COMMONWEALTH OF AUSTRALIA
EXPORT CONTROL (ORDERS) REGULATIONS
Export Control Orders No. 44 of 1987

Export Control (Animals) Orders

I, THE MINISTER OF STATE FOR RESOURCES, hereby make the following Orders under the Export Control (Orders) Regulations.

Dated this day of September 1987.

PETER MORRIS

Citation
1. These Orders may be cited as the Export Control (Animals) Orders.

Commencement
2. These Orders shall come into operation on 1 September 1987.

Application
3. These Orders apply to—
   (a) live animals; and
   (b) animal reproductive material,
which are declared to be prescribed goods for the purposes of the Act.

Note: See subsection 3 of the Export Control Act 1982.

Interpretation
4.1 In these Orders, unless the contrary intention appears—
   “animal reproductive material” means—
   (a) an embryo, an egg or sperm of an animal; or
   (b) any other part, or product, of an animal from which another
   animal could be produced,
which is intended to be exported to a country which requires
   certification as to any matter in relation to that animal reproductive
   material;
   “consignment”, in relation to live animals, means more than one live
animal intended to be exported to one destination and may be
   described by reference to the exporter, the consignee, method of
transport, kind of animals, the number of animals, the weight of the
animals or any other characteristic of the animals, or combination
of these characteristics;
"export permit" means a permit granted under order 8 or 9;
"General Orders" means the Prescribed Goods (General) Orders as amended;
"live animal" means—
(a) a homothermic animal which is intended to be exported alive; and
(b) any other animal which is intended to be exported alive to a country which requires certification as to any matter in relation to that animal;
"registered premises" means premises registered in accordance with order 7; and
"veterinary officer" means an authorized officer who is a veterinary officer employed by the Australian Public Service, a State or Territory.

Note: For other definitions see Section 3 of the Export Control Act 1982.

4.2 In these Orders a reference to an export journey in relation to a live animal or a consignment of live animals, shall be read as a reference to the journey undertaken, or to be undertaken, by that animal or that consignment, from the time it is loaded on a ship or an aircraft in Australia for shipment overseas, until that animal or all animals forming that consignment are unloaded at the port or place that is its place of entry into that country that is the final destination of the animals.

Export to comply with conditions and restrictions

5.1 The export of a live animal or a consignment of live animals is prohibited unless an export permit has been granted in accordance with order 8 in respect of the animal or the consignment, as the case may be.

5.2 The export of animal reproductive material is prohibited unless an export permit has been granted in accordance with order 9 in respect of the animal reproductive material.

Note: Refer to Section 7 of the Export Control Act. See also order 16 for the status of certificates issued under the Quarantine Act.

Notice of intention to export

6. The Secretary shall determine—
(a) the period of time during which a person shall give notice of that person’s intention to export live animals or animal reproductive material in accordance with order 8 or 9; and
(b) the information to be contained in a notice of intention to export live animals or animal reproductive material submitted in accordance with order 8 or 9.

Note: See suborder 7.2 for notice of intention.

Registration of premises

7.1 Unless otherwise determined by the Secretary, a person intending to use premises for the holding of live animals prior to export of those animals shall apply to the Secretary for registration of the premises.
7.2 For the purposes of sub-order 7.1 a notice of intention given in accordance with order 8 or 9 is deemed to be an application for registration.

7.3 On receipt of an application for registration of premises, the Secretary shall register those premises in the name of the applicant unless the Chief Quarantine Officer (Animals), appointed under the Quarantine Act 1908, for the division of quarantine in which premises that are to be used for the holding of live animals prior to export are located has certified to the Secretary, or the Secretary has reason to believe, that the premises are not suitable for that purpose.

7.4 Premises registered in accordance with sub-order 7.3 shall be registered for such period and subject to such conditions as the Secretary determines.

7.5 Registration may be suspended or revoked, either in whole or in respect of a particular operation, the conditions to which the registration is subject may be varied, or the registration may be made subject to additional conditions, if the Secretary is satisfied that the circumstances upon which the premises were registered have changed, or that the conditions determined in accordance with sub-order 7.4 have not been met.

Export permit for live animals

8. Where, in relation to a live animal or a consignment of live animals, an authorized officer is satisfied that—

(a) a person intending to export the animal or consignment has given notice of that person's intention to export that animal or consignment to an authorized officer in accordance with order 6;

(b) any certificate in relation to the animal or consignment has been issued by the Secretary, in accordance with Section 23 of the Act;

(c) in the case of an animal or consignment of a kind designated for this purpose by the Secretary, the animal or consignment is being held, or has been held, at registered premises;

(d) a veterinary officer has determined that each animal is sufficiently fit to undertake the proposed export journey without any significant impairment of health;

(e) the preparation of the animal or consignment for shipment overseas and travel arrangements of the animal or consignment is adequate for the health and welfare of the animal or consignment;

(f) where required by the Australian Meat and Livestock Corporation Act 1977, or regulations or orders under that Act, the person intending to export the animal or consignment of animals, holds an export license for the export of that kind of animal; and

(g) where a permit is required under the Wildlife Protection (Regulation of Exports and Imports) Act 1982, that permit has been issued,

an authorized officer shall, unless the Secretary has directed otherwise under order 10, grant an export permit in respect of that animal or consignment.

Note on order 8: Export of marine eggs, semi and sheep breeding material is prohibited unless a permit in accordance with the Customs (Prohibited Exports) Regulations has been issued.
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Notes on paragraphs 8 (d) and (e): In determining whether an animal is sufficiently fit to undertake an export journey without any significant impairment of health, and whether the preparation of the animal for shipment overseas and the travel arrangements for the animal are adequate for the health and welfare of the animal, a veterinary officer will have regard to the following matters—

1. the general condition of the animal;
2. any disease from which the animal suffers;
3. the nature of the accommodation for the animal on the ship or aircraft on which it is to be transported overseas;
4. the number, species, health and general condition of any other animals to be carried on the ship or aircraft on which the animal is to be transported;
5. the conditions that the animal would be likely to encounter during the export journey;
6. whether the animal has been handled in accordance with relevant current National Standards and Codes of Practice, as follows:
   • "National Standards for Feedlots which Prepare Sheep for Export by Sea"
   • "Model Code of Practice for the Welfare of Animals"
   • "Standards for Preparation and Carriage of Sheep by Sea"
   • "Standards for the Preparation and Carriage of Cattle by Sea"
   • "Standards for Carriage of Horses by Sea"
7. the nature and equipment of the transport by which the animal is to be conveyed to the place of export and the number, species, health and general condition of any other animals to be transported with the animal;
8. the recommendations relating to the transportation of animals contained in the current "Model Code of Practice for the Welfare of Animals"
   • No. III Road Transport for Livestock
   • No. IV Rail Transport for Livestock
   • No. V Air Transport for Livestock
9. the risk of the animal being injured by the enclosures or the ramps that are to be used for loading the animal for export onto the ship, aircraft, train or other vehicle on which the animal is to be conveyed to the place of export.

Export permit for animal reproductive material

9. Where, in relation to animal reproductive material, an authorized officer is satisfied that—

(a) a person intending to export animal reproductive material has given notice of that person's intention to export the animal reproductive material to an authorized officer in accordance with order 6;
(b) the animal reproductive material has been collected in accordance with the requirements of the law of the State or Territory in which it was collected;
(c) any certificate in relation to the animal reproductive material that is required by the country to which the material is intended to be exported has been issued by the Secretary in accordance with Section 23 of the Act;
(d) the primary container in which the animal reproductive material is packaged bears a trade description that clearly identifies the material; and
(e) a container which holds the primary container or containers in which the animal reproductive material is packaged, has been sealed
and a mark approved by the Secretary has been applied to the seal of the container,
an authorized officer shall grant an export permit in respect of the animal reproductive material.

Refusal to grant permit

10. The Secretary may direct that an export permit shall not be granted or shall be granted subject to such conditions as the Secretary thinks fit, in respect of a live animal or a consignment of live animals where the export permit would if granted, have allowed—

(a) the carriage of an animal or consignment of animals on a ship or aircraft the condition of which the Secretary has reason to believe caused the health or condition of any animal to deteriorate during a previous export journey;

(b) an animal or consignment of animals to be consigned to a person whose actions the Secretary has reason to believe have caused the health or condition of any animal to deteriorate during a previous export journey; or

(c) an animal or consignment of animals to be exported by a person whose actions the Secretary has reason to believe caused the health or condition of any animal to deteriorate during a previous export journey.

Export permit

11.1 An export permit granted in accordance with order 8 or 9 may be subject to such conditions as the Secretary thinks fit.

11.2 An export permit shall be in a form approved by the Secretary, shall be signed by an authorized officer and shall bear the number shown on the identity card of that officer and a mark approved by the Secretary.

11.3 An export permit shall remain in force until the time specified by an authorized officer on the permit but not more than 72 hours commencing at the time at which the animal, consignment or animal reproductive material to which the permit relates were inspected by an authorized officer for the purposes of order 8 or 9.

Revocation or variation of export permit

12. Where the Secretary has reason to believe that any circumstances directly relevant to a matter specified in order 8 or 9 or to any condition to which an export permit is subject has changed since the permit was granted, the Secretary may revoke the export permit or may vary the conditions or apply additional conditions to which the permit shall be subject.

Samples

13. Part 15 of the Prescribed Goods (General) Orders as amended is applicable to live animals and animal reproductive material.
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Note: section 10 (4) of the Act requires that samples taken by an authorized officer for the purposes of section 10 (3) be treated as prescribed. Samples are required to be tagged, labelled or marked in a manner which allows them to be identified, held under conditions which will not affect the result of the analysis and kept in the custody of an authorized officer until they are dispatched to an approved analyst.

Delegations

14. Part 19 of the Prescribed Goods (General) Orders as amended is applicable to live animals and animal reproductive material.

Note: Prescribed Goods (General) order 109 provides that the Secretary may delegate the Secretary's powers under Orders.

Reconsideration of decisions

15. Part 20 of the Prescribed Goods (General) Orders as amended is applicable to live animals and animal reproductive material.

Note: Part 20 of the Prescribed Goods (General) Orders provides that a person whose interests are affected by a decision made by the Secretary (or the Secretary's delegate) may apply to the Secretary for reconsideration of the decision. The person is entitled to apply to the Administrative Appeals Tribunal for review of the Secretary's decision.

Savings

16. Notwithstanding the repeal of Part VIIIA of the Quarantine (Animals) Regulations, a certificate relating to the freedom of a live animal, consignment of live animals or animal reproductive material from disease granted under a provision of Part VIIIA of the Quarantine (Animals) Regulations—

(a) continues in force for the period for which it would have remained in force if Part VIIIA of the Quarantine (Animals) Regulations were still in force; and

(b) shall be deemed to have been issued or given for the purposes of these Orders.
Summary of Regulatory Requirements

(A) Live animals—

1. Premises where animals are held prior to export must be registered unless the Secretary exempts (see order 7)
   - it is anticipated that premises being used for a single consignment will normally be exempted.
   - exemptions will be advised through Australian Quarantine and Inspection Service (AQIS) notices
   - registration may be automatic in certain circumstances (see sub-order 7.2).

2. Notice of intention to export must be given (see order 6).

3. An export permit must be held (see orders 8 and 11) and can be refused if there has been inadequate husbandry during a previous export journey (see order 10).

4. The Export Permit authorizes the export of the animals from Australia but may not guarantee entry rights to the country of destination. Any separate certification required by that country will generally be endorsed by AQIS if the matters to be certified can be ascertained. For further information contact the Chief Quarantine Officer (Animals) in your State.

(B) Animal reproductive material—

1. Notice of intention to export must be given (see order 9).

2. An Export Permit must be held (see orders 9 and 11) and can be refused or additional and/or varied conditions applied as the Secretary may see fit (see order 12).

3. The Export Permit authorizes the export of the animal reproductive material from Australia but may not guarantee entry rights at the country of destination. Any separate certification required by that country will generally be endorsed by AQIS if the matters to be certified can be ascertained. For further information, contact the Chief Quarantine Officer (Animals) in your State.