Export Control Act 1982

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About this compilation

This compilation

This is a compilation of the *Export Control Act 1982* that shows the text of the law as amended and in force on 5 March 2016 (the ***compilation date***).

The notes at the end of this compilation (the ***endnotes***) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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An Act to provide for the control of the export of certain goods and for related purposes

Part I—Preliminary

1 Short title

This Act may be cited as the *Export Control Act 1982*.

2 Commencement

This Act shall come into operation on a date to be fixed by Proclamation.

3 Interpretation

In this Act, unless the contrary intention appears:

accredited veterinarian has the meaning given by subsection 9B(2).

aircraft means any machine or craft that can derive support in the atmosphere from the reactions of the air or from buoyancy.

animal means any member, alive or dead, of the animal kingdom, other than a human being.

apply, in relation to a trade description or an official mark, includes write, print, stencil, mark, emboss, impress or attach.

approved export program has the meaning given by subsection 9A(2).

authorised officer means a person appointed under section 20 to be an authorised officer.

covering includes any stopper, glass, bottle, vessel, box, container, capsule, case, frame or wrapper.

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eligible animal reproductive material means prescribed goods consisting of animal reproductive material.

eligible live animals means prescribed goods consisting of live animals.

enter, in relation to an aircraft, vehicle or ship, includes go on board.

enter for export, in relation to any prescribed goods, means the presentation of the goods by a person to an authorised officer for the purpose of the authorised officer performing his or her functions under section 10, being a presentation occurring at a particular stage of the preparation of the goods that is prescribed in respect of any proposed export of such goods.

enter for export to a specified place, in relation to any prescribed goods, means the presentation of the goods by a person to an authorised officer for the purpose of the authorised officer performing his or her functions under section 10, being a presentation occurring at a particular stage of the preparation of the goods that is prescribed in respect of any proposed export of such goods to a place specified in the regulations.

establishment includes premises.

evidential material means any of the following things, including such a thing in electronic form:

(a) a thing with respect to which an offence against this Act has been committed or is suspected, on reasonable grounds, to have been committed;

(b) a thing as to which there are reasonable grounds for suspecting that it will afford evidence as to the commission of an offence against this Act;

(c) a thing as to which there are reasonable grounds for suspecting that it is intended to be used for the purpose of committing an offence against this Act.

examine includes count, measure, weigh, grade or gauge.

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executing officer, for a warrant, means the person named in the warrant as being responsible for executing the warrant.

export activities, in relation to eligible live animals or eligible animal reproductive material, means:

(a) the preparation of the eligible live animals, or the eligible animal reproductive material, for export and while being transported to their overseas destination; and

(b) any other activity involving the eligible live animals, or the eligible animal reproductive material, occurring at any stage in the export process, from the planning of the export until the delivery of the eligible live animals or the eligible animal reproductive material at their overseas destination.

false trade description means a trade description that, by reason of anything contained in or omitted from the description, is false or likely to mislead in a material respect as regards the goods to which it relates, and includes every alteration of a trade description, whether by way of addition, effacement or otherwise, which makes the description false or likely to mislead.

fish means aquatic vertebrates and aquatic invertebrates but excludes mammals and birds.

food includes:

(a) any substance or thing of a kind used or capable of being used as food or drink by human beings; and

(b) any substance or thing of a kind used or capable of being used as an ingredient in a substance or thing referred to in paragraph (a);

whether or not it is in a condition fit for human consumption.

goods means:

(a) an animal or a plant, or part of an animal or a plant;

(b) an article or a substance (including reproductive material) derived from an animal or a plant, whether or not in combination with any other article or substance; or

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(c) food;

but does not include narcotic goods within the meaning of the *Customs Act 1901*.

label includes any tag, band, ticket, brand or pictorial or other descriptive matter.

magistrate means a magistrate who is remunerated by salary or otherwise.

occupier of premises means the person apparently in charge of the premises.

offence against this Act includes an offence against:

(a) section 6 of the *Crimes Act 1914*; or

(b) section 11.1, 11.4 or 11.5 of the *Criminal Code*;

that relates to an offence against this Act.

officer assisting, in relation to a warrant, means:

(a) an authorised officer who is assisting in executing the warrant; or

(b) a person who is not an authorised officer, but who has been authorised by the relevant executing officer to assist in executing the warrant.

official mark means any stamp, seal, label or mark that is declared by the regulations to be an official mark.

official marking device means a device that is capable of being used to apply an official mark and is declared by the regulations to be an official marking device.

order means an order made by the Minister or Secretary under this Act or the regulations.

plant means any member, alive or dead, of the plant kingdom.

premises includes the following:

(a) a building, aircraft, vehicle or ship;

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(b) a place (whether enclosed, or built on, or not and whether on land, or in or on water, or not);

(c) a part of a thing or place referred to in paragraph (a) or (b).

preparation, in relation to prescribed goods, includes the following:

(a) the slaughter or killing of animals and the dressing of carcasses from which prescribed goods are obtained;

(aa) the capturing or taking of fish (whether from the wild or from stocks maintained using aquaculture) that are prescribed goods or from which prescribed goods are obtained;

(b) the processing, packing or storage of prescribed goods;

(c) the treatment of prescribed goods;

(d) the handling or loading of prescribed goods.

prescribed goods means goods, or goods included in a class of goods, that are declared by the regulations to be prescribed goods for the purposes of this Act.

registered establishment means an establishment that is registered under the regulations.

Note: As the term ***establishment*** includes premises, what is registered under the regulations may be premises.

regulations includes orders.

Secretary means the Secretary of the Department.

ship means any vessel used in navigation, other than air navigation, and includes a barge, a lighter or any other floating vessel.

this Act includes the regulations.

trade description, in relation to prescribed goods, means any description or statement (whether in English or any other language), or pictorial representation, indication or suggestion, direct or indirect:

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(a) as to the nature, number, quantity, quality, purity, class, grade, breed, measure, gauge, size, mass, colour, strength, sex, species or age of the goods;

(b) as to the country or place in or at which the goods were made or produced;

(c) as to the exporter, manufacturer or producer of the goods or the person by whom they were selected, packed or in any way prepared for the market;

(d) as to the mode, time or place of manufacturing, producing, selecting, packing or otherwise preparing or treating the goods;

(e) as to the time before which, or period within which, the goods are to be used;

(f) as to the batch, lot or other grouping in which the goods are included;

(g) as to the material or ingredients of which the goods are composed or from which they are derived; or

(h) as to the goods being the subject of an existing patent or privilege;

and includes any label or mark that, according to the custom of the trade or common repute, is commonly taken to be an indication of any of the above matters.

4 Act binds the Crown

This Act binds the Crown in right of the Commonwealth, of each of the States, of the Australian Capital Territory and of the Northern Territory.

4AA Application of the *Criminal Code*

Chapter 2 of the *Criminal Code* applies to all offences against this Act.

Note: Chapter 2 of the *Criminal Code* sets out the general principles of criminal responsibility.

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4A Regulations may provide for the extension of Act to certain Territories

(1) Subject to subsection (2), this Act does not extend to the following Territories:

(a) the Territory of Christmas Island;

(b) the Territory of Cocos (Keeling) Islands.

(2) Regulations may be made to extend the whole or a part of this Act to either or both of the Territories.

5 Saving of other laws

This Act is not intended to exclude the operation of any other law of the Commonwealth or any law of a State or Territory insofar as that law is capable of operating concurrently with this Act.

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Part II—Export and entry for export of prescribed goods

6 Notice of intention to export prescribed goods

(1) A person who intends to export prescribed goods shall, if required to do so by the regulations, give notice to the Secretary or an authorised officer, in accordance with the regulations, of the person's intention to export the goods and of the place where the goods may be inspected.

Penalty: Imprisonment for 12 months.

(2) Without limiting the generality of subsection (1), regulations made for the purposes of that subsection may:

(a) make provision with respect to the time of giving of the notice referred to in that subsection; and

(b) make different provision with respect to goods of different kinds.

(3) An offence against this section is punishable on summary conviction.

(4) In subsection (1), strict liability applies to the physical element of circumstance, that the requirement to give notice as mentioned in that subsection is under the regulations.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

7 Prohibition on export of prescribed goods

(1) The regulations may prohibit the export of prescribed goods from Australia.

(2) Regulations made for the purposes of subsection (1) may:

(a) prohibit the export of prescribed goods absolutely;

(b) prohibit the export of prescribed goods to a specified place;

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(c) prohibit the export of prescribed goods unless specified conditions or restrictions are complied with; or

(d) prohibit the export of prescribed goods to a specified place unless specified conditions or restrictions are complied with.

(3) Without limiting the generality of subsection (2), regulations made for the purposes of subsection (1):

(a) may provide that the export of prescribed goods, or the export of prescribed goods to a specified place, is prohibited unless a licence, permission, consent or approval to export the goods or a class of goods in which the goods are included has been granted as prescribed by the regulations; and

(b) may make provision for and in relation to:

(i) the assignment of licences or permissions so granted or of licences or permissions included in a prescribed class of licences or permissions so granted; and

(ii) the granting of a licence or permission to export prescribed goods subject to compliance with conditions or restrictions, either before or after the export of the goods, by the person to whom the licence or permission is granted or any person to whom the licence or permission is assigned; and

(iia) the imposition of fees in connection with monitoring compliance with conditions of licences that are designated as hardwood woodchip export licences; and

(iii) the surrender of a licence or permission to export prescribed goods and, in particular, without limiting the generality of the foregoing, the surrender of a licence or permission to export prescribed goods in exchange for the granting to the holder of the surrendered licence or permission of another licence or permission or other licences or permissions to export prescribed goods; and

(iv) the revocation or suspension of a licence or permission that is granted subject to a condition or restriction to be complied with by a person for failure by the person to comply with the condition or restriction, whether or not

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the person is charged with an offence against section 9 in respect of the failure.

(3A) Without limiting the generality of subsection (2), regulations made for the purposes of subsection (1):

(a) may provide that the export of prescribed goods, or the export of prescribed goods to a specified place, is prohibited unless the goods have been prepared in accordance with an arrangement that has been approved by the Secretary; and

(b) may make provision for and in relation to:

(i) the approval of an arrangement subject to specified conditions or restrictions; or

(ii) the variation, suspension or revocation of an approval of an arrangement; or

(iii) the variation, suspension or revocation of any or all of the conditions or restrictions to which an approval of an arrangement is subject, or the imposition of further conditions or restrictions; or

(iv) persons (including persons approved by the Secretary under the regulations and authorised officers) who may exercise powers and perform functions under, or for the purposes of, an approved arrangement.

(3B) If live-stock within the meaning of the *Australian Meat and Live-stock Industry Act 1997* are prescribed goods, then, without limiting the generality of subparagraph (3)(b)(ii), conditions imposed under that subparagraph may include a condition that the person exporting the live-stock has, in accordance with the regulations, made the declaration mentioned in subsection (3C).

(3C) The declaration is that the person has complied with:

(a) any conditions to which a live-stock export licence under the *Australian Meat and Live-stock Industry Act 1997* was subject; and

(b) any requirements under that Act that otherwise relate to the export of live-stock.

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(4) Without limiting the generality of paragraphs (2)(c) and (d) and subparagraphs (3)(b)(ii) and (3A)(b)(i), conditions or restrictions imposed under those provisions may be required to be complied with in respect of matters or things not related to the prescribed goods to which they apply.

(5) Without limiting the generality of subparagraphs (3)(b)(ii), (iii) and (iv), if live-stock within the meaning of the *Australian Meat and Live-stock Industry Act 1997* are prescribed goods, the regulations may provide that, in relation to the grant, surrender, revocation or suspension of licences and permissions to export such prescribed goods, consideration may be given to the extent to which the applicant or the holder has complied with:

(a) any conditions to which a live-stock export licence under the *Australian Meat and Live-stock Industry Act 1997* was subject; and

(b) any requirements under that Act that otherwise relate to the export of live-stock.

7A Entering for export of certain prescribed goods

(1) A person who enters prescribed goods for export is guilty of an offence if:

(a) under the regulations, the export of the goods is prohibited unless specified conditions and restrictions are complied with; and

(b) at the time the goods are entered for export, the person falsely represents to an authorised officer, either expressly or by necessary implication, that the conditions or restrictions applicable to the goods at or before that time have been complied with.

Penalty: Imprisonment for 5 years.

(2) A person who enters prescribed goods for export to a place specified in the regulations is guilty of an offence if:

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(a) under the regulations, the export of the goods to that place is prohibited unless specified conditions or restrictions are complied with; and

(b) at the time the goods are entered for export to that place, the person falsely represents to an authorised officer, either expressly or by necessary implication, that the conditions or restrictions applicable to the goods at or before that time have been complied with.

Penalty: Imprisonment for 5 years.

(3) In paragraphs (1)(a) and (2)(a), strict liability applies to the physical element of circumstance, that the relevant prohibition is under the regulations.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

8 Export of prescribed goods

(1) Where under the regulations the export of prescribed goods is prohibited absolutely, a person who:

(a) exports the prescribed goods; or

(b) conveys or has in his or her possession the prescribed goods with intent to export the goods or knowing that they are intended to be exported;

is guilty of an offence.

(2) Where under the regulations the export of prescribed goods to a specified place is prohibited, a person who:

(a) exports the prescribed goods to that place; or

(b) conveys or has in his or her possession the prescribed goods with intent to export the goods to that place or knowing that they are intended to be exported to that place;

is guilty of an offence.

(3) Where under the regulations the export of prescribed goods is prohibited unless specified conditions or restrictions are complied with:

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(a) a person who exports the prescribed goods in contravention of the conditions or restrictions is guilty of an offence; and

(b) a person who conveys or has in his or her possession the prescribed goods is guilty of an offence if:

(i) the person intends to export the goods in circumstances that would constitute a contravention of the conditions or restrictions; or

(ii) the goods are intended to be exported in circumstances that would constitute a contravention of the conditions or restrictions.

(4) Where under the regulations the export of prescribed goods to a specified place is prohibited unless specified conditions or restrictions are complied with:

(a) a person who exports the prescribed goods to that place in contravention of the conditions or restrictions is guilty of an offence; and

(b) a person who conveys or has in his or her possession the prescribed goods is guilty of an offence if:

(i) the person intends to export the goods to that place in circumstances that would constitute a contravention of the conditions or restrictions; or

(ii) the goods are intended to be exported to that place in circumstances that would constitute a contravention of the conditions or restrictions.

(5) An offence against this section is punishable on conviction by imprisonment for a period not exceeding 5 years.

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(6) In a prosecution of a person for an offence against subsection (3) or (4) in respect of the conveyance or possession of prescribed goods intended to be exported, or intended to be exported to a particular place, in circumstances that would constitute a contravention of conditions or restrictions specified in the regulations, it is a defence if the person proves that the person did not know, and had no reasonable grounds for knowing or suspecting, that the goods were intended to be exported, or intended to be exported to that place, in circumstances that would constitute a contravention of the conditions or restrictions.

(7) In subsections (1), (2), (3) and (4), strict liability applies to the physical element of circumstance, that the relevant prohibition is under the regulations.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

8A Preparation of prescribed goods for export—offence

Export to any place

(1) A person commits an offence if:

(a) the person, either alone or in conjunction with another person, is the occupier of an establishment; and

(b) goods are prepared at the establishment; and

(c) the goods are prescribed goods; and

(d) the goods are exported after preparation (with or without further preparation); and

(e) regulations made for the purposes of subsection 7(1) prohibit the export of the goods unless specified conditions or restrictions are complied with; and

(f) one of those conditions or restrictions applies in relation to the occupier, the establishment or the preparation of the goods at the establishment; and

(g) the condition or restriction is not complied with.

Penalty: Imprisonment for 5 years.

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Export to a particular place

(2) A person commits an offence if:

(a) the person, either alone or in conjunction with another person, is the occupier of an establishment; and

(b) goods are prepared at the establishment; and

(c) the goods are prescribed goods; and

(d) the goods are exported to a particular place after preparation (with or without further preparation); and

(e) regulations made for the purposes of subsection 7(1) prohibit the export of the goods to that place unless specified conditions or restrictions are complied with; and

(f) one of those conditions or restrictions applies in relation to the occupier, the establishment or the preparation of the goods at the establishment; and

(g) the condition or restriction is not complied with.

Penalty: Imprisonment for 5 years.

Note: See section 9.4 of the *Criminal Code* in relation to paragraphs (1)(c), (e) and (f) and (2)(c), (e) and (f).

(3) In this section:

occupier means:

(a) in relation to a registered establishment—an individual, corporation or other legal entity (or any combination of these) in whose name the registered establishment is registered; and

(b) in relation to an unregistered establishment—the individual, corporation or other legal entity (or any combination of these) who:

(i) is the operator of a business preparing prescribed goods at the establishment; or

(ii) if that person cannot be ascertained—is the person in charge of the operations for the preparation of prescribed goods at the establishment.

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8B Preparation of prescribed goods for export—strict liability offence

Export to any place

(1) A person commits an offence if:

(a) the person, either alone or in conjunction with another person, is the occupier of an establishment; and

(b) goods are prepared at the establishment; and

(c) the goods are prescribed goods; and

(d) the goods are exported after preparation (with or without further preparation); and

(e) regulations made for the purposes of subsection 7(1) prohibit the export of the goods unless specified conditions or restrictions are complied with; and

(f) one of those conditions or restrictions applies in relation to the occupier, the establishment or the preparation of the goods at the establishment; and

(g) the condition or restriction is not complied with.

Penalty: 60 penalty units.

Export to a particular place

(2) A person commits an offence if:

(a) the person, either alone or in conjunction with another person, is the occupier of an establishment; and

(b) goods are prepared at the establishment; and

(c) the goods are prescribed goods; and

(d) the goods are exported to a particular place after preparation (with or without further preparation); and

(e) regulations made for the purposes of subsection 7(1) prohibit the export of the goods to that place unless specified conditions or restrictions are complied with; and

(f) one of those conditions or restrictions applies in relation to the occupier, the establishment or the preparation of the goods at the establishment; and

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(g) the condition or restriction is not complied with.

Penalty: 60 penalty units.

Note: See section 9.4 of the *Criminal Code* in relation to paragraphs (1)(c), (e) and (f) and (2)(c), (e) and (f).

(3) Strict liability applies:

(a) in paragraphs (1)(a) and 2(a) to the physical element of the circumstance that the person, either alone or in conjunction with another person, is the occupier of an establishment; and

(b) in paragraphs (1)(b) and 2(b) to the physical element of the conduct of preparing prescribed goods at the establishment; and

(c) in paragraphs (1)(g) and (2)(g) to the physical element of the circumstance that the condition or restriction is not complied with.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

(4) In this section:

occupier means:

(a) in relation to a registered establishment—an individual, corporation or other legal entity (or any combination of these) in whose name the registered establishment is registered; and

(b) in relation to an unregistered establishment—the individual, corporation or other legal entity (or any combination of these) who:

(i) is the operator of a business preparing prescribed goods at the establishment; or

(ii) if that person cannot be ascertained—is the person in charge of the operations for the preparation of prescribed goods at the establishment.

9 Contravention of licence conditions etc.

(1) Where a licence or permission granted under the regulations is subject to a condition or restriction to be complied with by a

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person, the person shall comply with the condition or restriction and, if the person fails to do so, the person is guilty of an offence punishable on conviction by a fine not exceeding $50,000.

(2) An offence under subsection (1) is an offence of strict liability.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

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Part IIA—Accreditation of veterinarians for purposes of approved export programs in relation to eligible live animals etc.

Division 1—General

9A Approved export programs

(1) The regulations may provide for the preparation, implementation, variation, suspension and cancellation of approved export programs (see subsection (2)).

(2) An ***approved export program*** is a program of activities to be undertaken by an accredited veterinarian, or an authorised officer, for the purpose of ensuring the health and welfare of eligible live animals, or the health and condition of eligible animal reproductive material, in the course of export activities.

(3) Without limiting subsection (2), the activities to be undertaken may take place within or outside Australia and may include:
  (a) monitoring the health and welfare of the eligible live animals or the health and condition of the eligible animal reproductive material; and
  (b) examining, testing or treating the eligible live animals or eligible animal reproductive material; and
  (c) keeping records of the implementation of the program; and
  (d) making declarations attesting to the completion of the requirements of the program; and
  (e) otherwise reporting on the implementation of the program.

(4) Without limiting subsection (1), the regulations may provide:
  (a) that the programs of activities may differ depending on any of the following:
    (i) the country to which the eligible live animals or eligible animal reproductive material are to be exported;

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(ii) the type of eligible live animals or eligible animal reproductive material involved;

(iii) any other matter; and

(b) for the giving of directions to an exporter in relation to the implementation of an approved export program in relation to the export, or a particular export, of eligible live animals or eligible animal reproductive material; and

(c) for the publishing by the Secretary of records and reports made by accredited veterinarians and authorised officers in relation to approved export programs.

9B Accreditation of veterinarians

(1) The regulations may provide for the accreditation of veterinarians for the purposes of undertaking approved export programs or particular approved export programs.

(2) The regulations may provide for the variation, suspension or revocation of the accreditation of veterinarians who have been accredited (***accredited veterinarians***) in accordance with the regulations.

(3) The regulations may provide for the payment by veterinarians of fees for the making of applications for accreditation.

9C Costs of authorised officers

The regulations may provide for the payment by an exporter of the reasonable costs (including salary, transport and accommodation costs) of activities undertaken within or outside Australia by an authorised officer under section 9D or 9E in relation to an approved export program that applies to the export activities of the exporter.

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9D Authorised officers to undertake certain approved export program activities

(1) The Secretary may direct an authorised officer to undertake some or all of the activities in an approved export program, whether or not an authorised officer is required in accordance with the program itself to undertake the activities.

(2) If the Secretary gives such a direction, he or she must, in writing, notify the exporter to whose export activities the approved export program relates.

9E Authorised officers to monitor and audit etc. approved export program activities

(1) The Secretary may direct an authorised officer to monitor, review or audit, whether within or outside Australia:
   (a) the undertaking by accredited veterinarians of the activities in approved export programs; and
   (b) the activities of exporters in relation to approved export programs.

(2) If:
   (a) the Secretary gives a direction to an authorised officer under subsection (1); and
   (b) the authorised officer identifies a deficiency in the undertaking by an accredited veterinarian of the activities in an approved export program;

   the authorised officer may, in writing, direct the accredited veterinarian to remedy the deficiency within such reasonable time as is specified in the direction.

(3) The direction by the authorised officer must:
   (a) identify the deficiency; and
   (b) state that a failure to remedy the deficiency within the specified time is an offence under section 9H.

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Division 2—Offences

Subdivision A—Veterinarians

9F Offence of undertaking approved export program without accreditation

(1) If:

(a) a veterinarian undertakes any activity in an approved export program; and

(b) the veterinarian is reckless as to whether the activity is in such a program; and

(c) the veterinarian is not:

(i) an accredited veterinarian; or

(ii) an authorised officer who has been directed under section 9D to undertake the activity;

the veterinarian commits an offence.

Penalty: 50 penalty units.

(2) Strict liability applies to paragraphs (1)(a) and (c).

Note: For ***strict liability*** see section 6.1 of the *Criminal Code*.

9G Offence of contravening direction to keep records etc. in relation to approved export program

(1) If:

(a) under the regulations, an accredited veterinarian is required to keep records or provide reports in connection with an approved export program; and

(b) the accredited veterinarian contravenes the requirement;

the accredited veterinarian commits an offence.

Penalty: 50 penalty units.

(2) An offence against subsection (1) is an offence of strict liability.

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9H Offence of failing to remedy deficiency in undertaking approved export program

(1) If:

(a) there is a deficiency in the undertaking by an accredited veterinarian of the activities in an approved export program; and

(b) under subsection 9E(2), an authorised officer directs the accredited veterinarian to remedy the deficiency; and

(c) the accredited veterinarian does not remedy the deficiency within the time specified in the direction;

the accredited veterinarian commits an offence.

Penalty: 50 penalty units.

(2) An offence against subsection (1) is an offence of strict liability.

Subdivision B—Exporters etc.

9I Offence of not ensuring that an accredited veterinarian is engaged to undertake relevant activities in approved export program

If:

(a) a person undertakes export activities; and

(b) the person is reckless as to whether an approved export program applies to the export activities; and

(c) the person does not ensure that, at all times when the program applies, an accredited veterinarian is engaged to undertake the activities in the program, other than those that an authorised officer is required to undertake in accordance with:

(i) the program; or

(ii) a direction under section 9D;

the person commits an offence.

Penalty: Imprisonment for 12 months.

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9J Offence of contravening requirement about allowing accredited veterinarian etc. to accompany eligible live animals overseas

(1) If:

(a) under the regulations, a person is required to allow an accredited veterinarian or an authorised officer to accompany eligible live animals during their transport from Australia to their overseas destination in connection with an approved export program; and

(b) the person contravenes the requirement;

the person commits an offence.

Penalty: 50 penalty units.

(2) An offence against subsection (1) is an offence of strict liability.

Note: For ***strict liability*** see section 6.1 of the *Criminal Code*.

9K Offence of obstructing or hindering an accredited veterinarian etc. undertaking approved export program

(1) A person must not obstruct or hinder an accredited veterinarian, or an authorised officer, in the undertaking of any of the activities in an approved export program.

Penalty: 50 penalty units.

(2) An offence against subsection (1) is an offence of strict liability.

9L Offence of contravening requirement to provide reasonable facilities and assistance to accredited veterinarian etc.

(1) If:

(a) an accredited veterinarian is engaged to undertake some or all of the activities in an approved export program in relation to export activities of a person; or

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(b) under section 9D, the Secretary directs an authorised officer to undertake some or all of the activities in an approved export program in relation to export activities of a person;

the person must provide the accredited veterinarian or authorised officer with all reasonable facilities, and assistance, necessary to undertake the activities.

Penalty: 50 penalty units.

(2) An offence against subsection (1) is an offence of strict liability.

Subdivision C—Extended geographical operation of offences

9M Extended geographical operation of offences

Section 15.2 of the *Criminal Code* (extended geographical jurisdiction—category B) applies to an offence against any of sections 9F to 9L.

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Part III—Enforcement

Division 1—General powers

10 General powers of authorised officers in relation to premises

The powers an authorised officer may exercise under paragraphs 10A(1)(b) and 10D(1)(b) in relation to particular premises are as follows:

(a) to search the premises and any thing on the premises;

(b) to inspect, examine and take samples of any thing on the premises;

(c) to take photographs (including video or audio recordings) or to make sketches of the premises or any thing on the premises;

(d) to take extracts from, or make copies of, any document, book or record on the premises;

(e) to secure the premises or any thing on the premises.

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Division 2—Monitoring powers

10A Monitoring premises that form part of a registered establishment, and other premises entered by consent

(1) For the purpose of finding out whether any or all of the provisions of this Act are being complied with, or for the purpose of complying with a direction under subsection 9E(1), an authorised officer, at any time and with any necessary help, may:

(a) enter:

(i) any premises that form part of a registered establishment; or

(ii) any other premises with the consent of the occupier; and

(b) exercise the powers set out in section 10.

(2) If the relevant premises are an aircraft, vehicle or ship, an authorised officer may stop and detain the aircraft, vehicle or ship for the purpose of exercising a power mentioned in subsection (1).

10B Monitoring warrants

(1) An authorised officer may apply to a magistrate for a warrant under this section in relation to particular premises.

(2) Subject to subsection (3), the magistrate may issue a warrant if satisfied, by information on oath or affirmation, that it is reasonably necessary that the authorised officer should have access to the premises for the purpose of finding out whether any or all of the provisions of this Act are being complied with, or for the purpose of complying with a direction under subsection 9E(1).

(3) The magistrate must not issue a warrant unless the authorised officer or another person has given the magistrate, either orally (on oath or affirmation) or by affidavit, such further information as the magistrate requires about the grounds on which the issue of the warrant is being sought.

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(4) A warrant must:

(a) authorise an authorised officer named in the warrant, with such assistance and by such force as is necessary and reasonable, from time to time, while the warrant remains in force, to enter the premises and exercise powers of the kind set out in section 10 in relation to the premises; and

(b) state whether an entry under the warrant is authorised to be made at any time of the day or night or during specified hours of the day or night; and

(c) specify the day (not more than 6 months after the issue of the warrant) on which the warrant ceases to have effect; and

(d) state the purpose for which the warrant is issued.

10C Seizures without offence-related warrant in emergency situations

(1) This section applies when an authorised officer has entered premises under section 10A or under a warrant issued under section 10B.

(2) If the authorised officer suspects, on reasonable grounds, that:

(a) particular evidential material is in or on the premises; and

(b) it is necessary to seize the evidential material in order to prevent it from being concealed, lost or destroyed; and

(c) it is necessary to do so without the authority of a warrant under section 10E because the circumstances are serious and urgent;

the authorised officer may seize the evidential material if he or she finds it there.

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Division 3—Offence-related searches and seizures

10D Premises that form part of a registered establishment, and premises entered by consent—offence-related searches and seizures

(1) Subject to subsection (2), if an authorised officer has reasonable grounds for suspecting that there may be, on any premises, particular evidential material, the officer, at any time and with any necessary help, may:

(a) enter the premises; and

(b) exercise the powers set out in section 10; and

(c) seize that evidential material, if the officer finds it on the premises.

(2) An authorised officer is not authorised to enter premises under subsection (1) unless:

(a) the premises form part of a registered establishment; or

(b) the occupier of the premises has consented to the entry.

(3) If the relevant premises are an aircraft, vehicle or ship, an authorised officer may stop and detain the aircraft, vehicle or ship for the purpose of exercising a power mentioned in subsection (1).

10E Offence-related warrants

(1) An authorised officer may apply to a magistrate for a warrant under this section in relation to particular premises.

(2) Subject to subsection (3), a magistrate may issue the warrant if satisfied, by information on oath or affirmation, that there are reasonable grounds for suspecting that there is, or may be within the next 72 hours, any evidential material at the premises.

(3) A magistrate must not issue a warrant unless the authorised officer or some other person has given the magistrate, either orally (on oath or affirmation) or by affidavit, such further information as the

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magistrate requires about the grounds on which the issue of the warrant is being sought.

(4) The warrant must:
  (a) state the offence to which the warrant relates; and
  (b) describe the premises to which the warrant relates; and
  (c) describe the kinds of evidential material that are to be searched for under the warrant; and
  (d) state the name of the authorised officer who is to be responsible for executing the warrant; and
  (e) state the period for which the warrant remains in force, which must not be more than 7 days; and
  (f) state whether the warrant may be executed at any time or only during particular hours.

(5) The warrant must also state that the warrant authorises the seizure of a thing (other than evidential material of the kind referred to in paragraph (4)(c)) found at the premises in the course of the search that the executing officer or an officer assisting believes on reasonable grounds to be:
  (a) evidential material in relation to an offence to which the warrant relates; or
  (b) evidential material in relation to another offence against this Act;

if the executing officer or an officer assisting believes on reasonable grounds that seizure of the thing is necessary to prevent its concealment, loss or destruction or its use in committing an offence against this Act.

(6) Paragraph (4)(e) does not prevent the issue of successive warrants in relation to the same premises.

(7) If the application for the warrant is made under section 10G, this section applies as if:
  (a) subsection (2) referred to 48 hours rather than 72 hours; and
  (b) paragraph (4)(e) referred to 48 hours rather than 7 days.

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10F The things that are authorised by a search warrant

(1) A warrant under this Division that is in force in relation to premises authorises the executing officer or an officer assisting:

(a) to enter the premises; and

(b) to exercise powers of the kind set out in paragraphs 10(b) to (e) (inclusive); and

(c) to search the premises and any thing on the premises for the kinds of evidential material specified in the warrant, and to seize things of those kinds found at the premises; and

(d) to seize other things found at the premises in the course of the search that the executing officer or an officer assisting believes on reasonable grounds to be:

(i) evidential material in relation to an offence to which the warrant relates; or

(ii) evidential material in relation to another offence against this Act;

if the executing officer or an officer assisting believes on reasonable grounds that seizure of the thing is necessary to prevent its concealment, loss or destruction or its use in committing an offence against this Act.

(2) If the warrant states that it may be executed only during particular hours, the warrant must not be executed outside those hours.

(3) If things are seized under a warrant, the warrant authorises the executing officer to make the things available to officers of other agencies if it is necessary to do so for the purpose of investigating or prosecuting an offence to which the things relate.

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Division 4—Warrants granted by telephone or other electronic means

10G Warrants may be granted by telephone or other electronic means

(1) An authorised officer may apply to a magistrate for a warrant under section 10B or 10E by telephone, fax or other electronic means:

(a) in an urgent case; or

(b) if the delay that would occur if an application were made in person would frustrate the effective execution of the warrant.

(2) The magistrate may require voice communication to the extent that it is practicable in the circumstances.

(3) An application under this section must include all information required to be provided in an ordinary application for a warrant under section 10B or 10E, as the case requires, but the application may, if necessary, be made before the information is sworn or affirmed.

(4) If a magistrate to whom an application is made under this section is satisfied:

(a) after having considered the information mentioned in subsection (3); and

(b) after having received any further information that the magistrate requires about the grounds on which the issue of the warrant is being sought;

that there are reasonable grounds for issuing the warrant, the magistrate may complete and sign the same form of warrant that would be issued under section 10B or 10E, as the case requires.

(5) If a magistrate signs a warrant under subsection (4):

(a) the magistrate must notify the authorised officer, by telephone, fax or other electronic means, of the terms of the warrant and the date on which and the time at which it was

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signed, and write on it the reasons for the granting of the warrant; and

(b) the officer must complete a form of warrant in the terms notified to the officer by the magistrate and write on it the name of the magistrate and the date on which and the time at which the warrant was signed.

(6) If an authorised officer completes a form of warrant under subsection (5), the officer must, not later than the day after the day on which the warrant ended or was executed, whichever is the earlier, give or transmit to the magistrate who signed the warrant the form of warrant completed by the officer and, if the information mentioned in subsection (3) was not sworn or affirmed, that information duly sworn or affirmed.

(7) The magistrate must attach to the documents provided under subsection (6) the warrant signed by the magistrate.

(8) A form of warrant duly completed by an authorised officer under subsection (5) is, if it is in accordance with the terms of the warrant signed by the magistrate, authority for any entry, search, seizure, or other exercise of power that the warrant so signed authorises.

(9) If:

(a) it is material, in any proceedings, for a court to be satisfied that an exercise of power was authorised under this section; and

(b) the warrant signed by the magistrate under this section authorising the exercise of power is not produced in evidence;

the court must assume, unless the contrary is proved, that the exercise of power was not authorised by such a warrant.

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Division 5—Stopping and searching aircraft, vehicles or ships

10H Searches without warrant in emergency situations

(1) This section applies if an authorised officer suspects, on reasonable grounds, that:

(a) particular evidential material is in or on an aircraft, vehicle or ship; and

(b) it is necessary to exercise a power under subsection (2) in order to prevent the evidential material being concealed, lost or destroyed; and

(c) it is necessary to exercise the power without the authority of a warrant under section 10E because the circumstances are serious and urgent.

(2) The authorised officer may:

(a) stop and detain the aircraft, vehicle or ship; and

(b) search the aircraft, vehicle or ship and any thing in or on the aircraft, vehicle or ship, for the evidential material; and

(c) seize the evidential material if he or she finds it there.

(3) If, in the course of searching for the evidential material, the authorised officer finds other evidential material, the authorised officer may seize that other evidential material if he or she suspects, on reasonable grounds, that:

(a) it is necessary to seize it in order to prevent its concealment, loss or destruction; and

(b) it is necessary to seize it without the authority of a warrant under section 10E because the circumstances are serious and urgent.

(4) The authorised officer must exercise his or her powers subject to section 10J.

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10J How an authorised officer exercises a power under section 10H

When an authorised officer exercises a power under section 10H in relation to an aircraft, vehicle or ship, he or she:

(a) may use such assistance as is necessary; and

(b) must search the aircraft, vehicle or ship in a public place or in some other place to which members of the public have ready access; and

(c) must not detain the aircraft, vehicle or ship for longer than is necessary and reasonable to search it and any thing found in or on the aircraft, vehicle or ship; and

(d) may use such force as is necessary and reasonable in the circumstances, but must not damage the aircraft, vehicle or ship or any thing found in or on the aircraft, vehicle or ship by forcing open a part of the aircraft, vehicle or ship or thing unless:

(i) the person (if any) apparently in charge of the aircraft, vehicle or ship has been given a reasonable opportunity to open that part or thing; or

(ii) it is not possible to give that person such an opportunity.

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Division 6—General rules about registered establishments, premises entered by consent and warrants

11 Availability of assistance, and use of force, in executing a warrant

In executing a warrant:

(a) the executing officer may obtain such assistance as is necessary and reasonable in the circumstances; and

(b) the executing officer, or an authorised officer who is assisting in executing the warrant, may use such force against persons and things as is necessary and reasonable in the circumstances; and

(c) a person who is not an authorised officer, but who has been authorised to assist in executing the warrant, may use such force against things as is necessary and reasonable in the circumstances.

11A Announcement before entry under warrants

(1) The executing officer must, before any person enters premises under a warrant:

(a) announce that he or she is authorised by the warrant to enter the premises; and

(b) give any person at the premises an opportunity to allow entry to the premises.

(2) The authorised officer does not have to comply with subsection (1) if he or she believes on reasonable grounds that immediate entry to the premises is required to ensure:

(a) the safety of a person (including the authorised officer); or

(b) that the effective execution of the warrant is not frustrated.

11B Details of warrant to be given to occupier etc.

(1) If a warrant in relation to premises is being executed and the occupier of the premises, or another person who apparently

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represents the occupier, is present at the premises, the executing officer or an officer assisting must make a copy of the warrant available to that person.

(2) The executing officer must identify himself or herself to the person at the premises.

(3) The copy of the warrant referred to in subsection (1) need not include the signature of the magistrate who issued the warrant.

11C Occupier entitled to be present during search under warrants

(1) If a warrant issued in relation to premises is being executed and the occupier of the premises, or another person who apparently represents the occupier, is present at the premises, the person is, subject to Part IC of the *Crimes Act 1914*, entitled to observe the search being conducted.

(2) The right to observe the search being conducted ceases if the person impedes the search.

(3) This section does not prevent 2 or more areas of the premises being searched at the same time.

11D Use of equipment to examine or process things

(1) A person who enters premises under this Part may bring to the premises and use any equipment reasonably necessary for the examination or processing of things found at the premises for the purposes of exercising a power conferred on the person under this Part.

(2) If:

(a) it is not practicable to examine or process the things at the premises; or

(b) the occupier of the premises consents in writing;

the things may be moved to another place so that the examination or processing can be carried out.

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(3) If things containing electronically stored information are moved to another place under subsection (2), the person referred to in subsection (1) must, if it is practicable to do so:
  (a) tell the occupier the address of the place and the time at which the examination or processing will be carried out; and
  (b) allow the occupier, or a representative of the occupier, to be present during the examination or processing.

(4) A person who enters premises under this Part may operate equipment already at the premises to carry out the examination or processing of a thing found at the premises for the purposes of exercising a power conferred on the person under this Part, if the person believes on reasonable grounds that:
  (a) the equipment is suitable for the examination or processing; and
  (b) the examination or processing can be carried out without damage to the equipment or the thing.

11E Use of electronic equipment at premises

(1) A person who enters premises under this Part may operate electronic equipment at the premises for the purposes of exercising a power conferred on the person under this Part if he or she believes on reasonable grounds that the operation of the equipment can be carried out without damage to the equipment.

(2) If the person, after operating the equipment, finds that evidential material is accessible by doing so, he or she may:
  (a) seize the equipment and any disk, tape or other associated device; or
  (b) if the material can, by using facilities at the premises, be put in documentary form—operate the facilities to put the material in that form and seize the documents so produced; or
  (c) if the material can be transferred to a disk, tape or other storage device that:
    (i) is brought to the premises; or

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(ii) is at the premises and the use of which for the purpose has been agreed to in writing by the occupier of the premises;

operate the equipment or other facilities to copy the material to the storage device and take the storage device from the premises.

(3) A person may seize equipment under paragraph (2)(a) only if:

(a) it is not practicable to put the material in documentary form as mentioned in paragraph (2)(b) or to copy the material as mentioned in paragraph (2)(c); or

(b) possession of the equipment by the occupier could constitute an offence.

(4) If the person believes on reasonable grounds that:

(a) evidential material may be accessible by operating electronic equipment at the premises; and

(b) expert assistance is required to operate the equipment; and

(c) if he or she does not take action under this subsection, the material may be destroyed, altered or otherwise interfered with;

he or she may do whatever is necessary to secure the equipment, whether by locking it up, placing a guard or otherwise.

(5) The person must give notice to the occupier of the premises of his or her intention to secure equipment and of the fact that the equipment may be secured for up to 24 hours.

(6) The equipment may be secured:

(a) for a period not exceeding 24 hours; or

(b) until the equipment has been operated by the expert;

whichever happens first.

(7) If the person believes on reasonable grounds that the expert assistance will not be available within 24 hours, he or she may apply to a magistrate for an extension of that period.

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(8) The person must give notice to the occupier of the premises of his or her intention to apply for an extension, and the occupier is entitled to be heard in relation to the application.

11F Compensation for damage to equipment

(1) If:

(a) equipment is damaged because of being operated as mentioned in section 11D or 11E; and

(b) the damage was caused by:

(i) insufficient care being exercised in selecting the person who was to operate the equipment; or

(ii) insufficient care being exercised by the person (other than the occupier or a person employed by the occupier) operating the equipment;

compensation for the damage is payable to the owner of the equipment.

(2) Compensation is payable out of money appropriated by the Parliament for the purpose.

(3) In determining the amount of compensation payable, regard is to be had to whether the occupier of the premises and the employees and agents of the occupier, if they were available at the time, had provided any warning or guidance as to the operation of the equipment that was appropriate in the circumstances.

11G Copies of seized things to be given

(1) Subject to subsection (2), if a person who enters premises under this Part seizes:

(a) a document, film, computer file or other thing that can readily be copied; or

(b) a storage device the information in which can readily be copied;

the person must, if asked to do so by the occupier of the premises or another person who apparently represents the occupier and is

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present when the seizure takes place, give a copy of the thing or the information to that person as soon as practicable after the seizure.

(2) Subsection (1) does not apply if:
  (a) the thing that has been seized was seized under paragraph 11E(2)(b) or (c); or
  (b) possession by the occupier of the document, film, computer file, thing or information could constitute an offence.

11H Retention of things which are seized

(1) Subject to any contrary order of a court, if a person seizes a thing under this Part, the person must return it if:
  (a) the reason for its seizure no longer exists or it is decided that it is not to be used in evidence; or
  (b) the period of 60 days after its seizure ends;

whichever first occurs, unless the thing is forfeited or forfeitable to the Commonwealth or is the subject of a dispute as to ownership.

(2) At the end of the 60 days specified in subsection (1), the person must take reasonable steps to return the thing to the person from whom it was seized (or to the owner if that person is not entitled to possess it) unless:
  (a) proceedings in which the thing may be used in evidence were begun before the end of the 60 days and have not been completed (including an appeal to a court in relation to those proceedings); or
  (b) the officer may retain the thing because of an order under section 11J; or
  (c) the officer is otherwise authorised or required (by a law, or an order of a court, of the Commonwealth, or of a State or a Territory) to retain, destroy or dispose of the thing.

11J Magistrate may permit a thing to be kept

(1) If a person seizes a thing under this Part; and:
  (a) before the end of 60 days after the seizure; or

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(b) before the end of a period previously stated in an order of a magistrate under this section;

proceedings in which the thing may be used in evidence have not been brought, the officer may apply to a magistrate for an order that he or she may keep the thing for a further period.

(2) If the magistrate is satisfied that it is necessary for the authorised officer to continue to keep the thing:

(a) for the purposes of an investigation as to whether an offence has been committed; or

(b) to enable evidence of an offence to be secured for the purposes of a prosecution;

the magistrate may order that the officer may keep the thing for a period stated in the order.

(3) Before making the application, the authorised officer must:

(a) take reasonable steps to discover who has an interest in the retention of the thing; and

(b) if it is practicable to do so, notify each person who the authorised officer believes to have such an interest of the proposed application.

(4) A function of making an order conferred on a magistrate by this section is conferred on the magistrate in a personal capacity and not as a court or a member of a court.

(5) Without limiting the generality of subsection (4), an order made by a magistrate under this section has effect only by virtue of this Act and is not taken, by implication, to be made by a court.

(6) A magistrate performing a function of, or connected with, making an order under this section has the same protection and immunity as if he or she were performing that function as, or as a member of, a court (being the court of which the magistrate is a member).

(7) The Governor-General may make arrangements with the Governor of a State, the Chief Minister for the Australian Capital Territory or the Administrator of the Northern Territory for the performance, by

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all or any of the persons who from time to time hold office as magistrates in that State or Territory, of the function of making orders under this section.

11K Release of seized goods

The Secretary may authorise any evidential material seized under this Part to be released to the owner, or to the person from whose possession it was seized, either unconditionally or on any conditions that the Secretary thinks fit.

11L Authorised officer must produce identity card

An authorised officer may not exercise any powers under this Part in relation to premises (other than premises entered under a warrant) if:

(a) the occupier of the premises has required the officer to produce his or her identity card for inspection by the occupier; and

(b) the officer fails to comply with the requirement.

11M Giving of consent

(1) Before obtaining the consent of a person for the purposes of entering premises under section 10A or 10D, an authorised officer must tell the person that the person may refuse to give consent.

(2) An entry by an authorised officer in consequence of the consent of a person is not lawful unless the person voluntarily consented to the entry.

11N Receipts for things seized

(1) If a thing is seized under this Part, or moved under subsection 11D(2), an authorised officer must provide a receipt for the thing.

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(2) If 2 or more things are seized or moved, they may be covered in the one receipt.

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Division 7—Offences

11P Power of authorised officer to require information or documents

(1) Subject to subsection (2), an authorised officer who has entered premises that form part of a registered establishment or any other premises under a warrant may, to the extent that is reasonably necessary for the purpose of finding out whether any or all of the provisions of this Act are being complied with, require a person to give information to the officer and to produce any documents referred to by the officer.

(2) An authorised officer who has entered any premises with the consent of the occupier may ask the occupier to give information to the officer and to produce any documents referred to by the officer.

(3) An authorised officer is not entitled to make a requirement of a person under subsection (1) unless the officer produces his or her identity card for inspection by the person.

(4) A person must not fail to comply with a requirement under subsection (1).

Penalty: 30 penalty units.

(5) An offence under subsection (4) is an offence of strict liability.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

11Q Secretary may require information or documents

(1) The Secretary may, by written notice given to a person, require the person, within a reasonable time stated in the notice, to give the Secretary any information, or produce to the Secretary any documents, referred to in the notice that relate to any prescribed goods that have been, or are proposed to be, exported.

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(2) Without limiting subsection (1), the information or documents referred to in the notice may relate to:

(a) the preparation of any prescribed goods that have been, or are proposed to be, exported; or

(b) the material or ingredients of which such goods are or are proposed to be composed, or from which they are or are proposed to be derived; or

(c) any animals that are proposed to be used, or have been used, in the preparation of such goods; or

(d) the source of:

(i) any prescribed goods of the kind mentioned in paragraph (a); or

(ii) any material or ingredients of the kind mentioned in paragraph (b); or

(iii) any animals of the kind mentioned in paragraph (c).

(3) A person must not fail to comply with a notice under subsection (1).

Penalty: Imprisonment for 12 months.

Note: Subsection 4B(2) of the *Crimes Act 1914* allows a court to impose an appropriate fine instead of, or in addition to, a term of imprisonment. If a body corporate is convicted of the offence, subsection 4B(3) of that Act allows a court to impose a fine of an amount that is not greater than 5 times the maximum fine that could be imposed by the court on an individual convicted of the same offence.

(4) A person is not excused from giving information or producing a document under subsection (1) on the ground that the information or the production of the document, as the case may be, might tend to incriminate the person or make the person liable to a penalty.

(5) However, if the information is given or the document is produced by an individual, the information or the production of the document, and any information or thing (including any document) obtained as a direct or indirect result of the giving of the information or the production of the document, as the case may be, is not admissible in evidence against the individual in proceedings other than proceedings for an offence against section 137.1 or

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137.2 of the *Criminal Code* that relates to the information or document.

13 Persons to assist authorised officers

(1) Subject to subsection (2), the owner or occupier of premises entered by an authorised officer under this Part must, if requested by an authorised officer to do so, provide reasonable assistance to the authorised officer for the purpose of the exercise of the authorised officer's powers under this Part in relation to the premises.

Penalty: Imprisonment for 6 months.

(2) Where an authorised officer makes a request of a person under this section, the authorised officer shall produce the authorised officer's identity card for inspection by that person and, if the authorised officer fails to do so, that person is not obliged to comply with the request.

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Part IV—Official marks and trade descriptions

14 Contravention of regulations relating to official marks

(1) A person shall not, in contravention of the regulations:

(a) manufacture, have in his or her possession, apply, alter or interfere with an official mark;

(b) manufacture, have in his or her possession or apply a mark resembling, or apparently intended to resemble or pass for, an official mark; or

(c) manufacture or have in his or her possession an official marking device.

Penalty: Imprisonment for 5 years.

(2) In subsection (1), strict liability applies to the physical element of circumstance, that the person's conduct contravenes the regulations.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

15 False trade descriptions

(1) A person shall not:

(a) apply a false trade description to:

(i) any prescribed goods intended or entered for export; or

(ii) any prescribed goods put on any ship or aircraft for export or brought to any wharf, airport or other place for the purpose of export; or

(b) export, enter for export or put on any ship or aircraft for export any prescribed goods to which a false trade description is applied.

Penalty: Imprisonment for 5 years.

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(1A) A person shall not:

(a) apply a false trade description to any prescribed goods in respect of which:

(i) notice of intention to export the goods has been given under subsection 6(1) by the person or another person; and

(ii) notice has not been given, in accordance with the regulations, that the intention to export the goods has been abandoned; or

(b) give, under subsection 6(1), a notice of intention to export any prescribed goods to which a false trade description is applied.

Penalty: Imprisonment for 5 years.

(1B) In subsections (1) and (1A), strict liability applies to the physical element of circumstance, that the relevant goods are prescribed.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

(1C) In subsection (1A), strict liability applies to the physical element of circumstance, that the giving of the notice is (or was) under subsection 6(1).

Note: For strict liability, see section 6.1 of the *Criminal Code*.

(2) For the purposes of this section, a false trade description shall be deemed to be applied to goods if:

(a) it is applied to the goods;

(b) it is applied to any covering, label, reel or thing used in connection with the goods; or

(c) it is applied to, or stated in, any document relating to the goods or used in any other manner likely to lead to the belief that it describes or designates the goods.

(3) In this section:

enter for export includes enter for export to a specified place.

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Part V—Miscellaneous

17 Indictable offences

(1) An offence against section 7A, 8, 9, 14 or 15 is an indictable offence.

(2) Notwithstanding that an offence referred to in subsection (1) is an indictable offence, a court of summary jurisdiction may hear and determine proceedings in respect of such an offence if the court is satisfied that it is proper to do so and the defendant and the prosecutor consent.

(3) Where, in accordance with subsection (2), a court of summary jurisdiction convicts a person of an offence referred to in subsection (1), the penalty that the court may impose is:

(a) in the case of an offence against section 7A, 8, 14 or 15—imprisonment for a period not exceeding 12 months; and

(b) in the case of an offence against section 9—a fine not exceeding $5,000.

18 Forfeiture of prescribed goods

(1) Where a court convicts a person of an offence against this Act in respect of any prescribed goods, the court may order the forfeiture to the Commonwealth of those prescribed goods.

(2) The forfeiture of any prescribed goods under subsection (1) extends to the forfeiture of any coverings in which the prescribed goods are contained.

(3) Any prescribed goods forfeited under this section may be sold or otherwise disposed of as the Secretary thinks fit.

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19 Delegation

(1) The Secretary may, either generally or as otherwise provided by the instrument of delegation, by writing signed by the Secretary, delegate to an authorised officer all or any of the Secretary's powers or functions under this Act, other than this power of delegation.

(2) A power or function so delegated, when exercised by the delegate, shall, for the purposes of this Act, be deemed to have been exercised by the Secretary.

(3) A delegation under this section does not prevent the exercise of a power, or the performance of a function, by the Secretary.

20 Authorised officers

The Secretary may, by instrument signed by the Secretary, appoint a person, or persons included in a class of persons, to be an authorised officer or authorised officers, as the case may be, for the purpose of:

(a) the exercise by that person or those persons of the powers of an authorised officer under this Act or of such of those powers as are specified in the instrument; or

(b) the performance by that person or those persons of the functions of an authorised officer under this Act or of such of those functions as are specified in the instrument.

21 Identity cards

(1) The Secretary may cause to be issued to an authorised officer an identity card in a form approved by the Secretary.

(2) Where a person in possession of an identity card issued to the person under subsection (1) ceases to be an authorised officer, the person shall forthwith return the identity card to the Secretary or a person nominated by the Secretary and, if the person fails to do so, the person is guilty of an offence punishable on conviction by a fine not exceeding $100.

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(3) An offence under subsection (2) is an offence of strict liability.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

22 Protection of authorised officers and other persons

(1) An authorised officer is not liable to any action, suit or proceeding for or in relation to an act done or omitted to be done in good faith in the exercise or purported exercise of any power or authority, or in the performance or purported performance of any function, conferred on the authorised officer by this Act.

(2) A person who is requested by an authorised officer, whether under section 13 or otherwise, to provide assistance to that officer in the exercise or purported exercise of any power or authority, or in the performance or purported performance of any function, conferred on the authorised officer by this Act is not liable to any action, suit or proceeding for or in relation to an act done or omitted to be done in good faith in the provision, or purported provision, of that assistance.

23 Certificate with respect to goods

(1A) In this section:

Australia does not include the Territory of Christmas Island or the Territory of Cocos (Keeling) Islands.

(1) The regulations may provide for the issue by the Secretary, an authorised officer or a person who is approved in writing by the Secretary for the purposes of the regulations of a certificate in relation to goods to be exported from Australia where:

(a) the certificate relates to matters in respect of which a country requires certification before the goods may be imported into that country from Australia; or

(b) the certificate relates to requirements of this Act that must be satisfied before the goods may be exported from Australia; or

(c) the certificate relates to matters concerning goods of the kind that are to be exported.

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(1AA) The regulations may provide for the issue of a certificate in relation to goods to be exported from the Territory of Christmas Island or the Territory of Cocos (Keeling) Islands if:

(a) the certificate relates to matters in respect of which a country requires certification before the goods may be imported into that country from that Territory; or

(b) the certificate relates to requirements of this Act that must be satisfied before the goods may be exported from that Territory; or

(c) the certificate relates to matters concerning goods of the kind that are to be exported.

The certificate may state that the goods are from the "Australian Territory of Christmas Island" or the "Australian Territory of Cocos (Keeling) Islands" as the case may be.

(1AB) The regulations made for the purposes of subsection (1AA) may provide for the issue of a certificate by:

(a) the Secretary; or

(b) an authorised officer; or

(c) a person who is approved in writing by the Secretary for the purposes of the regulations.

(2) Regulations made for the purposes of subsection (1) or (1AA) may provide for:

(a) applications to be made, in accordance with the regulations, for the issue of certificates; and

(b) the matters in respect of which a person empowered by the regulations to issue a certificate must be satisfied before he or she may issue such a certificate.

(3) The Secretary may cancel such a certificate if the Secretary is satisfied that the information contained in that certificate is incorrect in a significant respect.

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23A Tariff rate quota systems

(1) The Secretary may make orders providing for, or in relation to, the establishment and administration of a system, or systems, of tariff rate quotas for the export of goods.

Note: The orders may make different provision for, or in relation to, different classes of goods (see subsection 33(3A) of the *Acts Interpretation Act 1901*).

(2) Without limiting subsection (1), the orders may make provision for, or in relation to, the following:

(a) determining the amount of tariff rate quota for the export of goods for a period;

(b) methods for determining tariff rate quota entitlements for the export of goods;

(c) establishing and maintaining a register of tariff rate quota entitlements;

(d) surrender, transfer, variation, and cancellation of tariff rate quota entitlements;

(e) tariff rate quota certificates, including cancellation of certificates;

(f) imposing conditions, including variation and cancellation of conditions;

(g) auditing and reporting requirements;

(h) the use of computer programs for making decisions under a system of tariff rate quotas;

(i) review of decisions.

(3) The Secretary may give written directions to be complied with by a particular person or body in relation to a matter covered by an order made under this section.

(4) If a direction given under this section is inconsistent with an order made under this section, the direction prevails and the order, to the extent of the inconsistency, does not have any effect.

(5) An order made, or direction given, under this section that is inconsistent with the regulations or an order made by the Minister

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has no effect to the extent of the inconsistency, but the order or direction is taken to be consistent with the regulations and any orders made by the Minister to the extent that the order or direction is capable of operating concurrently with those instruments.

(6) A direction given under subsection (3) is not a legislative instrument.

24 Supply of goods or services to authorised officers

(1) A person must not supply goods or services to an authorised officer if:

(a) the person, either alone or in conjunction with another person, is the occupier of a registered establishment; or

(b) the person is an employee or agent of such a person.

Penalty: Imprisonment for 12 months.

(1AA) Subsection (1) does not apply to conduct that is approved in writing by the Secretary.

Note: The defendant bears an evidential burden in relation to the matter in subsection (1AA). See subsection 13.3(3) of the *Criminal Code*.

(1A) An authorised officer must not receive goods or services supplied to him or her by:

(a) a person who, either alone or in conjunction with another person, is the occupier of a registered establishment; or

(b) an employee or agent of such a person.

Penalty: Imprisonment for 12 months.

(1B) Subsection (1A) does not apply if the supply of the goods or services has been approved in writing by the Secretary under subsection (1AA).

Note: The defendant bears an evidential burden in relation to the matter in subsection (1B). See subsection 13.3(3) of the *Criminal Code*.

(2) An offence against this section is punishable on summary conviction.

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(3) In this section:

goods includes any article, substance or commodity.

occupier, in relation to a registered establishment, means the individual, corporation or other legal entity (or any combination of these) in whose name the registered establishment is registered.

24A Electronic transmission of information and documents

(1) The regulations may prescribe specifications (the ***specifications***) for the transmission of information and documents from a person to another person for the purposes of any provision of this Act that requires the information or documents to be given to that other person.

(1A) Without limiting subsection (1), the specifications may require:

(a) information and documents to be transmitted on specified data processing devices; or

(b) a person transmitting the information or documents to authenticate the transmission in a particular manner.

(2) The specifications may include codes to be used in the transmission of information or documents and may specify what the components of such codes are to signify when so used.

(3) A person (including the Secretary) may transmit information or a document to another person in accordance with the specifications for the purposes of any provision of this Act that requires the information or document to be given to that other person.

(5) A document is transmitted in accordance with the specifications if the information required to be included in the document is transmitted in the form and manner required by the specifications.

(6) Information or a document transmitted to a person (including the Secretary) in accordance with the specifications is to be taken to have been given to the person for the purposes of any provision of this Act that requires the information or document to be given to the person.

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(7) In this section:

information includes a declaration as to the existence of a fact or belief or as to compliance by a person with a requirement of this Act.

24B Evidence of transmission of information or document

(1) In this section:

print-out means a copy of information or a document produced by a data processing device to which the information or document was transmitted by means of another data processing device or other data processing devices.

(2) In any proceedings in a court for an offence against this Act, a print-out is *prima facie* evidence:

(a) that information or a document in the terms set out in the print-out was transmitted on the day, and at the time, specified in the print-out; and

(b) that the information or document was transmitted by the person specified in the print-out as the person who transmitted the information or document; and

(c) that the information or document was transmitted to the person specified in the print-out as the person to whom the information or document was transmitted.

(3) A paper certified, in writing, by an officer of the Department to have been produced by a specified data processing device in an office of the Department is to be taken to be a print-out for the purposes of this section unless the contrary is proved.

25 Regulations and orders

(1) The Governor-General may make regulations, not inconsistent with this Act, prescribing matters:

(a) required or permitted by this Act to be prescribed; or

(b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

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(2) In particular, but without limiting the generality of subsection (1), the regulations may make provision for or in relation to:

(a) the imposition of fees in respect of the registration of an establishment;

(aa) the remission of fees so imposed;

(b) the quarantine of prescribed goods that are intended or inspected for export (including the destruction or denaturing of such prescribed goods for quarantine purposes);

(c) the analysis of samples of prescribed goods, including the extent to which a certificate of analysis is to be *prima facie* evidence of the facts stated in that certificate in proceedings in respect of an offence against this Act;

(d) the imposition of fees in connection with the performance of services by authorised officers, and the remission of fees so imposed;

(daaa) the imposition of fees in connection with the performance of a service under this Act by the Secretary or a delegate of the Secretary, and the remission of fees so imposed;

(daa) the imposition of penalties for the non-payment or late payment of fees, and the remission of penalties so imposed;

(da) the refusal to register an establishment, the refusal to renew the registration of an establishment, the cancellation or suspension of the registration of an establishment, or the refusal to approve or permit the assignment of the registration of an establishment, by reason of the non-payment of:

(i) an amount that is or was payable to the Commonwealth in relation to the registration of the establishment or anything done at or in connection with the establishment; or

(ii) an amount that is or was payable to the Commonwealth, by way of penalty, in relation to the failure to discharge a liability to pay an amount referred to in subparagraph (i);

whether the amount is or was payable by the applicant for registration or renewal or the person in whose name the

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establishment is registered, as the case may be, or by another person, and whether the amount became payable in connection with the export of goods or otherwise;

(e) requiring persons to keep records relating to matters relevant to the operation of this Act;

(f) prescribing penalties not exceeding 50 penalty units for offences against the regulations; or

(g) subject to subsection (3), empowering the Minister to make orders, not inconsistent with the regulations, with respect to any matter for or in relation to which provision may be made by the regulations;

(h) subject to subsection (3), empowering the Secretary to make orders, not inconsistent with:

(i) the regulations; or

(ii) any order of a kind mentioned in paragraph (g) made by the Minister;

with respect to any matter, concerning prescribed goods that are animals, for or in relation to which provision may be made by the regulations.

(3) An order shall not be made prescribing any penalty for an offence.

(4) An order is a legislative instrument.

(5) An order may make provision for or in relation to a matter by applying, adopting or incorporating, with or without modification:

(a) any of the provisions of an Act, of any regulations or rules under an Act, or of any other order under this Act, as in force at a particular time or as in force from time to time; or

(ab) any matter contained in any instrument or writing that:

(i) sets out the requirements for the preparation of prescribed goods in Australia that are to be imported into a country; and

(ii) is made by the authority or body in that country responsible for regulating the importation of prescribed goods into that country;

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as in force at a particular time or as in force from time to time; or

(aba) any matter contained in any instrument or writing that:

(i) sets out, or provides a method for calculating, the tariff rate quota for the importation of goods into a country; and

(ii) is made by the authority or body in that country responsible for regulating the importation of goods into that country;

as in force at a particular time or as in force from time to time; or

(ac) for the purposes of setting out requirements for the preparation of prescribed goods in Australia that are to be imported into a country that has not made an instrument or writing setting out such requirements—any matter contained in:

(i) the Australia New Zealand Food Standards Code (within the meaning of the *Food Standards Australia New Zealand Act 1991*); or

(ii) the Codex Alimentarius issued by the body known as the Codex Alimentarius Commission of the Food and Agriculture Organization of the United Nations and the World Health Organization;

as in force at a particular time or as in force from time to time;

(b) any matter contained in any other instrument or writing as in force or existing at the time when the order takes effect;

but an order shall not, except as provided by this subsection, make provision for or in relation to a matter by applying, adopting or incorporating any matter contained in an instrument or other writing as in force or existing from time to time.

(8) An order shall be deemed to be an enactment for the purposes of the *Administrative Appeals Tribunal Act 1975*.

(9) A fee imposed under regulations or an order must not be such as to amount to taxation.

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Note: Subsections (3) to (9) apply to orders made under the regulations and orders made under section 23A (see the definition of ***order*** in section 3).

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Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes
Endnote 2—Abbreviation key
Endnote 3—Legislation history
Endnote 4—Amendment history

Abbreviation key—Endnote 2
The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4
Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes
The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments
A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled

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law and the abbreviation "(md)" added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation "(md not incorp)" is added to the details of the amendment included in the amendment history.

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Endnote 2—Abbreviation key

ad = added or inserted

am = amended

amdt = amendment

c = clause(s)

C[x] = Compilation No. x

Ch = Chapter(s)

def = definition(s)

Dict = Dictionary

disallowed = disallowed by Parliament

Div = Division(s)

ed = editorial change

exp = expires/expired or ceases/ceased to have effect

F = Federal Register of Legislation

gaz = gazette

LA = *Legislation Act 2003*

LIA = *Legislative Instruments Act 2003*

(md) = misdescribed amendment can be given effect

(md not incorp) = misdescribed amendment cannot be given effect

mod = modified/modification

No. = Number(s)

o = order(s)

Ord = Ordinance

orig = original

par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)

pres = present

prev = previous

(prev…) = previously

Pt = Part(s)

r = regulation(s)/rule(s)

reloc = relocated

renum = renumbered

rep = repealed

rs = repealed and substituted

s = section(s)/subsection(s)

Sch = Schedule(s)

Sdiv = Subdivision(s)

SLI = Select Legislative Instrument

SR = Statutory Rules

Sub-Ch = Sub-Chapter(s)

SubPt = Subpart(s)

underlining = whole or part not commenced or to be commenced

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Export Control Act 1982	47, 1982	9 June 1982	1 Jan 1983 (*see Gazette* 1982, No. G48, p. 2)	
Statute Law (Miscellaneous Provisions) Act (No. 1) 1984	72, 1984	25 June 1984	s. 3: 23 July 1984 *(a)*	—
Statute Law (Miscellaneous Provisions) Act (No. 1) 1985	65, 1985	5 June 1985	s. 3: 3 July 1985 *(b)*	—
Statute Law (Miscellaneous Provisions) Act 1987	141, 1987	18 Dec 1987	s. 3: Royal Assent *(c)*	s. 5(1), (9) and (10)
Statutory Instruments (Tabling and Disallowance) Legislation Amendment Act 1988	99, 1988	2 Dec 1988	2 Dec 1988	—
Primary Industries and Energy Legislation Amendment Act 1988	111, 1988	12 Dec 1988	ss. 5, 6(2) and 8–15: 1 Jan 1989 ss. 6(1) and 7: 1 Dec 1988 Remainder: Royal Assent	s. 2(3)
Primary Industries and Energy Legislation Amendment Act 1990	134, 1990	28 Dec 1990	Part 7 (ss. 34–37): 1 Oct 1990 Remainder: Royal Assent	—
Export Control Amendment Act 1991	87, 1991	26 June 1991	26 June 1991	s. 17

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Territories Law Reform Act 1992	104, 1992	30 June 1992	ss. 1, 2, 25 and 26: Royal Assent ss. 9, 10, 19, 21 and 22: 29 June 1993 (*see Gazette* 1993, No. S196) Remainder: 1 July 1992	—
Primary Industries and Energy Legislation Amendment Act (No. 2) 1995	133, 1995	14 Nov 1995	Schedule 5: Royal Assent *(d)*	—
Statute Law Revision Act 1996	43, 1996	25 Oct 1996	Sch 5 (item 54): 25 Oct 1996 (s 2(1))	—
Primary Industries and Energy Legislation Amendment Act (No. 2) 1997	94, 1997	30 June 1997	Sch 2: 30 June 1997 (s 2(1))	Sch 2 (item 3)
Agriculture, Fisheries and Forestry Legislation Amendment Act (No. 1) 1999	4, 1999	31 Mar 1999	31 Mar 1999	Sch 3 (item 32)
Criminal Code Amendment (Theft, Fraud, Bribery and Related Offences) Act 2000	137, 2000	24 Nov 2000	Sch 2 (items 187, 188, 418, 419): 24 May 2001 (s 2(3))	Sch 2 (items 418, 419)
Agriculture, Fisheries and Forestry Legislation Amendment (Application of Criminal Code) Act 2001	115, 2001	18 Sept 2001	16 Oct 2001	s 4
Agriculture, Fisheries and Forestry Legislation Amendment Act (No. 1) 2003	38, 2003	2 May 2003	Sch 2: 3 May 2003	—

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Crimes Legislation Enhancement Act 2003	41, 2003	3 June 2003	Sch 3 (item 34): 31 Mar 1999 (s 2(1) item 23) Sch 3 (item 42): 3 June 2003 (s 2(1) item 1)	Sch 3 (item 42)
Export Control Amendment Act 2003	80, 2003	25 Aug 2003	Sch 1 (item 1): 24 May 2001 (s 2(1) item 2) Sch 1 (items 2–4): 25 Feb 2004 (s 2(1) item 3) Remainder: 25 Aug 2003 (s 2(1) item 1)	—
Agriculture, Fisheries and Forestry Legislation Amendment (Export Control) Act 2004	97, 2004	29 June 2004	Sch 1: 1 Dec 2004 (gaz 2004, No GN36) Remainder: 29 June 2004	—
Agriculture, Fisheries and Forestry Legislation Amendment (Export Control and Quarantine) Act 2006	94, 2006	5 Sept 2006	Sch 1: 3 Oct 2006 Sch 2: 6 Sept 2006 Remainder: 5 Sept 2006	—
Statute Law Revision Act 2011	5, 2011	22 Mar 2011	Sch 7 (item 55): 19 Apr 2011	—
Acts Interpretation Amendment Act 2011	46, 2011	27 June 2011	Sch 2 (item 569) and Sch 3 (items 10, 11): 27 Dec 2011	Sch 3 (items 10, 11)
Agriculture, Fisheries and Forestry Legislation Amendment Act (No. 1) 2013	17, 2013	27 Mar 2013	Sch 6 (items 1–51): 28 Mar 2013	Sch 6 (item 51)
Statute Law Revision Act (No. 1) 2014	31, 2014	27 May 2014	Sch 4 (items 83, 84): 24 June 2014 (s 2(1) item 9)	—
Export Legislation Amendment Act 2014	37, 2014	25 June 2014	Sch 1 (item 4): 25 June 2014 (s 2)	—

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Acts and Instruments (Framework Reform) Act 2015	10, 2015	5 Mar 2015	Sch 3 (items 137, 138, 348, 349): 5 Mar 2016 (s 2(1) item 2)	Sch 3 (items 348, 349)
Statute Law Revision Act (No. 2) 2015	145, 2015	12 Nov 2015	Sch 3 (item 14): 10 Dec 2015 (s 2(1) item 7)	—
Export Control Amendment (Quotas) Act 2015	167, 2015	11 Dec 2015	Sch 1 (items 1–5, 13): 12 Dec 2015 (s 2(1) items 2, 8)	Sch 1 (item 13)
Statute Law Revision Act (No. 1) 2016	4, 2016	11 Feb 2016	Sch 4 (items 1, 163–165): 10 Mar 2016 (s 2(1) item 6)	—

(a) The *Export Control Act 1982* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act (No. 1) 1984*, subsection 2(1) of which provides as follows:

(1) Subject to this section, this Act shall come into operation on the twenty-eighth day after the day on which it receives the Royal Assent.

(b) The *Export Control Act 1982* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act (No. 1) 1985*, subsection 2(1) of which provides as follows:

(1) Subject to this section, this Act shall come into operation on the twenty-eighth day after the day on which it receives the Royal Assent.

(c) The *Export Control Act 1982* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act 1987*, subsection 2(1) of which provides as follows:

(1) Subject to this section, this Act shall come into operation on the day on which it receives the Royal Assent.

(d) The *Export Control Act 1982* was amended by Schedule 5 only of the *Primary Industries and Energy Legislation Amendment Act (No. 2) 1995*, subsection 2(1) of which provides as follows:

(1) Subject to subsection (2), this Act commences on the day on which it receives the Royal Assent.

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Endnote 4—Amendment history

Provision affected	How affected
Part I	
s. 3	am. No. 72, 1984; No. 65, 1985; No. 141, 1987; No. 111, 1988; No. 87, 1991; No. 4, 1999; No. 115, 2001; No. 97, 2004; No. 94, 2006; No 5, 2011; No 46, 2011; No. 17, 2013; No 167, 2015
s 4	rs No 145, 2015
s. 4AA	ad. No. 115, 2001
s. 4A	ad. No. 104, 1992
Part II	
Part II heading	am. No. 87, 1991
s. 6	am. No. 65, 1985; No. 87, 1991; No. 115, 2001; No. 17, 2013
s. 7	am. No. 133, 1995; No. 4, 1999; No. 97, 2004; No. 17, 2013
s. 7A	ad. No. 87, 1991
	am. No. 115, 2001; No 4, 2016
s. 8	am. No. 65, 1985; No. 87, 1991; No. 115, 2001; No 4, 2016
ss. 8A, 8B	ad. No. 94, 2006
s. 9	am. No. 65, 1985; No. 115, 2001; No 4, 2016
Part IIA	
Part IIA	ad. No. 97, 2004
Division 1	
ss. 9A–9E	ad. No. 97, 2004
Division 2	
Subdivision A	
ss. 9F–9H	ad. No. 97, 2004
Subdivision B	
ss. 9I–9L	ad. No. 97, 2004
Subdivision C	
s. 9M	ad. No. 97, 2004
Part III	
Part III heading	rs. No. 4, 1999

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Endnote 4—Amendment history

Provision affected	How affected
Division 1	
s. 10	am. No. 65, 1985; No. 111, 1988; No. 43, 1996
	rs. No. 4, 1999
	am. No. 17, 2013
Division 2	
s. 10A	ad. No. 4, 1999
	am. No. 97, 2004; No. 94, 2006; No. 17, 2013
s. 10B	ad. No. 4, 1999
	am. No. 97, 2004; No. 17, 2013
s. 10C	ad. No. 4, 1999
	am. No. 17, 2013
Division 3	
s. 10D	ad. No. 4, 1999
	am. No. 94, 2006; No. 17, 2013
s. 10E	ad. No. 4, 1999
	am. No. 17, 2013; No 37, 2014
s. 10F	ad. No. 4, 1999
	am. No. 17, 2013
Division 4	
s. 10G	ad. No. 4, 1999
	am. No. 17, 2013; No 31, 2014
Division 5	
s. 10H	ad. No. 4, 1999
	am. No. 17, 2013
s. 10J	ad. No. 4, 1999
	am. No. 17, 2013
Division 6	
Heading to Div. 6 of Part III	rs. No. 94, 2006
s. 11	rs. No. 4, 1999
	am. No. 17, 2013

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Endnote 4—Amendment history

Provision affected	How affected
s. 11A	ad. No. 4, 1999
	am. No. 17, 2013
s. 11B	ad. No. 4, 1999
s. 11C	ad. No. 4, 1999
	am. No. 41, 2003
s. 11D	ad. No. 4, 1999
s. 11E	ad. No. 4, 1999
s. 11F	ad. No. 4, 1999
s. 11G	ad. No. 4, 1999
s. 11H	ad. No. 4, 1999
	am. No. 17, 2013
s. 11J	ad. No. 4, 1999
	am. No. 17, 2013
s. 11K	ad. No. 4, 1999
	am. No. 17, 2013
s. 11L	ad. No. 4, 1999
	am. No. 17, 2013
s. 11M	ad. No. 4, 1999
	am. No. 17, 2013
s. 11N	ad. No. 4, 1999
	am. No. 17, 2013
Division 7	
s. 11P	ad. No. 4, 1999
	am. No. 115, 2001; No. 94, 2006; No. 17, 2013
s. 11Q	ad. No. 4, 1999
	am. No. 80, 2003
s. 12	am. No. 65, 1985; No. 87, 1991; No. 4, 1999
	rep. No. 137, 2000
s. 13	am. No. 65, 1985; No. 87, 1991; No. 4, 1999; No. 17, 2013
Part IV	
s. 14	am. No. 65, 1985; No. 87, 1991; No. 115, 2001

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Endnote 4—Amendment history

Provision affected	How affected
s. 15	am. No. 141, 1987; No. 134, 1990; No. 87, 1991; No. 115, 2001
s. 16	am. No. 87, 1991
	rep. No. 137, 2000
Part V	
s. 17	am. No. 87, 1991
s. 19	am. No. 65, 1985; No. 4, 1999; No. 17, 2013
s. 20	am. No. 65, 1985; No. 4, 1999; No. 17, 2013
s. 21	am. No. 65, 1985; No. 115, 2001; No. 17, 2013; No 4, 2016
s. 22	am. No. 65, 1985; No. 4, 1999; No. 17, 2013
s. 23	am. No. 65, 1985
	rs. No. 134, 1990; No. 87, 1991
	am. No. 94, 1997; No. 4, 1999; No. 80, 2003
s 23A	ad No 167, 2015
s. 24	am. No. 65, 1985; No. 141, 1987; No. 87, 1991; No. 115, 2001; No. 94, 2006; No. 17, 2013
s. 24A	ad. No. 134, 1990
	am. No. 94, 1997; No. 4, 1999
s. 24B	ad. No. 134, 1990
	am. No. 94, 1997
s. 25	am. No. 65, 1985; No. 141, 1987; Nos. 99 and 111, 1988; No. 87, 1991; No. 4, 1999; No. 38, 2003; No. 97, 2004; No. 94, 2006; No. 17, 2013; No 10, 2015; No 167, 2015

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