

Export Control Legislation Amendment (Information Management) Rules 2025

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

Dated 19 February 2025

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 (Information Management) Rules 2025*.

2 Commencement

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

| Commencement information |
| --- |
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. The whole of this instrument | The day after this instrument is registered. | 26 February 2025 |

Note: This table relates only to the provisions of this instrument as originally made.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 Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 (Animals) Rules 2021

1 Subsection 4‑5A(2) (note)

Repeal the note, substitute:

Note: Information given in those reports may be disclosed by certain persons for certain purposes (see section 11‑17 (use and disclosure of relevant information relating to prescribed livestock etc.)).

2 Part 9 of Chapter 4

Repeal the Part.

3 Subsection 5‑17(1) (note)

Repeal the note, substitute:

Note: Information given in compliance with a request made under this subsection may be disclosed by certain persons for certain purposes (see section 11‑17 (use and disclosure of relevant information relating to prescribed livestock etc.)).

4 Subsection 5‑18(3) (note)

Repeal the note, substitute:

Note: Information included in a report given to the Secretary under subsection (1) or (2) may be disclosed by certain persons for certain purposes (see section 11‑17 (use and disclosure of relevant information relating to prescribed livestock etc.)).

5 Division 8 of Part 2 of Chapter 5

Repeal the Division.

6 Subsection 6‑6(2) (note)

Repeal the note, substitute:

Note: Information given in those reports may be disclosed by certain persons for certain purposes (see section 11‑17 (use and disclosure of relevant information relating to prescribed livestock etc.)).

7 At the end of subsection 6‑18(5)

Add:

Note: Information given in the report may be disclosed by certain persons for certain purposes (see section 11‑17 (use and disclosure of relevant information relating to prescribed livestock etc.)).

8 Part 10 of Chapter 6

Repeal the Part.

9 Subsection 9‑5(5) (note)

Omit “Note”, substitute “Note 1”.

10 At the end of subsection 9‑5(5)

Add:

Note 2: Information given in an audit report may be disclosed by certain persons for certain purposes (see section 11‑17 (use and disclosure of relevant information relating to prescribed livestock etc.)).

11 Paragraphs 9‑20(1)(h) and 9‑24(1)(h)

Omit “subsection 9‑27(1)”, substitute “section 9‑27”.

12 Subsection 9‑27(1)

Omit “(1)”.

13 Subsection 9‑27(1) (note)

Omit “Note”, substitute “Note 1”.

14 At the end of subsection 9‑27(1)

Add:

Note 2: Information given in those reports may be disclosed by certain persons for certain purposes (see section 11‑17 (use and disclosure of relevant information relating to prescribed livestock etc.)).

15 Subsection 9‑27(2)

Repeal the subsection.

16 Section 9‑48

Repeal the section.

17 Part 6 of Chapter 11 (heading)

Repeal the heading, substitute:

Part 6—Information management

18 At the end of Part 6 of Chapter 11

Add:

11‑17 Use and disclosure of relevant information relating to prescribed livestock etc.

 (1) This section prescribes, for the purposes of section 397E of the Act, matters relating to the use or disclosure of relevant information of the kind prescribed in subsection (4) of this section.

Prescribed class of persons

 (2) For the purposes of paragraphs 397E(1)(a) and (2)(a) of the Act, the class of persons consisting of the following is prescribed:

 (a) the Secretary;

 (b) an SES employee, or acting SES employee, in the Department.

Prescribed purpose for which information may be used or disclosed

 (3) For the purposes of paragraphs 397E(1)(b) and (2)(b) of the Act, the purpose of making the information available to the public (including by publishing the information on the Department’s website) for one or both of the following reasons is prescribed:

 (a) to encourage compliance with the requirements of the Act by livestock exporters;

 (b) to provide assurance to Australia’s trading partners regarding how the Department regulates export operations carried out in relation to prescribed livestock.

Prescribed kind of relevant information that may be used or disclosed

 (4) For the purposes of paragraphs 397E(1)(c) and (2)(c) of the Act, the kind of relevant information prescribed is information that relates to the following:

 (a) export operations carried out in relation to prescribed livestock;

 (b) how the Department regulates the operations.

Condition on disclosure

 (5) For the purposes of paragraph 397E(2)(d) of the Act, it is a condition of the disclosure of the information that either:

 (a) the information does not include personal information about an individual; or

 (b) any personal information about an individual included in the information is de‑identified.

 (6) However, the condition in subsection (5) does not apply to the disclosure of the name of:

 (a) the holder of an export licence; or

 (b) an occupier of a registered establishment; or

 (c) an export business.

Specified legislative power

 (7) For the purposes of subsection 397E(3) of the Act, the power of the Parliament to make laws with respect to trade and commerce with other countries, and among the States is specified.

19 In the appropriate position in Chapter 12

Insert:

Part 10—Amendments made by the Export Control Legislation Amendment (Information Management) Rules 2025

12‑41 Application of amendments

 Section 11‑17, as added by the *Export Control Legislation Amendment (Information Management) Rules 2025*, applies in relation to the use or disclosure of relevant information on or after the day on which that instrument commences, whether the information was obtained or generated before, on or after that day.

Export Control (Miscellaneous) Rules 2021

20 Section 3‑1

Repeal the section.