



# **Inspector-General of Animal Welfare and Live Animal Exports Act 2019**

**No. 81, 2019**

## **Compilation No. 3**

<b>Compilation date:</b>	5 December 2023
<b>Includes amendments up to:</b>	Act No. 108, 2023
<b>Registered:</b>	12 December 2023

Prepared by the Office of Parliamentary Counsel, Canberra

---

## About this compilation

### This compilation

This is a compilation of the *Inspector-General of Animal Welfare and Live Animal Exports Act 2019* that shows the text of the law as amended and in force on 5 December 2023 (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 Register ([www.legislation.gov.au](http://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 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 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If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

---

# Contents

<b>Part 1—Preliminary</b>	1
1 Short title .....	1
2 Commencement .....	1
3 Objects of this Act .....	1
4 Simplified outline of this Act .....	2
5 Definitions .....	3
6 Act binds the Crown .....	5
7 Application of this Act .....	5
<b>Part 2—Inspector-General of Animal Welfare and Live Animal Exports</b>	7
<b>Division 1—Simplified outline</b>	7
8 Simplified outline of this Part .....	7
<b>Division 2—Inspector-General of Animal Welfare and Live Animal Exports: establishment, functions and powers</b>	8
9 Inspector-General of Animal Welfare and Live Animal Exports .....	8
10 Functions of the Inspector-General .....	8
10A Persons assisting the Inspector-General .....	10
10B Consultants .....	10
10C Independence of Inspector-General .....	10
<b>Division 3—Conduct of reviews</b>	12
10D How reviews are started .....	12
11 Inspector-General may require information etc. for review .....	13
<b>Division 4—Annual work plans</b>	15
11A Inspector-General must prepare annual work plan .....	15
11B Variation of annual work plan .....	15
<b>Part 3—Administrative provisions</b>	17
12 Simplified outline of this Part .....	17
13 Appointment .....	17
14 Acting appointments .....	17
15 Term of office .....	18
16 Application of finance law .....	18
17 Remuneration .....	18

---

18	Leave of absence for full-time Inspector-General .....	19
19	Engaging in other paid work.....	19
20	Other terms and conditions.....	19
21	Resignation.....	19
22	Termination of appointment .....	20
<b>Part 4—Information management</b>		<b>22</b>
23	Simplified outline of this Part.....	22
24	Authorisation to use or disclose protected information in performing functions or exercising powers under this Act .....	22
25	Authorisation to use or disclose protected information for purposes of proceedings .....	22
26	Authorisation to use or disclose protected information for purposes of enforcement related activity .....	23
27	Authorisation to use or disclose protected information if required by another Australian law.....	23
28	Authorisation to disclose protected information to person to whom information relates, or to use or disclose protected information with consent.....	23
29	Authorisation to disclose protected information to person who provided information .....	24
30	Rules may authorise use or disclosure of protected information for other purposes .....	24
31	Unauthorised use or disclosure of protected information .....	24
<b>Part 5—Compliance and enforcement</b>		<b>26</b>
32	Simplified outline of this Part.....	26
33	Civil penalties under Part 4 of the Regulatory Powers Act.....	26
34	Civil penalty provision for false or misleading information .....	27
35	Civil penalty provision for false or misleading documents.....	28
<b>Part 6—Miscellaneous</b>		<b>29</b>
36	Simplified outline of this Part.....	29
37	Reporting misconduct by livestock export officials.....	29
38	Privilege against self-incrimination .....	29
39	Protection from liability.....	30
40	Annual report.....	31
41	Rules.....	31

---

---

<b>Endnotes</b>	32
<b>Endnote 1—About the endnotes</b>	32
<b>Endnote 2—Abbreviation key</b>	34
<b>Endnote 3—Legislation history</b>	35
<b>Endnote 4—Amendment history</b>	36



# An Act to provide for the appointment of an Inspector-General of Animal Welfare and Live Animal Exports, and for related purposes

## Part 1—Preliminary

### 1 Short title

This Act is the *Inspector-General of Animal Welfare and Live Animal Exports Act 2019*.

### 2 Commencement

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

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
The whole of this Act	The day after this Act receives the Royal Assent.	3 October 2019

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

### 3 Objects of this Act

- (1) The objects of this Act are as follows:

*Inspector-General of Animal Welfare and Live Animal Exports Act 2019* 1

Compilation No. 3

Compilation date: 05/12/2023

Registered: 12/12/2023

Section 4

---

- (a) to enable monitoring, investigation and reporting on the implementation, by the Commonwealth Government, of the animal welfare and live animal export legislation and standards in relation to the export of livestock, and the outcomes of such implementation, and, in doing so:
    - (i) to increase accountability for, and the transparency of, compliance with such legislation and standards; and
    - (ii) to increase accountability for those outcomes;
  - (b) to promote continual improvements in the regulatory practice, performance and culture of the Department in its role as the regulator of Australia's livestock exports, including improvements in the development of the ASEL;
  - (c) to provide an additional layer of accountability and assurance over the regulation of Australia's livestock exports;
  - (d) to ensure that livestock export officials, in performing functions and exercising powers, consider the welfare of animals in Australia's livestock exports.
- (2) The objects mentioned in subsection (1) are to be achieved with a view to ensuring that the animal welfare and live animal export legislation and standards in relation to the export of livestock are complied with.

#### 4 Simplified outline of this Act

The Inspector-General of Animal Welfare and Live Animal Exports has the role of monitoring, investigating and reporting on the implementation, by the Commonwealth Government, of the animal welfare and live animal export legislation and standards in relation to the export of livestock, and the outcomes of such implementation.

This Act establishes the office of the Inspector-General, sets out the Inspector-General's functions and powers and deals with other matters relating to the role of the Inspector-General (including administrative matters and the management of information obtained under this Act).

The Inspector-General is independent from other persons and entities with responsibilities under the animal welfare and live animal exports legislation and standards. This supports the Inspector-General's effective, impartial and transparent review of the way in which those persons and entities exercise such responsibilities.

The main function of the Inspector-General is to review the conduct of government livestock export officials in relation to the export of livestock.

The Inspector-General may also review the effectiveness of Commonwealth administrative systems, and the effectiveness of Commonwealth reporting, relating to animal welfare and livestock exports.

The Inspector-General is required to report any misconduct by a livestock export official, and to publish the following:

- (a) a report on each review;
- (b) a work plan for each financial year;
- (c) an annual report.

## 5 Definitions

In this Act:

***animal welfare and live animal export legislation and standards*** means the following:

- (a) the *Export Control Act 2020*;
- (b) any instrument made under that Act;
- (c) the ASEL.

***ASEL*** means the document titled *Australian Standards for the Export of Livestock* published by the Department, as it exists from time to time.

Section 5

---

Note: The *Australian Standards for the Export of Livestock* (version 3.2) could in 2023 be viewed on the Department's website ([www.agriculture.gov.au](http://www.agriculture.gov.au)).

***Australian law*** means a law of the Commonwealth, or of a State or Territory.

***Australian national*** means:

- (a) an Australian citizen; or
- (b) a body corporate established by or under an Australian law.

***Australian resident*** means:

- (a) an individual who is usually resident in Australia and whose continued presence in Australia is not subject to a limitation as to time imposed by law; or
- (b) a body corporate that has its principal place of business in Australia.

***civil penalty provision*** has the same meaning as in the Regulatory Powers Act.

***enforcement body*** has the same meaning as in the *Privacy Act 1988*.

***enforcement related activity*** has the same meaning as in the *Privacy Act 1988*.

***foreign person or body*** means any of the following:

- (a) an individual who is not an Australian national or an Australian resident;
- (b) a body corporate that is not an Australian national or an Australian resident;
- (c) a body politic of a foreign country.

***Inspector-General*** means the Inspector-General of Animal Welfare and Live Animal Exports referred to in section 9.

***livestock*** means any of the following:

- (a) cattle, sheep, goats, deer, buffalo, camelids;

- (b) any other animal prescribed by rules made for the purposes of this definition;
- (c) the young of an animal mentioned in paragraph (a) or (b).

**livestock export official** means any of the following:

- (a) an authorised officer within the meaning of the *Export Control Act 2020*;
- (b) an accredited veterinarian within the meaning of the *Export Control Act 2020*;
- (c) the Secretary or a delegate of the Secretary.

**paid work** means work for financial gain or reward (whether as an employee, a self-employed person or otherwise).

**protected information** means information obtained under, or in accordance with, this Act.

**Regulatory Powers Act** means the *Regulatory Powers (Standard Provisions) Act 2014*.

**rules** means rules made under section 41.

**Secretary** means the Secretary of the Department.

**use**, in relation to information, includes make a record of.

## **6 Act binds the Crown**

- (1) This Act binds the Crown in each of its capacities.
- (2) This Act does not make the Crown liable to be:
  - (a) prosecuted for an offence; or
  - (b) subject to civil proceedings for a civil penalty order under Part 4 of the Regulatory Powers Act.

## **7 Application of this Act**

- (1) This Act applies both within and outside Australia.

**Part 1** Preliminary

Section 7

---

- (2) However, sections 11, 31, 34 and 35 do not apply to a foreign person or body outside Australia.

## **Part 2—Inspector-General of Animal Welfare and Live Animal Exports**

### **Division 1—Simplified outline**

#### **8 Simplified outline of this Part**

This Part establishes an independent office of the Inspector-General of Animal Welfare and Live Animal Exports, and sets out the Inspector-General's functions and powers.

The functions of the Inspector-General are to conduct reviews of the effectiveness of the following:

- (a) the activities of livestock export officials under the animal welfare and live animal export legislation and standards;
- (b) Commonwealth systems for the administration of livestock exports under such legislation and standards;
- (c) the ASEL, as part of such systems;
- (d) Commonwealth reporting relating to various matters relating to animal welfare and livestock exports.

Reviews may be initiated by the Inspector-General or directed by the Minister. They may also be conducted at the request of the Secretary, or another relevant Minister.

The Inspector-General may require the production of information or documents relevant to any review, and must publish a report on each review.

The Inspector-General must also prepare an annual work plan for each financial year, in consultation with the Minister and other persons. Annual work plans (and variations) must be published on the Inspector-General's website.

Section 9

---

**Division 2—Inspector-General of Animal Welfare and Live  
Animal Exports: establishment, functions and  
powers**

**9 Inspector-General of Animal Welfare and Live Animal Exports**

There is to be an Inspector-General of Animal Welfare and Live Animal Exports.

Note: The name of this office was altered by the *Inspector-General of Live Animal Exports Amendment (Animal Welfare) Act 2023*. However, the office, as it existed before that name change, continues in existence under the new name so that its identity is not affected: see paragraph 25B(1)(a) of the *Acts Interpretation Act 1901*.

**10 Functions of the Inspector-General**

*Functions*

- (1) The functions of the Inspector-General are to conduct reviews of the following matters:
  - (a) the performance of functions, or exercise of powers, by livestock export officials under the animal welfare and live animal export legislation and standards in relation to the export of livestock;
  - (b) the effectiveness of Commonwealth systems for the administration of livestock exports under the animal welfare and live animal export legislation and standards for maintaining and enhancing the welfare of exported livestock;
  - (c) the effectiveness of the ASEL, as a part of such systems;
  - (d) the effectiveness of Commonwealth reporting of any or all of the following:
    - (i) the welfare of exported livestock;
    - (ii) livestock export investigations related to animal welfare;

- (iii) non-compliance with the animal welfare and live animal export legislation and standards in relation to the export of livestock;
- (iv) the information covered by section 424 of the *Export Control Act 2020* (report to Parliament about export of livestock);
- (v) potential non-compliance with State and Territory laws relating to animal welfare, as reported to State and Territory Governments.

Note: Reports under section 424 of the *Export Control Act 2020* are based on reporting by the masters of vessels engaged in the export of livestock.

- (1A) In conducting a review under subsection (1), the Inspector-General must consider the welfare of animals in relation to Australia's livestock exports.
- (2) Subsection (1) does not permit the Inspector-General to review only a single performance of a function, or a single exercise of a power, by a single livestock export official.

Note: The Inspector-General's role is to provide accountability and assurance in relation to Australia's livestock export regulatory systems through independent evaluation and verification of regulatory practices. The Inspector-General may review the performance of functions and exercise of powers by livestock export officials (including the Secretary) and may make recommendations for overall system improvements.

#### *Ancillary powers*

- (2A) The Inspector-General has power to do all things necessary or convenient to be done for, or in connection with, the performance of the Inspector-General's functions.

#### *Report on review*

- (3) The Inspector-General must publish a report on each review the Inspector-General conducts under this section.

## Section 10A

---

### *Rules may deal with reviews and reports*

- (4) The rules may make provision for or in relation to:
  - (a) the process to be followed in conducting a review under this section; and
  - (b) the content of reports of reviews conducted under this section.

## **10A Persons assisting the Inspector-General**

- (1) The Inspector-General may be assisted by officers and employees of Agencies (within the meaning of the *Public Service Act 1999*), and of authorities of the Commonwealth, whose services are made available to the Inspector-General in connection with the performance of any of the Inspector-General's functions.
- (2) When performing services for the Inspector-General under this section, a person is subject to the directions of the Inspector-General.

## **10B Consultants**

- (1) The Inspector-General may, on behalf of the Commonwealth, engage consultants to assist in the performance of the Inspector-General's functions.
- (2) The consultants are to be engaged on the terms and conditions that the Inspector-General determines in writing.

## **10C Independence of Inspector-General**

- (1) Subject to this Act and to other laws of the Commonwealth, the Inspector-General:
  - (a) has complete discretion in the performance of the Inspector-General's functions and the exercise of the Inspector-General's powers; and
  - (b) is not subject to direction by any person in relation to the performance or exercise of those functions or powers.

Note: However, the Minister may direct the Inspector-General to conduct a review: see subsection 10D(2).

(2) In particular, the Inspector-General is not subject to direction in relation to:

- (a) whether or not a particular outcome or priority is to be included in a work plan for a financial year; or
- (b) the conduct of a review, including:
  - (i) the terms of reference for a review; and
  - (ii) how a review is to be conducted; and
  - (iii) the timing of a review; and
  - (iv) the priority to be given to a review; or
- (c) the content of a report under this Act.

Note: However, the Inspector-General must consult with the Minister in relation to the terms of reference and priority of directed reviews under section 10: see subsection 10D(5).

## Division 3—Conduct of reviews

### 10D How reviews are started

*Inspector-General may conduct review on own initiative*

- (1) The Inspector-General may, on the Inspector-General's own initiative, conduct a review under section 10.

*Minister may direct Inspector-General to conduct review*

- (2) The Minister may, in writing, direct the Inspector-General to conduct a particular review (a **directed review**) under section 10.
- (3) In considering whether to give a direction under subsection (2) to conduct a directed review, the Minister must have regard to:
  - (a) the objects of this Act; and
  - (b) the functions of the Inspector-General; and
  - (c) the work plan for the financial year in which the directed review is to be conducted; and
  - (d) whether the Inspector-General has sufficient resources to conduct the directed review.
- (4) The Inspector-General must comply with a direction given under subsection (2).
- (5) The Inspector-General must consult the Minister in determining:
  - (a) the terms of reference for a directed review; and
  - (b) the priority to be given to a directed review.

Note: The Inspector-General is not subject to direction by the Minister in relation to these matters: see section 10C (independence of Inspector-General).

- (6) A direction given under subsection (2) is not a legislative instrument.

*Inspector-General may conduct review on request*

- (7) The Inspector-General may conduct a particular review under section 10 if requested in writing to do so by:
- (a) the Secretary; or
  - (b) a Minister (other than the Minister administering this Act) that administers a law relating to the export of livestock.
- (8) The Inspector-General is not required to comply with a request under subsection (7).

**11 Inspector-General may require information etc. for review**

- (1) The Inspector-General may, by written notice given to a person who the Inspector-General reasonably believes has information or documents relevant to a review under section 10, require the person to:
- (a) answer questions, or give information in writing, about the relevant information or documents by the time specified in the notice; or
  - (b) produce the documents to the Inspector-General by the time specified in the notice.

Note: A person may commit an offence or be liable to a civil penalty if the person gives false or misleading information or produces false or misleading documents (see sections 137.1 and 137.2 of the *Criminal Code* and sections 34 and 35 of this Act).

- (2) The time specified in the notice must be at least 14 days after the notice is given.

*Civil penalty provision*

- (3) A person who is required to answer questions, give information in writing or produce documents under subsection (1) must comply with the requirement.

Note: This subsection is not subject to the privilege against self-incrimination (see section 38).

Civil penalty: 240 penalty units.

**Section 11**

---

*Copying documents produced*

- (4) The Inspector-General:
- (a) may make copies of, or take extracts from, a document produced under subsection (1); and
  - (b) for that purpose, may remove the document from the place at which it was produced.

## **Division 4—Annual work plans**

### **11A Inspector-General must prepare annual work plan**

- (1) The Inspector-General must prepare a work plan, in writing, for each financial year.
- (2) The work plan for a financial year must set out the key outcomes and priorities for the Inspector-General for the financial year, including:
  - (a) the reviews that the Inspector-General intends to conduct under section 10 during the financial year; and
  - (b) details of each review, including when each review will be conducted.
- (3) The Inspector-General must consult the Minister in preparing a work plan for a financial year. The Inspector-General may also consult any other person the Inspector-General considers appropriate.

Note: The Inspector-General is not subject to direction by the Minister in relation to these matters: see section 10C (independence of Inspector-General).
- (4) The Inspector-General must publish the work plan for a financial year on the Inspector-General's website as soon as practicable after it has been finalised.
- (5) A work plan prepared under subsection (1) is not a legislative instrument.

### **11B Variation of annual work plan**

- (1) The Inspector-General may vary a work plan for a financial year if the Inspector-General is satisfied that it is reasonable and appropriate to do so.

**Part 2** Inspector-General of Animal Welfare and Live Animal Exports

**Division 4** Annual work plans

**Section 11B**

---

- (2) The Inspector-General must publish the work plan, as varied, on the Inspector-General's website as soon as practicable after the work plan has been varied.
- (3) A varied work plan is not a legislative instrument.

## **Part 3—Administrative provisions**

### **12 Simplified outline of this Part**

This Part deals with administrative matters relating to the office of the Inspector-General, including the appointment of the Inspector-General and the terms and conditions on which the Inspector-General holds office.

### **13 Appointment**

- (1) The Inspector-General is to be appointed by the Minister by written instrument.

Note: The Inspector-General may be reappointed, subject to subsection 15(2) (see section 33AA of the *Acts Interpretation Act 1901*).

- (2) The Inspector-General may be appointed on a full-time or part-time basis.

### **14 Acting appointments**

The Minister may, by written instrument, appoint a person to act as the Inspector-General:

- (a) during a vacancy in the office of Inspector-General (whether or not an appointment has previously been made to the office); or
- (b) during any period, or during all periods, when the Inspector-General:
  - (i) is absent from duty or from Australia; or
  - (ii) is, for any reason, unable to perform the duties of the office.

Note: For rules that apply to acting appointments, see sections 33AB and 33A of the *Acts Interpretation Act 1901*.

## Section 15

---

### 15 Term of office

- (1) The Inspector-General holds office for the period specified in the instrument of appointment. The period must not exceed 5 years.
- (2) The Inspector-General must not hold office for a total of more than 10 years.

### 16 Application of finance law

For the purposes of the finance law (within the meaning of the *Public Governance, Performance and Accountability Act 2013*), the Inspector-General is an official of the Department.

### 17 Remuneration

- (1) The Inspector-General is to be paid the remuneration that is determined by the Remuneration Tribunal. If no determination of that remuneration by the Tribunal is in operation, the Inspector-General is to be paid the remuneration that is prescribed under subsection (5).

- (2) The Inspector-General is to be paid the allowances that are prescribed under subsection (5).

- (3) Subsections 7(9) and (13) of the *Remuneration Tribunal Act 1973* do not apply in relation to the office of the Inspector-General.

Note: The effect of this subsection is that remuneration or allowances of the Inspector-General will be paid out of money appropriated by an Act other than the *Remuneration Tribunal Act 1973*.

- (4) This section has effect subject to the *Remuneration Tribunal Act 1973* (except as provided by subsection (3)).

- (5) The Minister may, by legislative instrument, prescribe:
  - (a) remuneration for the purposes of subsection (1); and
  - (b) allowances for the purposes of subsection (2).

**18 Leave of absence for full-time Inspector-General**

- (1) If the Inspector-General is appointed on a full-time basis, the Inspector-General has the recreation leave entitlements that are determined by the Remuneration Tribunal.
- (2) If the Inspector-General is appointed on a full-time basis, the Minister may grant the Inspector-General leave of absence, other than recreation leave, on the terms and conditions as to remuneration or otherwise that the Minister determines.

**19 Engaging in other paid work***Full-time Inspector-General*

- (1) If the Inspector-General is appointed on a full-time basis, the Inspector-General must not engage in paid work outside the duties of the Inspector-General's office without the Minister's approval.

*Part-time Inspector-General*

- (2) If the Inspector-General is appointed on a part-time basis, the Inspector-General must not engage in any paid work that conflicts or may conflict with the proper performance of the Inspector-General's duties.

**20 Other terms and conditions**

The Inspector-General holds office on the terms and conditions (if any) in relation to matters not covered by this Act that are determined by the Minister.

**21 Resignation**

- (1) The Inspector-General may resign the Inspector-General's appointment by giving the Minister a written resignation.

Section 22

---

- (2) The resignation takes effect on the day it is received by the Minister or, if a later day is specified in the resignation, on that later day.

**22 Termination of appointment**

- (1) The Minister may terminate the appointment of the Inspector-General:
- (a) for misbehaviour; or
  - (b) if the Inspector-General is unable to perform the duties of the Inspector-General's office because of physical or mental incapacity.
- (2) The Minister may terminate the appointment of the Inspector-General if:
- (a) the Inspector-General:
    - (i) becomes bankrupt; or
    - (ii) takes steps to take the benefit of any law for the relief of bankrupt or insolvent debtors; or
    - (iii) compounds with one or more of the Inspector-General's creditors; or
    - (iv) makes an assignment of the Inspector-General's remuneration for the benefit of one or more of the Inspector-General's creditors; or
  - (b) if the Inspector-General is appointed on a full-time basis—the Inspector-General is absent, except on leave of absence, for 14 consecutive days or for 28 days in any 12 months; or
  - (c) if the Inspector-General is appointed on a full-time basis—the Inspector-General engages, except with the Minister's approval, in paid work outside the duties of the Inspector-General's office (see subsection 19(1)); or
  - (d) if the Inspector-General is appointed on a part-time basis—the Inspector-General engages in paid work that conflicts or may conflict with the proper performance of the Inspector-General's duties (see subsection 19(2)); or
  - (e) the Inspector-General fails, without reasonable excuse, to comply with section 29 of the *Public Governance*,

*Performance and Accountability Act 2013* (which deals with the duty to disclose interests) or rules made for the purposes of that section.

## Part 4—Information management

### 23 Simplified outline of this Part

Information (called protected information) may be obtained under, or in accordance with, this Act.

This Part sets out the circumstances in which that information may be used or disclosed.

A person who obtains protected information in the course of, or for the purposes of, performing functions or duties or exercising powers under this Act may commit an offence if the person uses or discloses the information other than in certain circumstances.

### 24 Authorisation to use or disclose protected information in performing functions or exercising powers under this Act

A person who obtains protected information may use or disclose the information in performing functions or duties or exercising powers under this Act.

Note 1: This section constitutes an authorisation for the purposes of the *Privacy Act 1988* and other laws (including the common law).

Note 2: Use, in relation to information, includes make a record of (see the definition of *use* in section 5).

### 25 Authorisation to use or disclose protected information for purposes of proceedings

A person who obtains protected information may disclose the information:

- (a) to a court or tribunal, or in accordance with an order of a court or tribunal, for the purposes of proceedings; or

- (b) to a coronial inquiry, or in accordance with an order of a coroner, for the purposes of a coronial inquiry.

Note: This section constitutes an authorisation for the purposes of the *Privacy Act 1988* and other laws.

## **26 Authorisation to use or disclose protected information for purposes of enforcement related activity**

- (1) A person who obtains protected information may use the information, or disclose the information to an enforcement body, if the person reasonably believes that the use or disclosure is reasonably necessary for, or directly related to, one or more enforcement related activities being conducted by, or on behalf of, that enforcement body.

Note: This subsection constitutes an authorisation for the purposes of the *Privacy Act 1988* and other laws (including the common law).

- (2) An enforcement body to which protected information is disclosed under subsection (1) may use or disclose the information for the purposes of conducting one or more enforcement related activities.

Note: This subsection constitutes an authorisation for the purposes of the *Privacy Act 1988* and other laws (including the common law).

## **27 Authorisation to use or disclose protected information if required by another Australian law**

A person who obtains protected information may use or disclose the information if the use or disclosure is required under an Australian law other than this Act.

Note: This section constitutes an authorisation for the purposes of the *Privacy Act 1988* and other laws (including the common law).

## **28 Authorisation to disclose protected information to person to whom information relates, or to use or disclose protected information with consent**

- (1) A person who obtains protected information may disclose the information to the person to whom the information relates.
-

## Section 29

---

Note: This subsection constitutes an authorisation for the purposes of the *Privacy Act 1988* and other laws (including the common law).

- (2) A person (the ***first person***) who obtains protected information may use or disclose the information for a purpose if the person to whom the information relates has expressly consented to the first person using or disclosing the information for that purpose.

Note: This subsection constitutes an authorisation for the purposes of the *Privacy Act 1988* and other laws (including the common law).

### **29 Authorisation to disclose protected information to person who provided information**

A person who obtains protected information may disclose the information to the person who provided the information.

Note: This section constitutes an authorisation for the purposes of the *Privacy Act 1988* and other laws (including the common law).

### **30 Rules may authorise use or disclosure of protected information for other purposes**

The rules may authorise a person who obtains protected information to use or disclose the information for purposes other than those referred to in sections 24 to 29.

Note: A disclosure that is authorised by rules made for the purposes of this section is an authorised disclosure for the purposes of the *Privacy Act 1988* and other laws (including the common law).

### **31 Unauthorised use or disclosure of protected information**

#### *Fault-based offence*

- (1) A person commits an offence if:
- (a) the person obtains protected information in the course of, or for the purposes of, performing functions or duties or exercising powers under this Act; and
  - (b) the person uses or discloses the information; and

(c) the use or disclosure is not authorised by a provision in this Part or by rules made for the purposes of section 30.

Penalty: Imprisonment for 2 years or 120 penalty units, or both.

*Exception for use or disclosure in good faith*

(2) Subsection (1) does not apply to a person to the extent that the person uses or discloses protected information in good faith and in purported compliance with a provision in this Part or with rules made for the purposes of section 30.

Note: A defendant bears an evidential burden in relation to the matter in this subsection (see subsection 13.3(3) of the *Criminal Code*).

## Part 5—Compliance and enforcement

### 32 Simplified outline of this Part

Civil penalty orders may be sought under Part 4 of the Regulatory Powers Act from a relevant court in relation to contraventions of civil penalty provisions of this Act.

If a person is required by the Inspector-General to provide information or documents, the person may be liable to a civil penalty if the person provides information or documents that are false or misleading.

### 33 Civil penalties under Part 4 of the Regulatory Powers Act

- (1) Each civil penalty provision of this Act is enforceable under Part 4 of the Regulatory Powers Act.

Note: Part 4 of the Regulatory Powers Act allows a civil penalty provision to be enforced by obtaining an order for a person to pay a pecuniary penalty for the contravention of the provision.

#### *Authorised applicant*

- (2) For the purposes of Part 4 of the Regulatory Powers Act, the Secretary is an authorised applicant in relation to the civil penalty provisions of this Act.

#### *Relevant court*

- (3) For the purposes of Part 4 of the Regulatory Powers Act, each of the following courts is a relevant court in relation to the civil penalty provisions of this Act:
- (a) the Federal Court of Australia;
  - (b) the Federal Circuit and Family Court of Australia (Division 2);

- (c) a court of a State or Territory that has jurisdiction in relation to matters arising under this Act.

*Application*

- (4) Part 4 of the Regulatory Powers Act, as it applies in relation to the civil penalty provisions of this Act, applies both within and outside Australia.

### **34 Civil penalty provision for false or misleading information**

- (1) A person is liable to a civil penalty if:
- (a) the person gives information (whether by giving an answer to a question or in writing) in compliance or purported compliance with subsection 11(3); and
  - (b) the person does so knowing that the information:
    - (i) is false or misleading; or
    - (ii) omits any matter or thing without which the information is misleading.

Civil penalty: 240 penalty units.

- (2) Subsection (1) does not apply as a result of subparagraph (1)(b)(i) if the information is not false or misleading in a material particular.

Note: A defendant bears an evidential burden in relation to the matter in this subsection (see section 96 of the Regulatory Powers Act).

- (3) Subsection (1) does not apply as a result of subparagraph (1)(b)(ii) if the information did not omit any matter or thing without which the information is misleading in a material particular.

Note: A defendant bears an evidential burden in relation to the matter in this subsection (see section 96 of the Regulatory Powers Act).

- (4) Subsection (1) does not apply if, before the information was given by a person to another person (the *official*) in compliance or purported compliance with subsection 11(3), the official did not take reasonable steps to inform the person that the person may be liable to a civil penalty for contravening subsection (1) of this section.

## Section 35

---

Note: A defendant bears an evidential burden in relation to the matter in this subsection (see section 96 of the Regulatory Powers Act).

- (5) For the purposes of subsection (4), it is sufficient if the following form of words is used:

“You may be liable to a civil penalty for giving false or misleading information”.

### 35 Civil penalty provision for false or misleading documents

- (1) A person is liable to a civil penalty if:
- (a) the person produces a document to another person; and
  - (b) the person does so knowing that the document is false or misleading; and
  - (c) the document is produced in compliance or purported compliance with subsection 11(3).

Civil penalty: 240 penalty units.

- (2) Subsection (1) does not apply if the document is not false or misleading in a material particular.

Note: A defendant bears an evidential burden in relation to the matter in this subsection (see section 96 of the Regulatory Powers Act).

- (3) Subsection (1) does not apply to a person who produces a document if the document is accompanied by a written statement signed by the person or, in the case of a body corporate, by a competent officer of the body corporate:

- (a) stating that the document is, to the knowledge of the first-mentioned person, false or misleading in a material particular; and
- (b) setting out, or referring to, the material particular in which the document is, to the knowledge of the first-mentioned person, false or misleading.

Note: A defendant bears an evidential burden in relation to the matter in this subsection (see section 96 of the Regulatory Powers Act).

## **Part 6—Miscellaneous**

### **36 Simplified outline of this Part**

This Part contains miscellaneous provisions dealing with other matters, including additional duties of the Inspector-General, the privilege against self-incrimination, and protection for the Inspector-General and certain other people from civil proceedings.

### **37 Reporting misconduct by livestock export officials**

If the Inspector-General forms the opinion either before, during or after conducting a review:

- (a) that a livestock export official has engaged in misconduct; and
- (b) that the evidence is of sufficient weight to justify the Inspector-General doing so;

the Inspector-General must report the evidence to:

- (c) if the livestock export official is or was the Secretary—the Minister; or
- (d) otherwise—the Secretary.

### **38 Privilege against self-incrimination**

*Privilege does not apply in relation to section 11*

- (1) A person is not excused from answering a question, giving information or producing a document under section 11 on the ground that the answer, the information or the production of the document might tend to incriminate the person or make the person liable to a penalty.

*Use/derivative use immunity applies*

- (2) However, in the case of an individual:
-

Section 39

---

- (a) the answer or information given or the document produced; and
- (b) answering the question, giving the information or producing the document; and
- (c) any information, document or thing obtained as a direct or indirect consequence of answering the question, giving the information or producing the document;

are not admissible in evidence against the individual in any criminal or civil proceedings, except proceedings under, or arising out of, section 137.1 or 137.2 of the *Criminal Code* or section 34 or 35 of this Act (false or misleading information or documents) in relation to answering the question, giving the information or producing the document.

*Privilege not otherwise affected*

- (3) Except as provided by subsection (1), nothing in this Act affects the right of an individual to refuse to answer a question, give information or produce a document on the ground that the answer, the information or the production of the document might tend to incriminate the individual or make the individual liable to a penalty.

### 39 Protection from liability

- (1) This section applies to the following persons (*protected persons*):
  - (a) the Inspector-General;
  - (b) a person acting under the Inspector-General's authority.
- (2) A protected person is not liable to civil proceedings for loss, damage or injury of any kind suffered by another person as a result of the performance or exercise, in good faith, of the protected person's functions, powers or duties under or in relation to this Act.

**40 Annual report**

- (1) The Inspector-General must, as soon as practicable after the end of each financial year, prepare and give to the Minister a report on the activities of the Inspector-General during the financial year.
- (2) The report prepared by the Inspector-General for a financial year:
  - (a) must include the number of reviews under section 10 started during the year and the number of reviews under that section completed during the year; and
  - (b) may include any other information relating to the Inspector-General's functions or role that the Inspector-General considers appropriate.

**41 Rules**

- (1) The Minister may, by legislative instrument, make rules prescribing matters:
  - (a) required or permitted by this Act to be prescribed by the rules; or
  - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) To avoid doubt, the rules may not do the following:
  - (a) create an offence or civil penalty;
  - (b) provide powers of:
    - (i) arrest or detention; or
    - (ii) entry, search or seizure;
  - (c) impose a tax;
  - (d) set an amount to be appropriated from the Consolidated Revenue Fund under an appropriation in this Act;
  - (e) directly amend the text of this Act.

## Endnotes

### Endnote 1—About the endnotes

---

## 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 how an amendment is to be made. If, despite the misdescription, the amendment

---

Endnote 1—About the endnotes

---

can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and “(md not incorp)” is added to the amendment history.

## Endnotes

### Endnote 2—Abbreviation key

---

#### Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

## Endnote 3—Legislation history

## Endnote 3—Legislation history

<b>Act</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
Inspector-General of Live Animal Exports Act 2019	81, 2019	2 Oct 2019	3 Oct 2019 (s 2(1))	
Export Control (Consequential Amendments and Transitional Provisions) Act 2020	13, 2020	6 Mar 2020	Sch 2 (items 17–20) and Sch 3 (items 1–91): 3 am (A.C.T.) 28 Mar 2021 (s 2(1) item 2)	Sch 2 (item 20) and Sch 3 (items 1–91)
Federal Circuit and Family Court of Australia (Consequential Amendments and Transitional Provisions) Act 2021	13, 2021	1 Mar 2021	Sch 2 (item 475): 1 Sept 2021 (s 2(1) item 5)	—
Inspector-General of Live Animal Exports Amendment (Animal Welfare) Act 2023	108, 2023	4 Dec 2023	Sch 1 (items 1–23, 34–37): 5 Dec 2023 (s 2(1) item 1)	Sch 1 (items 34–37)

## Endnotes

### Endnote 4—Amendment history

---

#### Endnote 4—Amendment history

<b>Provision affected</b>	<b>How affected</b>
Title .....	am No 108, 2023
<b>Part 1</b>	
s 1 .....	am No 108, 2023
s 3 .....	rs No 108, 2023
s 4 .....	rs No 108, 2023
s 5 .....	am No 13, 2020; No 108, 2023
<b>Part 2</b>	
Part 2 heading .....	rs No 108, 2023
<b>Division 1</b>	
Division 1 heading .....	ad No 108, 2023
s 8 .....	rs No 108, 2023
<b>Division 2</b>	
Division 2 heading .....	ad No 108, 2023
s 9 .....	am No 108, 2023
s 10 .....	am No 13, 2020; No 108, 2023
s 10A .....	ad No 108, 2023
s 10B .....	ad No 108, 2023
s 10C .....	ad No 108, 2023
<b>Division 3</b>	
Division 3 heading .....	ad No 108, 2023
s 10D .....	ad No 108, 2023
<b>Division 4</b>	
Division 4 .....	ad No 108, 2023
s 11A .....	ad No 108, 2023
s 11B .....	ad No 108, 2023
<b>Part 3</b>	
s 17 .....	am No 108, 2023

Endnote 4—Amendment history

<b>Provision affected</b>	<b>How affected</b>
<b>Part 5</b>	
s 33 .....	am No 13, 2021
<b>Part 6</b>	
s 37 .....	am No 108, 2023