonwealth authorised officers occupy the allocated position at different times (for example, to cover a period of leave or where officers work part-time). New section 4-23 also specifies that an allocation is made by determining a certain number of hours (or part thereof) that each position is allocated to the establishment, consistent with the way meat inspection services are allocated in practice and the way fees are charged for those services. As before, the number of positions and hours allocated to the establishment can be zero.

New subsection 4-23(1) provides that as soon as practicable after receiving an application under subsection 4-22(1) of the Meat Rules for meat inspection services to be allocated to an establishment, the Secretary must make a preliminary allocation of meat inspection services to the establishment by determining:

- the number of meat inspection positions to be allocated to the establishment; and
- the number of hours (or part thereof) per week that each position is allocated to undertake meat inspection services at the establishment.

New subsection 4-23(2) retains the same considerations in determining the preliminary allocation of meat inspections services to the establishment as previous subsection 4-23(2), but changes references from “authorised officer” to “Commonwealth authorised officer” where applicable.

New subsection 4-23(3) provides that a preliminary allocation under subsection 4-23(1) may be that zero meat inspection positions and hours are allocated to an establishment. This reflects previous subsection 4-23(1), which provided that the preliminary allocation of meat inspection services may be zero.

New subsection 4-23(4) provides that meat inspection services may be allocated to the establishment on an annual, monthly, weekly, daily or hourly basis, or on any combination of them. This is the same as previous subsections 4-23(3) and (4) but removes the reference to slaughter floor meat inspection services to simplify the provision and ensure consistency with new subsection 4-23(1) of the Meat Rules.

Item [11] – Section 12-1

Chapter 12 of the Meat Rules provides for transitional provisions. Section 12-1 provides definitions for terms used in Chapter 12.

This item amends section 12-1 to add the words “Parts 2 to 5 of” before the words “this Chapter”. This amendment is consequential to item 12 of this Schedule which adds new Part 6 of Chapter 12. The amendment clarifies that the definitions in section 12-1 apply only to existing Parts 2 to 5 of Chapter 12 and not new Part 6 of Chapter 12.

Item [12] – At the end of Chapter 12

This item adds new Part 6 to Chapter 12 of the Meat Rules. New Part 6 provides for the transitional arrangements for the amendments made by this instrument.

New section 12-32 is the only section in new Part 6. It provides that section 4-23, as amended by item 10 of this Schedule, applies in relation to applications for an allocation of meat inspection services to an establishment under subsection 4-22(1) of the Meat Rules made on or after 1 November 2024. This transitional provision clarifies that the amendments apply prospectively.

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

Item [13] – Section 1-5

Section 1-5 of the *Export Control (Poultry Meat and Poultry Meat Products) Rules 2021* (the Poultry Meat Rules) provides for the definitions of terms used throughout the Poultry Meat Rules.

This item inserts the definition for ***meat inspection position*** in section 1-5 of the Poultry Meat Rules.

Meat inspection position means a position that is occupied by a Commonwealth authorised officer and is allocated under Part 6 of Chapter 4 of the Poultry Meat Rules to an establishment for the purposes of undertaking meat inspection services at the establishment.

Item [14] – Section 1-5 (definition of *slaughter floor meat inspection service*)

This item repeals the definition of “slaughter floor meat inspection service” in section 1-5 of the Poultry Meat Rules.

This amendment is consequential to item 16 of this Schedule, which repeals and replaces section 4-22 of the Poultry Meat Rules. The amended provision no longer refers to “slaughter floor meat inspection service” and as this term is not used elsewhere in the Poultry Meat Rules, the definition is repealed.

Item [15] – Paragraphs 4-14(1)(a) and (b)

Section 4-14 of the Poultry Meat Rules provides, in short, that an occupier of a registered establishment must have a preliminary allocation of meat inspections services before commencing operations to prepare prescribed poultry meat or poultry meat products, if the approved arrangement for the operations requires an authorised officer to be present at the establishment while operations of that kind are carried out.

This item amends paragraphs 4-14(1)(a) and (b) to omit the words “an authorised” and substitute “a Commonwealth authorised”. This item has the effect that the preliminary allocation of meat inspection services is only required if the approved arrangement for the operations requires a Commonwealth authorised officer to be present at the establishment.

A “Commonwealth authorised officer” is defined in section 12 of the Act to mean an authorised officer who is an officer or employee of a Commonwealth body. An “authorised officer” is defined in the same section to mean a person who is authorised under section 291 of the Act to be an authorised officer under the Act. This could include an officer or employee of a State or Territory body or a third party authorised officer, who is not an officer or employee of either a Commonwealth body or a State or Territory body.

This amendment updates the rules to clarify that positions to be occupied by Commonwealth authorised officers are allocated to an establishment under Part 6 of Chapter 4 of the Poultry Meat Rules.

Item [16] – Section 4-22

Section 4-22 of the Poultry Meat Rules provides for the preliminary allocation of meat inspection services.

This item repeals section 4-22 and substitutes new section 4-22 of the Poultry Meat Rules. Previous section 4-22 required the Secretary to determine a preliminary allocation of meat inspection services to an establishment after receiving an application from the occupier of the establishment, but the provision did not specify in detail how an allocation must be made. The purpose of new section 4-22 is to specify the way in which meat inspection services are allocated in practice, to ensure it is clear in the legislation that it is a position that is allocated to the establishment rather than a specific officer. Together with the amendments to section 2-4 of the Fees Rules (see item 3 of this Schedule) this ensures that a registered establishment can only be charged a single fee for an allocated position regardless of how many Commonwealth authorised officers occupy the allocated position at different times (for example, to cover a period of leave or where officers work part-time). New section 4-22 also specifies that an allocation is made by determining a certain number of hours (or part thereof) that each position is allocated to the establishment, consistent with the way meat inspection

services are allocated in practice and the way fees are charged for those services. As before, the number of positions and hours allocated to the establishment can be zero.

New subsection 4-22(1) provides that as soon as practicable after receiving an application under subsection 4-21(1) of the Poultry Meat Rules for meat inspection services to be allocated to an establishment, the Secretary must make a preliminary allocation of meat inspection services to the establishment by determining:

- the number of meat inspection positions to be allocated to the establishment; and
- the number of hours (or part thereof) per week that each position is allocated to undertake meat inspection services at the establishment.

New subsection 4-22(2) retains the same considerations in determining the preliminary allocation of meat inspections services to the establishment as previous subsection 4-22(2), but changes references from “authorised officer” to “Commonwealth authorised officer” where applicable.

New subsection 4-22(3) provides that a preliminary allocation under subsection 4-22(1) may be that zero meat inspection positions and hours are allocated to an establishment. This reflects previous subsection 4-22(1), which provided that the preliminary allocation of meat inspection services may be zero.

New subsection 4-22(4) provides that meat inspection services may be allocated to the establishment on an annual, monthly, weekly, daily or hourly basis, or on any combination of them. This is the same as previous subsections 4-22(3) and (4) but removes the reference to slaughter floor meat inspection services to simplify the provision and ensure consistency with new subsection 4-22(1) of the Poultry Meat Rules.

Item [17] – Section 5-33 (heading)

Section 5-33 of the Poultry Meat Rules currently deals with the requirement that authorised officers are present at registered establishments while certain export operations are carried out.

This item amends the heading of section 5-33 of the Poultry Meat Rules by omitting “Authorised” and substituting “Commonwealth authorised”.

This amendment is consequential to the amendments in items 15 and 16 of this Schedule to update the rules to reflect that positions to be occupied by Commonwealth authorised officers are allocated to an establishment under Part 6 of Chapter 4 of the Poultry Meat Rules.

Item [18] – Paragraphs 5-33(1)(a) and (b) and (2)(c)

Section 5-33 of the Poultry Meat Rules currently deals with the requirement that authorised officers are present at registered establishments while certain export operations are carried out.

Subsection 5-33(1) currently provides that the requirements in section 5-33 apply in relation to an approved arrangement for operations to prepare prescribed poultry meat or poultry meat products for export at a registered establishment if the approved arrangement either:

- provides that an authorised officer must be present at the establishment while operations of that kind are being carried out (paragraph 5-33(1)(a)); or
- is subject to a condition that requires an authorised officer to be present at the establishment while operations of that kind are being carried out (5-33(1)(b)).

Subsection 5-33(2) currently provides that operations to prepare prescribed poultry meat or poultry meat products for export in accordance with the approved arrangement must not be carried out at the registered establishment unless:

- meat inspection services have been allocated to the establishment under Part 6 of Chapter 4 of the Poultry Meat Rules relating to requirements for registered establishments (paragraph 5-33(2)(a));
- a memorandum of agreed intent between the Secretary and the occupier of the establishment in relation to the allocation is in place under that Part (paragraph 5-33(2)(b)); and
- an authorised officer is present at the establishment (paragraph 5-33(2)(c)).

This item omits “an authorised” where it appears in paragraphs 5-33(1)(a), (1)(b) and (2)(c) of the Poultry Meat Rules and substitutes “a Commonwealth authorised”.

This amendment is consequential to the amendments in items 15 and 16 of this Schedule to update the rules to reflect that positions to be occupied by Commonwealth authorised officers are allocated to an establishment under Part 6 of Chapter 4 of the Poultry Meat Rules.

Item [19] – Section 12-1

Chapter 12 of the Poultry Meat Rules provides for transitional provisions. Section 12-1 provides definitions for terms used in Chapter 12.

This item amends section 12-1 to add the words “Parts 2 to 5 of” before the words “this Chapter”. This amendment is consequential to item 20 of this Schedule which adds new Part 6 of Chapter 12. The amendment clarifies that the definitions in section 12-1 apply only to existing Parts 2 to 5 of Chapter 12 and not new Part 6 of Chapter 12.

Item [20] – At the end of Chapter 12

This item adds new Part 6 to Chapter 12 of the Poultry Meat Rules. New Part 6 provides for the transitional arrangements for the amendments made by this instrument.

New section 12-30 is the only section in new Part 6. It provides that section 4-22, as amended by item 16 of this Schedule, applies in relation to applications for an allocation of meat inspection services to an establishment under subsection 4-21(1) of the Poultry Meat Rules made on or after 1 November 2024. This transitional provision clarifies that the amendments apply prospectively.

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

Item [21] – Section 1-5

Section 1-5 of the *Export Control (Rabbit and Ratite Meat and Rabbit and Ratite Meat Products) Rules 2021* (the Rabbit and Ratite Meat Rules) provides for the definitions of terms used throughout the Rabbit and Ratite Meat Rules.

This item inserts the definition for ***meat inspection position*** in section 1-5 of the Rabbit and Ratite Meat Rules.

Meat inspection position means a position that is occupied by a Commonwealth authorised officer and is allocated under Part 6 of Chapter 4 of the Rabbit and Ratite Meat Rules to an establishment for the purposes of undertaking meat inspection services at the establishment.

Item [22] – Section 1-5 (definition of *slaughter floor meat inspection service*)

This item repeals the definition of “slaughter floor meat inspection service” in section 1-5 of the Rabbit and Ratite Meat Rules.

This amendment is consequential to item 24 of this Schedule, which repeals and replaces section 4-25 of the Rabbit and Ratite Meat Rules. The amended provision no longer refers to “slaughter floor meat inspection service” and as this term is not used elsewhere in the Rabbit and Ratite Meat Rules, the definition is repealed.

Item [23] – Paragraphs 4-17(1)(a) and (b)

Section 4-17 of the *Export Control (Rabbit and Ratite Meat and Rabbit and Ratite Meat Products) Rules 2021* (the Rabbit and Ratite Meat Rules) sets out the obligations on the occupier of a registered establishment for operations to prepare prescribed rabbit meat, ratite meat, rabbit meat products or ratite meat products for export in relation to meat inspection services allocations.

Subsection 4-17(1) currently provides that section 4-17 applies if an approved arrangement for operations to prepare prescribed rabbit meat, ratite meat, rabbit meat products or ratite meat products for export at a registered establishment either provides that an authorised officer must be present at the establishment while operations of that kind are carried out (paragraph 4-17(1)(a)), or is subject to a condition that requires an authorised officer to be present at the establishment while operations of that kind are carried out (paragraph 4-17(1)(b)).

This item omits “an authorised” where it appears in paragraphs 4-17(1)(a) and (b) of the Rabbit and Ratite Meat Rules and substitutes “a Commonwealth authorised”. Under amended paragraphs 4-17(1)(a) and (b), section 4-17 applies where an approved arrangement for operations to prepare prescribed rabbit meat, ratite meat, rabbit meat products or ratite meat products for export at a registered establishment requires, or is subject to a condition that requires, a Commonwealth authorised officer to be present at the establishment while operations of that kind are being carried out.

The purpose of this amendment is to provide that it is only a condition of registration to have a preliminary allocation of meat inspection services for the establishment where the approved arrangement requires that a Commonwealth authorised officer must be present at the establishment during relevant operations. This reflects the broader intention that Commonwealth authorised officers will only be provided to registered establishments to

carry out meat inspection services where there is a requirement to do so to meet importing country requirements.

Item [24] – Section 4-25

Section 4-25 of the Rabbit and Ratite Meat Rules provides for the preliminary allocation of meat inspection services.

This item repeals section 4-25 and substitutes new section 4-25 of the Rabbit and Ratite Meat Rules. Previous section 4-25 required the Secretary to determine a preliminary allocation of meat inspection services to an establishment after receiving an application from the occupier of the establishment, but the provision did not specify in detail how an allocation must be made. The purpose of new section 4-25 is to specify the way in which meat inspection services are allocated in practice, to ensure it is clear in the legislation that it is a position that is allocated to the establishment rather than a specific officer. Together with the amendments to section 2-4 of the Fees Rules (see item 3 of this Schedule) this ensures that a registered establishment can only be charged a single fee for an allocated position regardless of how many Commonwealth authorised officers occupy the allocated position at different times (for example, to cover a period of leave or where officers work part-time). New section 4-25 also specifies that an allocation is made by determining a certain number of hours (or part thereof) that each position is allocated to the establishment, consistent with the way meat inspection services are allocated in practice and the way fees are charged for those services. As before, the number of positions and hours allocated to the establishment can be zero.

New subsection 4-25(1) provides that as soon as practicable after receiving an application under subsection 4-24(1) of the Rabbit and Ratite Meat Rules for meat inspection services to be allocated to an establishment, the Secretary must make a preliminary allocation of meat inspection services to the establishment by determining:

- the number of meat inspection positions to be allocated to the establishment; and
- the number of hours (or part thereof) per week that each position is allocated to undertake meat inspection services at the establishment.

New subsection 4-25(2) retains the same considerations in determining the preliminary allocation of meat inspections services to the establishment as previous subsection 4-25(2) and adds paragraph 4-25(2)(i) as an additional matter that the Secretary must have regard to in determining the preliminary allocation, specifically “any importing country requirement for Commonwealth authorised officers to be present at the establishment while operations of that kind are carried out.” New subsection 4-25(2) also changes references from “authorised officer” to “Commonwealth authorised officer” where applicable.

The purpose of adding paragraph 4-25(2)(i) is to ensure that importing country requirements are a relevant consideration in determining meat inspection services allocations (including whether the preliminary allocation is zero), because the intention is that Commonwealth authorised officers will only be provided to registered establishments to carry out meat inspection services where there is a requirement to do so to meet importing country requirements.

New subsection 4-25(3) provides that a preliminary allocation under subsection 4-25(1) may be that zero meat inspection positions and hours are allocated to an establishment. This

reflects previous subsection 4-25(1), which provided that the preliminary allocation of meat inspection services may be zero.

New subsection 4-25(4) provides that meat inspection services may be allocated to the establishment on an annual, monthly, weekly, daily or hourly basis, or on any combination of them. This is the same as previous subsections 4-25(3) and (4) but removes the reference to slaughter floor meat inspection services to simplify the provision and ensure consistency with new subsection 4-25(1) of the Rabbit and Ratite Meat Rules.

Item [25] – Subsection 4-32(4)

Section 4-32 of the Rabbit and Ratite Meat Rules enables the occupier of a registered establishment where operations to prepare prescribed rabbit meat, ratite meat, rabbit meat products or ratite meat products for export are carried out to apply to the Secretary to vary the allocation of meat inspection services to that establishment.

Subsection 4-32(4) provides timeframes for applying to vary the allocation of meat inspection services other than by reducing or increasing the allocation, for example by applying for a change to the proportion of third party authorised officers and Commonwealth authorised officers carrying out meat inspection services.

This item repeals subsection 4-32(4) of the Rabbit and Ratite Meat Rules.

This amendment is a part of amendments to the Rabbit and Ratite Meat Rules which provide that Commonwealth authorised officers will only be provided to registered establishments to carry out meat inspection services where there is a requirement to do so to meet importing country requirements.

Item [26]- Subparagraphs 4-35(1)(a)(v) to (viii)

Section 4-35 of the Rabbit and Ratite Meat Rules provides for the variation by the Secretary of the allocation of meat inspection services to a registered establishment where operations to prepare prescribed rabbit meat, ratite meat, rabbit meat products or ratite meat products for export are carried out.

Subsection 4-35(2) of the Rabbit and Ratite Meat Rules provides that the Secretary may vary the allocation of meat inspection services at a registered establishment in the circumstances specified in paragraphs 4-35(1)(a) or (b).

The circumstances specified in subparagraphs 4-35(1)(a)(i) to (viii) of the Rabbit and Ratite Meat Rules generally reflect where there has been a change (a *relevant change*) in the matters which the Secretary was required to have regard to when determining the preliminary allocation of meat inspection services to that establishment under subsection 4-25(2).

This item repeals subparagraphs 4-35(1)(a)(v) to (viii) of the Rabbit and Ratite Meat Rules and substitutes new subparagraphs 4-35(1)(a)(v) to (ix). The matters set out in new subparagraphs 4-35(1)(a)(v) to (ix) are:

- the management practices in relation to meat inspection services of a particular registered establishment (new subparagraph 4-35(1)(a)(v));

- the need to protect the health and safety of Commonwealth authorised officers while they are performing functions or exercising powers under the Act in or at a registered establishment (new subparagraph 4-35(1)(a)(vi));
- the construction of a particular registered establishment where meat inspection services are carried out (new subparagraph 4-35(1)(a)(vii));
- the operations of a particular registered establishment where meat inspection services are carried out (new subparagraph 4-35(1)(a)(viii)); and
- an importing country requirement for a Commonwealth authorised officer to be present at an establishment where meat inspection services are carried out (new subparagraph 4-35(1)(a)(ix)).

New subparagraphs 4-35(1)(a)(v) to (ix) reflect the changes in the allocation of meat inspection services whereby Commonwealth authorised officers will only be provided to registered establishments where there is a requirement to do so to meet importing country requirements.

Item [27] – After paragraph 4-35(1)(a)

Section 4-35 of the Rabbit and Ratite Meat Rules provides for the variation by the Secretary of the allocation of meat inspection services to a registered establishment where operations to prepare prescribed rabbit meat, ratite meat, ratite meat products or ratite meat products for export are carried out.

Currently, subsection 4-35(2) provides that the Secretary may vary the allocation of meat inspection services to registered establishments affected by a *relevant change* (listed in paragraph 4-35(1)(a)) or to a registered establishment referred to in paragraph 4-35(1)(b).

This item inserts paragraph 4-35(1)(aa) after paragraph 4-35(1)(a) of the Rabbit and Ratite Meat Rules. The effect of new paragraph 4-35(1)(aa) is that the Secretary may vary the allocation of meat inspection services at a registered establishment if 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.

New paragraph 4-35(1)(aa) reflects the changes in the allocation of meat inspection services whereby Commonwealth authorised officers will only be provided to registered establishments where there is a requirement to do so to meet importing country requirements. Specifically, the amendment facilitates the removal of an existing allocation of meat inspection services if there is no importing country requirement for a Commonwealth authorised officer to be present at the establishment.

Item [28] – Subsection 4-35(2)

Section 4-35 of the Rabbit and Ratite Meat Rules provides for the variation by the Secretary of the allocation of meat inspection services to a registered establishment where operations to prepare prescribed rabbit meat, ratite meat, rabbit meat products or ratite meat products for export are carried out.

Subsection 4-35(2) of the Rabbit and Ratite Meat Rules provides that the Secretary may vary the allocation of meat inspection services at a registered establishment in the circumstances specified in paragraphs 4-35(1)(a) or (b).

Currently, subsection 4-35(2) provides that the Secretary may vary the allocation of meat inspection services to registered establishments affected by a *relevant change* (listed in paragraph 4-35(1)(a)) or to a registered establishment referred to in paragraph 4-35(1)(b).

This item omits “paragraph(1)(b)” and substitutes “paragraph (1)(aa) or (b)” in subsection 4-35(2) of the Rabbit and Ratite Meat Rules. New paragraph 4-35(1)(aa) is inserted by item 27 of Schedule 1 to the Amendment Rules. The effect of the amendment is that the Secretary may vary the allocation of meat inspection services to a registered establishment if there is no importing country requirement for a Commonwealth authorised officer to be present at the establishment.

Together with item 27 above, this amendment reflects the changes in the allocation of meat inspection services whereby Commonwealth authorised officers will only be provided to registered establishments where there is a requirement to do so to meet importing country requirements. Specifically, the amendments facilitate the removal of an existing allocation of meat inspection services if there is no importing country requirement for a Commonwealth authorised officer to be present at the establishment.

Item [29] – Section 5-40 (heading)

Section 5-40 of the Rabbit and Ratite Meat Rules currently deals with the requirement that authorised officers are present at registered establishments while certain export operations are carried out.

This item amends the heading of section 5-40 of the Rabbit and Ratite Meat Rules by omitting “Authorised” and substituting “Commonwealth authorised”.

This amendment aligns with the change in meat inspection allocations, being that Commonwealth authorised officers will be provided to registered establishments only where there is a requirement to do so to meet importing country requirements.

Item [30] – Paragraphs 5-40(1)(a) and (b) and (2)(c)

Section 5-40 of the Rabbit and Ratite Meat Rules currently deals with the requirement that authorised officers are present at registered establishments while certain export operations are carried out.

Subsection 5-40(1) currently provides that the requirements in section 5-40 apply in relation to an approved arrangement for operations to prepare prescribed rabbit meat, ratite meat, rabbit meat products or ratite meat products for export at a registered establishment if the approved arrangement either:

- provides that an authorised officer must be present at the establishment while operations of that kind are being carried out (paragraph 5-40(1)(a)); or
- is subject to a condition that requires an authorised officer to be present at the establishment while operations of that kind are being carried out (5-40(1)(b)).

Subsection 5-40(2) currently provides that operations to prepare prescribed rabbit meat, ratite meat, rabbit meat products or ratite meat products for export in accordance with the approved arrangement must not be carried out at the registered establishment unless:

- meat inspection services have been allocated to the establishment under Part 6 of Chapter 4 of the Rabbit and Ratite Meat Rules relating to requirements for registered establishments (paragraph 5-40(2)(a));
- a memorandum of agreed intent between the Secretary and the occupier of the establishment in relation to the allocation is in place under that Part (paragraph 5-40(2)(b)); and
- an authorised officer is present at the establishment (paragraph 5-40(2)(c)).

This item omits “an authorised” where it appears in paragraphs 5-40(1)(a), (1)(b) and (2)(c) of the Rabbit and Ratite Meat Rules and substitutes “a Commonwealth authorised”.

This amendment aligns with the change in meat inspection allocations, being that Commonwealth authorised officers will only be provided to registered establishments where there is a requirement to do so to meet importing country requirements.

Item [31] – Section 12-1

Chapter 12 of the Rabbit and Ratite Meat Rules provides for transitional provisions. Section 12-1 provides definitions for terms used in Chapter 12.

This item amends section 12-1 to add the words “Parts 2 and 3 of” before the words “this Chapter”. This amendment is consequential to item 32 of this Schedule which adds new Part 4 of Chapter 12. The amendment clarifies that the definitions in section 12-1 apply only to existing Parts 2 and 3 of Chapter 12 and not new Part 4 of Chapter 12.

Item [32] – At the end of Chapter 12

This item adds new Part 4 to Chapter 12 of the Rabbit and Ratite Meat Rules. New Part 4 provides for the transitional arrangements for the amendments made by this instrument.

New section 12-8 is the only section in new Part 4. It provides that section 4-25, as amended by item 24 of this Schedule, applies in relation to applications for an allocation of meat inspection services to an establishment under subsection 4-24(1) of the Rabbit and Ratite Meat Rules made on or after 1 November 2024. This transitional provision clarifies that the amendments apply prospectively.

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

Item [33] – Section 1-5

Section 1-5 of the *Export Control (Wild Game Meat and Wild Game Meat Products) Rules 2021* (the Wild Game Meat Rules) provides for the definitions of terms used throughout the Wild Game Meat Rules.

This item inserts the definition for ***meat inspection position*** in section 1-5 of the Wild Game Meat Rules.

Meat inspection position means a position that is occupied by a Commonwealth authorised officer and is allocated under Part 6 of Chapter 4 of the Wild Game Meat Rules to an establishment for the purposes of undertaking meat inspection services at the establishment.

Item [34] – Paragraphs 4-14(1)(a) and (b)

Section 4-14 of the Wild Game Meat Rules sets out the obligations on the occupier of a registered establishment for operations to prepare prescribed wild game meat or wild game meat products for export in relation to meat inspection services allocations.

Subsection 4-14(1) currently provides that section 4-14 applies if an approved arrangement for operations to prepare prescribed wild game meat or wild game meat products for export at a registered establishment either provides that an authorised officer must be present at the establishment while operations of that kind are carried out (paragraph 4-14(1)(a)), or is subject to a condition that requires an authorised officer to be present at the establishment while operations of that kind are carried out (paragraph 4-14(1)(b)).

This item omits “an authorised” where it appears in paragraphs 4-14(1)(a) and (b) of the Wild Game Meat Rules and substitutes “a Commonwealth authorised”. Under amended paragraphs 4-14(1)(a) and (b), section 4-14 applies where an approved arrangement for operations to prepare prescribed wild game meat or wild game meat products for export at a registered establishment requires, or is subject to a condition that requires, a Commonwealth authorised officer to be present at the establishment while operations of that kind are being carried out.

The purpose of this amendment is to provide that it is only a condition of registration to have a preliminary allocation of meat inspection services for the establishment where the approved arrangement requires that a Commonwealth authorised officer must be present at the establishment during relevant operations. This reflects the broader intention that Commonwealth authorised officers will only be provided to registered establishments to carry out meat inspection services where there is a requirement to do so to meet importing country requirements.

Item [35] – Subsections 4-22(1) and (2)

Section 4-22 of the Wild Game Meat Rules provides for the preliminary allocation of meat inspection services.

This item repeals subsections 4-22(1) and (2) and substitutes new subsections 4-22(1), (2) and (2A) of the Wild Game Meat Rules. Previous subsections 4-22(1) and (2) required the Secretary to determine a preliminary allocation of meat inspection services to an establishment after receiving an application from the occupier of the establishment, but the provision did not specify in detail how an allocation must be made. The purpose of the new provisions is to specify the way in which meat inspection services are allocated in practice, to ensure it is clear in the legislation that it is a position that is allocated to the establishment rather than a specific officer. Together with the amendments to section 2-4 of the Fees Rules (see item 3 of this Schedule) this ensures that a registered establishment can only be charged a single fee for an allocated position regardless of how many Commonwealth authorised officers occupy the allocated position at different times (for example, to cover a period of leave or where officers work part-time). The new provisions also specify that an allocation is made by determining a certain number of hours (or part thereof) that each position is allocated to the establishment, consistent with the way meat inspection services are allocated in practice and the way fees are charged for those services. As before, the number of positions and hours allocated to the establishment can be zero.

New subsection 4-22(1) provides that as soon as practicable after receiving an application under subsection 4-21(1) of the Wild Game Meat Rules for meat inspection services to be allocated to an establishment, the Secretary must make a preliminary allocation of meat inspection services to the establishment by determining:

- the number of meat inspection positions to be allocated to the establishment; and
- the number of hours (or part thereof) per week that each position is allocated to undertake meat inspection services at the establishment.

New subsection 4-22(2) retains the same considerations in determining the preliminary allocation of meat inspections services to the establishment as previous subsection 4-22(2) and adds paragraph 4-22(2)(i) as an additional matter that the Secretary must have regard to in determining the preliminary allocation, specifically “any importing country requirement for Commonwealth authorised officers to be present at the establishment while operations of that kind are carried out.” New subsection 4-22(2) also changes references from “authorised officer” to “Commonwealth authorised officer” where applicable.

The purpose of adding paragraph 4-22(2)(i) is to ensure that importing country requirements are a relevant consideration in determining meat inspection services allocations (including whether the preliminary allocation is zero), because the intention is that Commonwealth authorised officers will only be provided to registered establishments to carry out meat inspection services where there is a requirement to do so to meet importing country requirements.

New subsection 4-22(2A) provides that a preliminary allocation under subsection 4-22(1) may be that zero meat inspection positions and hours are allocated to an establishment. This reflects previous subsection 4-22(1), which provided that the preliminary allocation of meat inspection services may be zero.

Item [36] – Subsection 4-29(4)

Section 4-29 of the Wild Game Meat Rules enables the occupier of a registered establishment where operations to prepare prescribed wild game meat or wild game meat products for export are carried out to apply to the Secretary to vary the allocation of meat inspection services to that establishment.

Subsection 4-29(4) provides timeframes for applying to vary the allocation of meat inspection services other than by reducing or increasing the allocation, for example by applying for a change to the proportion of third party authorised officers and Commonwealth authorised officers carrying out meat inspection services.

This item repeals subsection 4-29(4) of the Wild Game Meat Rules.

This amendment is a part of amendments to the Wild Game Meat Rules which provide that Commonwealth authorised officers will only be provided to registered establishments to carry out meat inspection services where there is a requirement to do so to meet importing country requirements.

Item [37]- Subparagraphs 4-32(1)(a)(v) to (viii)

Section 4-32 of the Wild Game Meat Rules provides for the variation by the Secretary of the allocation of meat inspection services to a registered establishment where operations to prepare prescribed wild game meat or wild game meat products for export are carried out.

Subsection 4-32(2) of the Wild Game Meat Rules provides that the Secretary may vary the allocation of meat inspection services at a registered establishment in the circumstances specified in paragraphs 4-32(1)(a) or (b).

The circumstances specified in subparagraphs 4-32(1)(a)(i) to (viii) of the Wild Game Meat Rules generally reflect where there has been a change (a *relevant change*) in the matters which the Secretary was required to have regard to when determining the preliminary allocation of meat inspection services to that establishment under subsection 4-22(2).

This item repeals subparagraphs 4-32(1)(a)(v) to (viii) of the Wild Game Meat Rules and substitutes new subparagraphs 4-32(1)(a)(v) to (ix). The matters set out in new subparagraphs 4-32(1)(a)(v) to (ix) are:

- the management practices in relation to meat inspection services of a particular registered establishment (new subparagraph 4-32(1)(a)(v));
- the need to protect the health and safety of Commonwealth authorised officers while they are performing functions or exercising powers under the Act in or at a registered establishment (new subparagraph 4-32(1)(a)(vi));
- the construction of a particular registered establishment where meat inspection services are carried out (new subparagraph 4-32(1)(a)(vii));
- the operations of a particular registered establishment where meat inspection services are carried out (new subparagraph 4-32(1)(a)(viii)); and
- an importing country requirement for a Commonwealth authorised officer to be present at an establishment where meat inspection services are carried out (new subparagraph 4-32(1)(a)(ix)).

New subparagraphs 4-32(1)(a)(v) to (ix) reflect the changes in the allocation of meat inspection services whereby Commonwealth authorised officers will only be provided to registered establishments where there is a requirement to do so to meet importing country requirements.

Item [38] – After paragraph 4-32(1)(a)

Section 4-32 of the Wild Game Meat Rules provides for the variation by the Secretary of the allocation of meat inspection services to a registered establishment where operations to prepare prescribed wild game meat or wild game meat products for export are carried out.

Currently, subsection 4-32(2) provides that the Secretary may vary the allocation of meat inspection services to registered establishments affected by a *relevant change* (listed in paragraph 4-32(1)(a)) or to a registered establishment referred to in paragraph 4-32(1)(b).

This item inserts paragraph 4-32(1)(aa) after paragraph 4-32(1)(a) of the Wild Game Meat Rules. The effect of new paragraph 4-32(1)(aa) is that the Secretary may vary the allocation of meat inspection services at a registered establishment if 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.

New paragraph 4-32(1)(aa) reflects the changes in the allocation of meat inspection services whereby Commonwealth authorised officers will only be provided to registered establishments where there is a requirement to do so to meet importing country requirements. Specifically, the amendment facilitates the removal of an existing allocation of meat inspection services if there is no importing country requirement for a Commonwealth authorised officer to be present at the establishment.

Item [39] – Subsection 4-32(2)

Section 4-32 of the Wild Game Meat Rules provides for the variation by the Secretary of the allocation of meat inspection services to a registered establishment where operations to prepare prescribed wild game meat or wild game meat products for export are carried out.

Subsection 4-32(2) of the Wild Game Meat Rules provides that the Secretary may vary the allocation of meat inspection services at a registered establishment in the circumstances specified in paragraphs 4-32(1)(a) or (b).

Currently, subsection 4-32(2) provides that the Secretary may vary the allocation of meat inspection services to registered establishments affected by a *relevant change* (listed in paragraph 4-32(1)(a)) or to a registered establishment referred to in paragraph 4-32(1)(b).

This item omits “paragraph(1)(b)” and substitutes “paragraph (1)(aa) or (b)” in subsection 4-32(2) of the Wild Game Meat Rules. New paragraph 4-32(1)(aa) is inserted by item 38 of Schedule 1 to the Amendment Rules. The effect of the amendment is that the Secretary may vary the allocation of meat inspection services to a registered establishment if there is no importing country requirement for a Commonwealth authorised officer to be present at the establishment.

Together with item 38 above, this amendment reflects the changes in the allocation of meat inspection services whereby Commonwealth authorised officers will only be provided to registered establishments where there is a requirement to do so to meet importing country requirements. Specifically, the amendments facilitate the removal of an existing allocation of meat inspection services if there is no importing country requirement for a Commonwealth authorised officer to be present at the establishment.

Item [40] – Section 5-30 (heading)

Section 5-30 of the Wild Game Meat Rules currently deals with the requirement that authorised officers are present at registered establishments while certain export operations are carried out.

This item amends the heading of section 5-30 of the Wild Game Meat Rules by omitting “Authorised” and substituting “Commonwealth authorised”.

This amendment aligns with the change in meat inspection allocations, being that Commonwealth authorised officers will be provided to registered establishments only where there is a requirement to do so to meet importing country requirements.

Item [41] – Paragraphs 5-30(1)(a) and (b) and (2)(c)

Section 5-30 of the Wild Game Meat Rules currently deals with the requirement that authorised officers are present at registered establishments while certain export operations are carried out.

Subsection 5-30(1) currently provides that the requirements in section 5-30 apply in relation to an approved arrangement for operations to prepare prescribed wild game meat or wild game meat products for export at a registered establishment if the approved arrangement either:

- provides that an authorised officer must be present at the establishment while operations of that kind are being carried out (paragraph 5-30(1)(a)); or
- is subject to a condition that requires an authorised officer to be present at the establishment while operations of that kind are being carried out (5-30(1)(b)).

Subsection 5-30(2) currently provides that operations to prepare prescribed rabbit meat, ratite meat, rabbit meat products or ratite meat products for export in accordance with the approved arrangement must not be carried out at the registered establishment unless:

- meat inspection services have been allocated to the establishment under Part 6 of Chapter 4 of the Wild Game Meat Rules relating to requirements for registered establishments (paragraph 5-30(2)(a));
- a memorandum of agreed intent between the Secretary and the occupier of the establishment in relation to the allocation is in place under that Part 6 (paragraph 5-30(2)(b)); and
- an authorised officer is present at the establishment (paragraph 5-30(2)(c)).

This item omits “an authorised” where it appears in paragraphs 5-30(1)(a), (1)(b) and (2)(c) of the Wild Game Meat Rules and substitutes “a Commonwealth authorised”.

This amendment aligns with the change in meat inspection allocations, being that Commonwealth authorised officers will only be provided to registered establishments where there is a requirement to do so to meet importing country requirements.

Item [42] – Section 12-1

Chapter 12 of the Wild Game Meat Rules provides for transitional provisions. Section 12-1 provides definitions for terms used in Chapter 12.

This item amends section 12-1 to add the words “Parts 2 to 5 of” before the words “this Chapter”. This amendment is consequential to item 43 of this Schedule which adds new Part 6 of Chapter 12. The amendment clarifies that the definitions in section 12-1 apply only to existing Parts 2 to 5 of Chapter 12 and not new Part 6 of Chapter 12.

Item [43] – At the end of Chapter 12

This item adds new Part 6 to Chapter 12 of the Wild Game Meat Rules. New Part 6 provides for the transitional arrangements for the amendments made by this instrument.

New section 12-30 is the only section in new Part 6. It provides that section 4-22, as amended by item 35 of this Schedule, applies in relation to applications for an allocation of meat inspection services to an establishment under subsection 4-21(1) of the Wild Game Meat Rules made on or after 1 November 2024. This transitional provision clarifies that the amendments apply prospectively.

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Export Control Legislation Amendment (2024 Measures No. 2) Rules 2024

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Legislative Instrument

The *Export Control Legislation Amendment (2024 Measures No. 2) Rules 2024* (the Legislative Instrument) is made under the *Export Control Act 2020* (the Act) and amends the following rules:

- *Export Control (Fees and Payments) Rules 2021* (the Fees Rules);
- *Export Control (Meat and Meat Products) Rules 2021* (the Meat Rules);
- *Export Control (Poultry Meat and Poultry Meat Products) Rules 2021* (the Poultry Meat Rules);
- *Export Control (Rabbit and Ratite Meat and Rabbit and Ratite Meat Products) Rules 2021* (the Rabbit and Ratite Meat Rules); and
- *Export Control (Wild Game Meat and Wild Game Meat Products) Rules 2021* (the Wild Game Meat Rules).

The Legislative Instrument amends the Fees Rules, Meat Rules, Poultry Meat Rules, Rabbit and Ratite Meat Rules and Wild Game Meat Rules to clarify provisions relating to meat inspection services that have been allocated to a registered establishment.

The Legislative Instrument also amends the Rabbit and Ratite Meat Rules and the Wild Game Meat Rules to facilitate the meat modernisation reforms to the Australian Export Meat Inspection System (AEMIS). The reforms will result in Commonwealth authorised officers being provided to registered establishments for meat inspection services only where there is a requirement to do so to meet importing country requirements. The amendments made by the Legislative Instrument include that an allocation of meat inspection services is only required when an approved arrangement provides that a Commonwealth authorised officer must be present at the establishment. The amendments also facilitate the removal of an existing allocation of meat inspection services if there is no importing country requirement for a Commonwealth authorised officer to be present at the establishment.

Human rights implications

This Legislative Instrument does not engage any of the applicable rights or freedoms.

Conclusion

This Legislative Instrument is compatible with human rights as it does not raise any human rights issues.

Adam Phillip Fennessy PSM
Secretary of the Department of Agriculture, Fisheries and Forestry