



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

I, Adam Phillip Fennessy PSM, Secretary of the Department of Agriculture, Fisheries and Forestry, make the following rules.

Dated 18 October 2024

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

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1 Name

This instrument is the *Export Control Legislation Amendment (2024 Measures No. 2) Rules 2024*.

2 Commencement

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

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	1 November 2024.	1 November 2024

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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—Amendments

Export Control (Fees and Payments) Rules 2021

1 Section 1-6 (definition of *allocated authorised officer*)

Repeal the definition.

2 Section 1-6

Insert:

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

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

3 Section 2-4

Repeal the section, substitute:

2-4 Fees in relation to meat inspection services

- (1) The fee that may be charged in relation to the fee-bearing activity specified in column 1 of an item in the following table is the amount specified in, or worked out in accordance with, column 2 of the item.

Fees in relation to meat inspection services		
Item	Column 1 Fee-bearing activity	Column 2 Amount
1	Meat inspection services carried out at a registered establishment: (a) by a person occupying a meat inspection position allocated to the establishment; and (b) during the hours (or part thereof) that the position is allocated to carry out the services at the establishment	The amount is as follows: (a) for a meat inspection position allocated to the establishment for 1 month or more to carry out the activity for 40 hours per week: (i) if the position is occupied by a veterinarian—\$24,970 per month or part of a month that the position is allocated to the establishment; or (ii) if the position is occupied by a person other than a veterinarian—\$18,715 per month or part of a month that the position is allocated to the establishment; (b) for a meat inspection position allocated to the establishment for 1 month or more to carry out the activity for more than 40 hours per week, the sum of: (i) the amount that would have applied to the position under paragraph (a) had the position been allocated to carry out the activity for 40 hours per week; and (ii) the amount worked out for the position using

Fees in relation to meat inspection services		
Item	Column 1	Column 2
	Fee-bearing activity	Amount
		the formula in subsection (2);
		(c) for a meat inspection position allocated to the establishment for 1 month or more to carry out the activity for less than 40 hours per week, the amount worked out for the position using the formula in subsection (2);
		(d) for a meat inspection position allocated to the establishment for less than 1 month: <ul style="list-style-type: none"> (i) if the position is occupied by a veterinarian—\$36 for each quarter hour of the period that the position is allocated to the establishment to carry out the activity; or (ii) if the position is occupied by a person other than a veterinarian—\$27 for each quarter hour of the period that the position is allocated to the establishment to carry out the activity

- (2) For the purposes of subparagraph (b)(ii) and paragraph (c) of column 2 of item 1 of the table in subsection (1), the formula is:

Number of quarter hours × Quarterly hour fee × 4.33

where:

number of quarter hours means:

- (a) 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
- (b) 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:

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

Pro-rating of fee—shutdown period

- (3) If:
- (a) 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
 - (b) the notice is given within the period, or by the time, required by the rules relating to the meat inspection services;

the fee prescribed by paragraph (a), (b) or (c) of column 2 of item 1 of the table in subsection (1) 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:

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

Pro-rating of fee—termination of meat inspection services

- (4) If:
- (a) 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
 - (b) the notice is given within the period, or by the time, required by the rules relating to the meat inspection services; and
 - (c) 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 fee prescribed by paragraph (a), (b) or (c) of column 2 of item 1 of the table in subsection (1) 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:

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

Pro-rating of fee—variations to allocation

- (5) If:
- (a) the Secretary varies the allocation of meat inspection services to a registered establishment in accordance with rules relating to the meat inspection service; and
 - (b) the number of hours that a meat inspection position (the **affected position**) is allocated to the establishment to carry out 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:

- (c) the fee prescribed by paragraph (a), (b) or (c) of column 2 of item 1 of the table in subsection (1) 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 formula in subsection (6);
- (d) the fee prescribed by paragraph (a), (b) or (c) of column 2 of item 1 of the table in subsection (1) 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 formula in subsection (6).

(6) For the purposes of paragraphs (5)(c) and (d), the formula is:

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

where:

number of relevant days means:

- (a) if the formula is being applied for the purposes of paragraph (5)(c)—the number of days in the month before the variation day; or
- (b) if the formula is being applied for the purposes of paragraph (5)(d)—the number of days in the period beginning on the variation day and ending at the end of the month in which the variation day occurs.

4 Subsection 2-11(1) (table item 1, column 1)

Omit “Activities carried out by a Commonwealth authorised officer under subsection 379(9) of the Act in relation to”, substitute “Consideration by a Commonwealth authorised officer of”.

5 Subsection 2-11(1) (table item 1A)

Repeal the table item.

6 Subsection 2-11(1) (table items 2 to 7, column 1)

Omit “Activities carried out by a Commonwealth authorised officer under subsection 379(9) of the Act in relation to”, substitute “Consideration by a Commonwealth authorised officer of”.

7 At the end of Part 5

Add:

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

5-2 Amendments made by the Export Control Legislation Amendment (2024 Measures No. 2) Rules 2024

The amendments of this instrument made by Schedule 1 to the *Export Control Legislation Amendment (2024 Measures No. 2) Rules 2024* apply in relation to a fee-bearing activity carried out on or after 1 November 2024.

Export Control (Meat and Meat Products) Rules 2021

8 Section 1-5

Insert:

meat inspection position means a position that:

- (a) is occupied by a Commonwealth authorised officer; and
- (b) is allocated under Part 6 of Chapter 4 to an establishment for the purposes of undertaking meat inspection services at the establishment.

9 Section 1-5 (definition of *slaughter floor meat inspection service*)

Repeal the definition.

10 Section 4-23

Repeal the section, substitute:

4-23 Preliminary allocation

- (1) As soon as practicable after receiving an application under subsection 4-22(1) 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:
 - (a) the number of meat inspection positions to be allocated to the establishment; and
 - (b) the number of hours (or part thereof) that each position is allocated to carry out meat inspection services at the establishment.
- (2) In determining the preliminary allocation of meat inspection services to the establishment, the Secretary must have regard to the following:
 - (a) the overall requirements of the industry for meat inspection services;
 - (b) Australia's international obligations;
 - (c) any staffing formula agreed to by the Department and the relevant union or unions of Commonwealth authorised officers;
 - (d) the availability of Commonwealth authorised officers to carry out meat inspection services;
 - (e) management practices at the establishment in relation to meat inspection services;
 - (f) the need to protect the health and safety of Commonwealth authorised officers while they are carrying out their duties in or around the establishment;
 - (g) the construction of the establishment;
 - (h) the intended operations of the establishment;
 - (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.
- (3) A preliminary allocation under subsection (1) may be that zero meat inspection positions and hours are allocated to an establishment.
- (4) Meat inspection services may be allocated to the establishment on any of the following bases, or on any combination of them:
 - (a) an annual basis;
 - (b) a monthly basis;
 - (c) a weekly basis;
 - (d) a daily basis;
 - (e) an hourly basis.

11 Section 12-1

Before "this Chapter", substitute "Parts 2 to 5 of".

12 At the end of Chapter 12

Add:

**Part 6—Amendments made by the Export Control
Legislation Amendment (2024 Measures No. 2)
Rules 2024****12-32 Amendments made by the *Export Control Legislation Amendment (2024 Measures No. 2) Rules 2024***

Section 4-23, as amended by Schedule 1 to the *Export Control Legislation Amendment (2024 Measures No. 2) Rules 2024*, applies in relation to applications under subsection 4-22(1) made on or after 1 November 2024.

Export Control (Poultry Meat and Poultry Meat Products) Rules 2021**13 Section 1-5**

Insert:

meat inspection position means a position that:

- (a) is occupied by a Commonwealth authorised officer; and
- (b) is allocated under Part 6 of Chapter 4 to an establishment for the purposes of undertaking meat inspection services at the establishment.

14 Section 1-5 (definition of *slaughter floor meat inspection service*)

Repeal the definition.

15 Paragraphs 4-14(1)(a) and (b)

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

16 Section 4-22

Repeal the section, substitute:

4-22 Preliminary allocation

- (1) As soon as practicable after receiving an application under subsection 4-21(1) 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:
 - (a) the number of meat inspection positions to be allocated to the establishment; and
 - (b) the number of hours (or part thereof) that each position is allocated to carry out meat inspection services at the establishment.
- (2) In determining the preliminary allocation of meat inspection services to the establishment, the Secretary must have regard to the following:
 - (a) the overall requirements of the industry for meat inspection services;
 - (b) Australia’s international obligations;

- (c) any staffing formula agreed to by the Department and the relevant union or unions of Commonwealth authorised officers;
 - (d) the availability of Commonwealth authorised officers to carry out meat inspection services;
 - (e) management practices at the establishment in relation to meat inspection services;
 - (f) the need to protect the health and safety of Commonwealth authorised officers while they are carrying out their duties in or around the establishment;
 - (g) the construction of the establishment;
 - (h) the intended operations of the establishment.
- (3) A preliminary allocation under subsection (1) may be that zero meat inspection positions and hours are allocated to an establishment.
- (4) Meat inspection services may be allocated to the establishment on any of the following bases, or on any combination of them:
- (a) an annual basis;
 - (b) a monthly basis;
 - (c) a weekly basis;
 - (d) a daily basis;
 - (e) an hourly basis.

17 Section 5-33 (heading)

Omit “Authorised”, substitute “Commonwealth authorised”.

18 Paragraphs 5-33(1)(a) and (b) and (2)(c)

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

19 Section 12-1

Before “this Chapter”, insert “Parts 2 to 5 of”.

20 At the end of Chapter 12

Add:

**Part 6—Amendments made by the Export Control
Legislation Amendment (2024 Measures No. 2)
Rules 2024**

12-30 Amendments made by the *Export Control Legislation Amendment (2024 Measures No. 2) Rules 2024*

Section 4-22, as amended by Schedule 1 to the *Export Control Legislation Amendment (2024 Measures No. 2) Rules 2024*, applies in relation to applications under subsection 4-21(1) made on or after 1 November 2024.

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

21 Section 1-5

Insert:

meat inspection position means a position that:

- (a) is occupied by a Commonwealth authorised officer; and
- (b) is allocated under Part 6 of Chapter 4 to an establishment for the purposes of undertaking meat inspection services at the establishment.

22 Section 1-5 (definition of *slaughter floor meat inspection service*)

Repeal the definition.

23 Paragraphs 4-17(1)(a) and (b)

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

24 Section 4-25

Repeal the section, substitute:

4-25 Preliminary allocation

- (1) As soon as practicable after receiving an application under subsection 4-24(1) 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:
 - (a) the number of meat inspection positions to be allocated to the establishment; and
 - (b) the number of hours (or part thereof) that each position is allocated to carry out meat inspection services at the establishment.
- (2) In determining the preliminary allocation of meat inspection services to the establishment, the Secretary must have regard to the following:
 - (a) the overall requirements of the industry for meat inspection services;
 - (b) Australia’s international obligations;
 - (c) any staffing formula agreed to by the Department and the relevant union or unions of Commonwealth authorised officers;
 - (d) the availability of Commonwealth authorised officers to carry out meat inspection services;
 - (e) management practices at the establishment in relation to meat inspection services;
 - (f) the need to protect the health and safety of Commonwealth authorised officers while they are carrying out their duties in or around the establishment;
 - (g) the construction of the establishment;
 - (h) the intended operations of the establishment;
 - (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.

- (3) A preliminary allocation under subsection (1) may be that zero meat inspection positions and hours are allocated to an establishment.
- (4) Meat inspection services may be allocated to the establishment on any of the following bases, or on any combination of them:
 - (a) an annual basis;
 - (b) a monthly basis;
 - (c) a weekly basis;
 - (d) a daily basis;
 - (e) an hourly basis.

25 Subsection 4-32(4)

Repeal the subsection.

26 Subparagraphs 4-35(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 Commonwealth 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

27 After paragraph 4-35(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

28 Subsection 4-35(2)

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

29 Section 5-40 (heading)

Omit “Authorised”, substitute “Commonwealth authorised”.

30 Paragraphs 5-40(1)(a) and (b) and (2)(c)

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

31 Section 12-1

Before “this Chapter”, insert “Parts 2 and 3 of”.

32 At the end of Chapter 12

Add:

Part 4—Amendments made by the Export Control Legislation Amendment (2024 Measures No. 2) Rules 2024

12-8 Amendments made by the *Export Control Legislation Amendment (2024 Measures No. 2) Rules 2024*

Section 4-25, as amended by Schedule 1 to the *Export Control Legislation Amendment (2024 Measures No. 2) Rules 2024*, applies in relation to applications under subsection 4-24(1) made on or after 1 November 2024.

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

33 Section 1-5

Insert:

meat inspection position means a position that:

- (a) is occupied by a Commonwealth authorised officer; and
- (b) is allocated under Part 6 of Chapter 4 to an establishment for the purposes of undertaking meat inspection services at the establishment.

34 Paragraphs 4-14(1)(a) and (b)

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

35 Subsections 4-22(1) and (2)

Repeal the subsections, substitute:

- (1) As soon as practicable after receiving an application under subsection 4-21(1) 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:
 - (a) the number of meat inspection positions to be allocated to the establishment; and
 - (b) the number of hours (or part thereof) that each position is allocated to carry out meat inspection services at the establishment.
- (2) In determining the preliminary allocation of meat inspection services to the establishment, the Secretary must have regard to the following:
 - (a) the overall requirements of the industry for meat inspection services;
 - (b) Australia’s international obligations;
 - (c) any staffing formula agreed to by the Department and the relevant union or unions of Commonwealth authorised officers;
 - (d) the availability of Commonwealth authorised officers to carry out meat inspection services;
 - (e) management practices at the establishment in relation to meat inspection services;

- (f) the need to protect the health and safety of Commonwealth authorised officers while they are carrying out their duties in or around the establishment;
- (g) the construction of the establishment;
- (h) the intended operations of the establishment;
- (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.

(2A) A preliminary allocation under subsection (1) may be that zero meat inspection positions and hours are allocated to an establishment.

36 Subsection 4-29(4)

Repeal the subsection.

37 Subparagraphs 4-32(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 Commonwealth 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

38 After paragraph 4-32(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

39 Subsection 4-32(2)

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

40 Section 5-30 (heading)

Omit “Authorised”, substitute “Commonwealth authorised”.

41 Paragraphs 5-30(1)(a) and (b) and (2)(c)

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

42 Section 12-1

Before “this Chapter”, insert “Parts 2 to 5 of”.

43 At the end of Chapter 12

Add:

**Part 6—Amendments made by the Export Control
Legislation Amendment (2024 Measures No. 2)
Rules 2024**

12-30 Amendments made by the *Export Control Legislation Amendment (2024 Measures No. 2) Rules 2024*

Section 4-22, as amended by Schedule 1 to the *Export Control Legislation Amendment (2024 Measures No. 2) Rules 2024*, applies in relation to applications under subsection 4-21(1) made on or after 1 November 2024.