



Export Control (Animals) Order 2004

made under regulation 3 of the

Export Control (Orders) Regulations 1982

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**This compilation includes commenced amendments made by F2018L01011.
Amendments made by F2018L01118 have not commenced but are noted in the endnotes.**

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About this compilation

This compilation

This is a compilation of the *Export Control (Animals) Order 2004* that shows the text of the law as amended and in force on 7 July 2018 (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If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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Part 1—Preliminary

1.01 Name of Order

This Order is the *Export Control (Animals) Order 2004*.

1.04 Live animals and animal reproductive material to be prescribed goods

For the purposes of the definition of **prescribed goods** in section 3 of the Act, the following are prescribed goods:

- (a) live animals;
- (b) animal reproductive material.

1.05 Definitions

- (1) In this Order:

agriculture regulator has the meaning given by subsection 6.04(3).

AMLI Act means the *Australian Meat and Live-stock Industry Act 1997*.

animal reproductive material means any part of an animal from which another animal can be produced, and includes an embryo, an egg or ovum, or semen.

approved arrangement means an arrangement for the preparation of live-stock for export by an exporter that is approved by the Secretary under Division 1A.2.

Australian Standards for the Export of Live-stock means the document of that name referred to in the *Australian Meat and Live-stock Industry (Standards) Order 2005*.

ESCAS means exporter supply chain assurance system.

exporter, in relation to an animal or animal reproductive material that is to be exported, means the person intending to export it.

holder of an approved export program means the exporter to whom the approval of the program under paragraph 1A.36(1)(a) was given.

live-stock means cattle, sheep, goats, deer, buffalo and camelids (that is, camels, llamas, alpacas and vicuñas), and includes the young of an animal of any of those kinds.

NOI means notice of intention to export.

OIE recommendations means the recommendations and standards set out in Section 7 of the *Terrestrial Animal Health Code* (2010) published by the World Organisation for Animal Health.

Note: On 1 March 2012, the *Terrestrial Animal Health Code* (2010) was available on the Internet at http://web.oie.int/eng/normes/mcode/a_summry.htm.

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personal information has the same meaning as in the *Privacy Act 1988*.

registered premises means premises registered under Part 2.

voyage includes a flight of an aircraft.

Note: **The Act** means the *Export Control Act 1982*—see regulation 2 of the *Export Control (Orders) Regulations 1982*.

- (2) A person's **basic details** are the following:
 - (a) the person's name;
 - (b) the person's business address;
 - (c) if the person is an individual, his or her telephone number, fax number (if any) and e-mail address (if any);
 - (d) the person's ABN, if any;
 - (e) if the person is a corporation:
 - (i) its business address and ACN; and
 - (ii) the name, telephone and fax numbers, and e-mail address (if any) of a contact person.
- (3) A reference to **importing country requirements** in relation to an export of live animals or animal reproductive material is a reference to:
 - (a) the requirements of the relevant importing country protocol; and
 - (b) the requirements or conditions of the relevant import permit (including any waiver or variation of a requirement of the importing country protocol).
- (4) For the purposes of this Order, a day is a **working day** for the purpose of doing something if it is not a Saturday, a Sunday, or a public holiday in the place where the thing is to be done.

1.05A Application of the *Export Control (Prescribed Goods—General) Order 2005* in relation to this Order

Despite section 1.03 of the *Export Control (Prescribed Goods—General) Order 2005*, only the following provisions of that Order are to be read as one with this Order under that section:

- (a) Part 3 (Exemptions);
- (b) section 4.05 (Who is a fit and proper person);
- (c) section 4.23 (Secretary may vary registration of establishment);
- (d) section 4.31 (Suspension of operations at registered establishment because of hygiene or inspection);
- (e) section 6.06 (Revoked permit to be surrendered);
- (f) section 6.07 (Exporter to be responsible for goods);
- (g) Part 13 (Official marks and official marking devices);
- (h) Part 16 (Reconsideration and review of decisions);
- (i) section 17.05 (Penal provisions);
- (j) other provisions of that Order so far as they relate to any of the provisions of that Order that apply because of paragraph (a), (b), (c), (d), (e), (f), (g), (h) or (i) of this subsection.

1.06 Effect of State and Territory laws

- (1) Nothing in this Order affects the operation of a law of a State or Territory if:
 - (a) it is possible to comply with both this Order and the State or Territory law at once; or
 - (b) in particular, compliance with the State or Territory law will also constitute compliance with this Order.
- (2) Nothing in this Order, or in the Australian Standards for the Export of Live-stock, is taken to require the Commonwealth, the Secretary or an authorised officer to administer or enforce any law of a State or Territory or any code of practice or similar instrument having effect under the law of a State or Territory.

Part 1A—Export of live-stock

Division 1A.1—Conditional prohibition on live-stock exports

1A.01 Prohibition on live-stock exports

The export of live-stock is prohibited unless the following conditions are complied with:

- (a) the exporter holds a live-stock export licence under the AMLI Act;
- (b) the Secretary has approved an ESCAS, unless an ESCAS is not required because of subsection 1A.19(4);
- (c) the exporter has given the Secretary an NOI for the export in accordance with section 1A.25 or 1A.26 and, if required under section 1A.26, has varied the NOI;
- (d) if the export is by sea—the live-stock are held before export, and assembled for export, in registered premises;
- (e) if the export is by air and the importing country requirements require the live-stock to be prepared at premises approved for pre-export quarantine or isolation—the live-stock are held before export, and assembled for export, in registered premises or premises approved under section 1A.27;
- (f) if the live-stock are held before export, and assembled for export, in registered premises—the exporter has given the operator of the registered premises information as required by section 1A.28;
- (g) an approved arrangement for the exporter is in effect in relation to the live-stock;
- (h) the live-stock have been prepared in accordance with the approved arrangement and any conditions on the approval of the arrangement;
- (ha) the exporter is the holder of an approved export program in force under Subdivision A of Division 1A.7 that applies to some or all of the export activities of the exporter in relation to the live-stock;
- (i) an export permit for the export by the exporter is in force;
- (j) the live-stock are exported to the place, and by the means, specified in the export permit;
- (k) the exporter complies with the approved arrangement, the approved ESCAS and any condition on the approval of either;
- (l) the exporter complies with any condition of the export permit.

Division 1A.2—Approved arrangements for preparation of live-stock

Subdivision A—Applications for approval of arrangements

1A.02 Application for approval of arrangement

- (1) An exporter who wants to export live-stock may apply in writing to the Secretary for approval of an arrangement that:
 - (a) is for the preparation of all live-stock for export by the exporter; and
 - (b) identifies:
 - (i) the classes and kinds of live-stock that may be exported by the exporter; and
 - (ii) the places to which each class and kind may be exported; and
 - (iii) the means by which each class and kind may be exported; and
 - (c) is recorded in writing.
- (2) The written record of the arrangement for which approval is sought must:
 - (a) accompany the application; or
 - (b) be made available for evaluation by the Secretary.

1A.03 Assessment of application and Secretary's decision

- (1) For the purposes of deciding whether to approve the arrangement, the Secretary may evaluate the arrangement in an audit.
- (2) For the purposes of deciding whether to approve the arrangement, the Secretary may request any of the following that the Secretary reasonably requires:
 - (a) further information or documents of the kind specified by the Secretary;
 - (b) a demonstration of the operations and procedures to be followed in the preparation of live-stock for export;
 - (c) the applicant's consent to the use (at the applicant's expense) of an appropriately qualified person nominated by the Secretary in any inspection, evaluation or demonstration.

1A.04 When the Secretary is taken to have refused application

The Secretary is taken to have refused the application if the Secretary has not made a decision on whether to approve the arrangement within 60 days after:

- (a) the day the application was received; or
- (b) if the application was varied—the day the application was varied;

not including any period between the Secretary making a written request under subsection 1A.03(2) and the applicant meeting the request.

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1A.05 When the Secretary may approve the arrangement

- (1) The Secretary may, by written notice given to the applicant, approve the arrangement for the preparation of live-stock for export if the Secretary is satisfied that:
 - (a) the arrangement covers each step of the preparation; and
 - (b) acting in accordance with the arrangement will ensure compliance with:
 - (i) this Order; and
 - (ii) the Australian Standards for the Export of Live-stock; and
 - (iii) conditions to which the applicant's live-stock export licence under the AMLI Act covering the proposed export is subject or will be, or is likely to be, subject if the applicant is granted such a licence; and
 - (iv) importing country requirements for the live-stock; and
 - (c) preparation of live-stock for export in accordance with the arrangement will provide a sound basis for giving an export permit and health certificate for the live-stock; and
 - (e) the applicant will act in accordance with the arrangement.
- (2) The approval takes effect:
 - (a) on the day specified in the approval as being the day it takes effect; or
 - (b) if no such day is specified—when written notice of the approval is given to the applicant.

1A.06 Notice of decision not to approve an arrangement

- (1) If the Secretary decides not to approve an arrangement, the Secretary must give the applicant written notice of the decision.
- (2) The notice must set out:
 - (a) the reasons for the decision; and
 - (b) the applicant's right to apply for reconsideration of the decision.

Note: For reconsideration and review of decisions, see section 6.03 of this Order and Part 16 of the *Export Control (Prescribed Goods—General) Order 2005*.

1A.07 Approval of arrangement may be subject to conditions

- (1) The Secretary may:
 - (a) approve, subject to conditions specified in the notice of approval, an arrangement for the preparation of live-stock for export by an exporter; and
 - (b) by written notice given to the exporter, impose new conditions or vary or revoke the conditions on the approval of the arrangement.

Note: For example, conditions may relate to:

- (a) audit; and
- (b) holding a live-stock export licence under the AMLI Act.

- (2) The conditions must be for the purpose of achieving the outcomes described in paragraphs 1A.05(1)(b), (c) and (e).

Note: If there is a failure to act in accordance with the arrangement or comply with the conditions of approval, the Secretary may suspend or revoke the approval of the arrangement: see section 1A.12.

- (3) A notice under paragraph (1)(b) imposing new conditions or varying conditions must set out:
- (a) the reasons for the decision to impose or vary the conditions; and
 - (b) the exporter's right to apply for reconsideration of the decision.

Note: For reconsideration and review of decisions, see section 6.03 of this Order and Part 16 of the *Export Control (Prescribed Goods—General) Order 2005*.

Subdivision B—Variation of approved arrangement

1A.08 Variation to be recorded

A record must be made of each variation of an approved arrangement.

1A.09 Variation requiring notification and approval before implementation

- (1) This section applies to a proposed variation by an exporter of an approved arrangement that (alone or in combination with one or more other variations) has the potential to adversely affect:
- (a) the likelihood of compliance with the requirements of this Order, the Australian Standards for the Export of Live-stock or an applicable importing country requirement; or
 - (b) an accurate assessment being made as to whether:
 - (i) there is compliance with the requirements of this Order, the Australian Standards for the Export of Live-stock or an applicable importing country requirement; or
 - (ii) the exporter is complying with the approved arrangement or a condition on the approval of the arrangement.
- (2) The proposed variation must not be implemented unless:
- (a) the exporter makes a written application to the Secretary for approval to vary the arrangement; and
 - (b) the Secretary gives the exporter a written notice approving the variation.
- Note: A variation needs to be recorded, whether this section applies to it or not (see section 1A.08).
- (3) For the purposes of deciding whether to approve the proposed variation, the Secretary may request any further information or documents of the kind specified by the Secretary that the Secretary reasonably requires.
- (4) The Secretary is taken to have refused the application if the Secretary has not made a decision on whether to approve the variation within 60 days after the day the application was received (not including any period between the Secretary making a written request under subsection (3) and the applicant meeting the request).

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1A.10 Variation required by the Secretary

- (1) The Secretary may give an exporter a written notice requiring an exporter to submit a variation of an approved arrangement for the preparation of live-stock for export by the exporter if:
 - (a) circumstances relating to the preparation of live-stock for export by the exporter change; or
 - (b) the Secretary is not satisfied that acting in accordance with the arrangement will achieve the outcomes described in paragraph 1A.05(1)(b) or (c); or
 - (d) the Secretary is not satisfied that the exporter will act in accordance with the arrangement; or
 - (e) an applicable importing country requirement changes; or
 - (f) the Australian Standards for the Export of Live-stock change because of an amendment of the *Australian Meat and Live-stock Industry (Standards) Order 2005*.
 - (2) The notice must:
 - (a) identify (in general or specific terms) the variation required; and
 - (b) specify the period within which the variation must be submitted to the Secretary; and
 - (c) set out:
 - (i) the reasons for the decision to require the exporter to submit the variation; and
 - (ii) the exporter's right to apply for reconsideration of the decision.
- Note: For reconsideration and review of decisions, see section 6.03 of this Order and Part 16 of the *Export Control (Prescribed Goods—General) Order 2005*.
- (3) The Secretary may give the exporter a written notice approving the variation submitted.
 - (4) An exporter who is given a notice under subsection (1) must not fail to submit the variation specified in the notice within the period specified.
 - (5) The Secretary may amend or revoke a notice under subsection (1) by giving a further written notice to the exporter.

1A.11 When an arrangement includes a variation

- (1) An approved arrangement includes a variation of the arrangement.

- (2) However, an approved arrangement includes a variation of a kind described in section 1A.09 or 1A.10 only when the Secretary gives a notice approving the variation in accordance with that section.

Subdivision C—Suspension and revocation of approvals of arrangements, and termination of approved arrangements

1A.12 Grounds for suspension or revocation

- (1) The Secretary may give an exporter written notice suspending or revoking the approval of an arrangement for the preparation of live-stock for export by the exporter if the Secretary reasonably believes that:
- (a) the exporter has not:
 - (i) complied with this Order, the Australian Standards for the Export of Live-stock or an importing country requirement; or
 - (ii) acted in accordance with the arrangement; or
 - (iii) complied with a condition of the approval of the arrangement; or
 - (b) acting in accordance with the arrangement is not a reliable or effective way of achieving the outcomes described in paragraphs 1A.05(1)(b) and (c); or
 - (c) the exporter has made a statement that is false, misleading, or incomplete, or for which there is no sound basis, in:
 - (i) an application or other document given to the Secretary; or
 - (ii) a document or information required under this Order, the arrangement or a condition of the approval of the arrangement; or
 - (d) the exporter has failed to provide the assistance referred to in section 5.05 (about audits); or
 - (e) the exporter has failed to make available to an authorised officer a document that the exporter is required to retain, under a requirement of this Order, the arrangement or a condition of the approval of the arrangement.
- (2) The suspension or revocation of the approval of the arrangement may be:
- (a) in full; or
 - (b) in part, in respect of:
 - (i) one or more kinds or classes of live-stock; or
 - (ii) one or more places to which a kind or class of live-stock may be exported by the exporter; or
 - (iii) one or more means by which a kind or class of live-stock may be exported by the exporter.
- (3) The suspension or revocation takes effect:
- (a) on the day specified in the written notice given under subsection (1) as being the day it takes effect; or
 - (b) if no such day is specified—when the written notice is given to the exporter.

Section 1A.13

1A.13 Notice of suspension or revocation

- (1) If the Secretary suspends or revokes the approval of an arrangement for the preparation of live-stock for export by an exporter, the Secretary must give the exporter written notice of:
 - (a) the reason for the suspension or revocation; and
 - (b) the exporter's right to apply for reconsideration of the decision to suspend or revoke; and
 - (c) if the approval is suspended—the period of the suspension.

Note: For reconsideration and review of the Secretary's decision, see section 6.03 of this Order and Part 16 of the *Export Control (Prescribed Goods—General) Order 2005*.

- (2) A period of suspension must not exceed 12 months.

1A.14 Revocation of suspended arrangement

- (1) The Secretary may revoke an approval of an arrangement that is suspended despite the fact that the period of suspension has not expired.
- (2) The Secretary may revoke an arrangement that is suspended on grounds that are the same as or similar to the grounds for the suspension.

1A.15 Termination

- (1) An exporter may, by written notice given to the Secretary, terminate the exporter's approved arrangement:
 - (a) in full; or
 - (b) in part, in respect of:
 - (i) one or more kinds or classes of live-stock; or
 - (ii) one or more places to which a kind or class of live-stock may be exported by the exporter; or
 - (iii) one or more means by which a kind or class of live-stock may be exported by the exporter.
- (2) The termination takes effect:
 - (a) on the day specified in the notice of termination as the day it takes effect; or
 - (b) if no such day is specified—7 days after the notice is given to the Secretary.

1A.16 Secretary may require exporter to take action

- (1) This section applies if:
 - (a) the approval of an arrangement (or of part of an arrangement) for the preparation of live-stock for export by an exporter is suspended or revoked; or
 - (b) such an arrangement is terminated in full or in part.

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- (2) The Secretary may, by giving the exporter a notice, require the exporter to take specified action within the period specified in the notice in respect of any of the following:
 - (a) any official marks held by the exporter;
 - (b) any export permits or health certificates issued or given for live-stock prepared for export by the exporter;
 - (c) any live-stock under the exporter's control;
 - (d) any records kept under the approved arrangement or a condition of the approval of the arrangement.
- (3) The action must be to ensure compliance with this Order, the Australian Standards for the Export of Live-stock or an importing country requirement.
- (4) The Secretary may amend or revoke the notice by giving a further written notice to the exporter.

1A.17 Exporter must take action as required

An exporter who is given a notice under subsection 1A.16(2) must take the action specified in the notice within the period specified.

1A.18 When an approved arrangement ceases to have effect

- (1) An approval of an arrangement (or a part of an arrangement) ceases to have effect if the approval of the arrangement (or that part of the arrangement) is revoked or the arrangement (or part) is terminated.

Note: For revocation or termination in part see sections 1A.12 and 1A.15.
- (2) An approval of an arrangement ceases to have effect if the person who applied for approval of the arrangement ceases to be an exporter.
- (3) An approval of an arrangement (or a part of an arrangement) ceases to have effect for the period of its suspension.

Division 1A.3—Exporter supply chain assurance systems (ESCASs)

1A.19 Exporter supply chain assurance systems (ESCASs)

Form and content of ESCAS

- (1) An ESCAS must be in writing in the form approved by the Secretary for the purpose.
- (2) An ESCAS must:
 - (a) set out an outline of the details of a supply chain that will apply to exports of a particular species of live-stock to one or more specified ports or airports, up to and including the point of slaughter, including details relating to the following matters:
 - (i) the species of live-stock;
 - (ii) each port or airport of arrival;
 - (iii) transport, handling and slaughter of the live-stock;
 - (iv) feedlots;
 - (v) identification, tracking, accounting and reconciliation of live-stock;
 - (vi) independent auditing and reporting in relation to matters referred to in subparagraphs (i), (ii), (iii), (iv), (v) and (viii);
 - (vii) access to premises;
 - (viii) any related operations and facilities; and
 - (b) be accompanied by any documents or information evidencing the ESCAS that the Secretary requires.

Reliance on previous ESCAS

- (3) However, an exporter may refer the Secretary to details contained in, or documents or information accompanying, another ESCAS that the Secretary has previously approved.

Exception—when ESCAS is not required

- (4) If the Secretary is satisfied that live-stock will be exported as breeder live-stock:
 - (a) an ESCAS is not required; and
 - (b) any provision of this Order that imposes a requirement on the exporter in relation to an ESCAS is taken to apply as if it did not impose that requirement.

1A.20 Giving ESCASs to Secretary

- (1) An ESCAS must be given to the Secretary no later than:
 - (a) if the importing country requirements for the port or airport to which the ESCAS relates require pre-export quarantine or isolation of the live-stock to which the ESCAS relates—10 working days before the quarantine or isolation begins for the first export to which the ESCAS will apply; or

- (b) otherwise—10 working days before the first export to which the ESCAS will apply.
- (2) Despite subsection (1), the Secretary may accept an ESCAS at any time, if the Secretary considers it reasonable to do so in all the circumstances.

1A.21 Approval of ESCASs

- (1) The Secretary may by notice in writing:
 - (a) require further information about a proposed export; or
 - (b) require further information about an ESCAS; or
 - (c) direct that an ESCAS be varied in a specified way.
- (2) The Secretary may approve an ESCAS if he or she is satisfied that the ESCAS will ensure that live-stock to which it will apply will be transported, handled, slaughtered and subjected to any other related operations in accordance with relevant OIE recommendations.
- (3) Without limiting the matters to which the Secretary may have regard when deciding whether to approve an ESCAS, the Secretary:
 - (a) must have regard to how the ESCAS addresses the matters mentioned in paragraph 1A.19(2)(a); and
 - (b) may have regard to:
 - (i) the exporter's record in adherence to approved ESCASs and compliance with approval conditions; and
 - (ii) any other relevant information of which the Secretary is aware.
- (4) The Secretary must give written notice to the exporter of his or her decision whether or not to approve an ESCAS and if the decision is a refusal, of the reasons for the decision.
- (5) The Secretary may approve an ESCAS subject to a condition.
- (6) Without limiting subsection (5), the conditions of an ESCAS may relate to the following matters:
 - (a) the matters mentioned in paragraph 1A.19(2)(a);
 - (b) publication of information provided by the exporter in relation to the supply chain set out in the ESCAS;
 - (c) the number of consignments to which the ESCAS may apply;
 - (d) any other matter the Secretary considers appropriate.

1A.22 Effect of approval of ESCASs

Approval of an ESCAS does not oblige the Secretary to grant an export permit for a proposed export to which the ESCAS would apply.

1A.23 Variation and revocation of approved ESCASs

- (1) The Secretary may, at the request of the exporter or of his or her own motion, and at any time:
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- (a) require an approved ESCAS to be varied in a specified manner; or
 - (b) approve a variation of an approved ESCAS; or
 - (c) vary the conditions imposed on an approved ESCAS.
- (2) An exporter must:
 - (a) subject to any condition imposed on the ESCAS, if there is any relevant change in any circumstance that relates to an approved ESCAS—inform the Secretary in writing of that change as soon as practicable, but not later than 5 working days after becoming aware of the change; or
 - (b) if the Secretary requires an approved ESCAS to be varied in a specified manner—comply with that requirement.
- (3) Without limiting the circumstances in which the Secretary may revoke or vary approval of an ESCAS, the Secretary may revoke or vary approval if:
 - (a) the Secretary is not satisfied that live-stock to which the approved ESCAS will apply will be dealt with in accordance with the approved ESCAS; or
 - (b) the exporter has not complied with any conditions in the approval or in a previous approval under this Order.
- (4) A variation of an ESCAS (including a variation of the conditions imposed) applies in relation to all exports to which the ESCAS applies, including in relation to consignments that have left Australia before the variation takes effect.

Division 1A.4—Notices of intention to export (NOIs)

1A.24 Notice of intention to export (NOI)

- (1) An NOI must be in writing in the form approved by the Secretary.
- (2) An NOI must set out:
 - (a) the exporter's basic details and AMLI licence number; and
 - (b) the following details of the proposed export:
 - (i) the importing country;
 - (ii) the name and address of the importer;
 - (iii) a description (including number, kind and class) of the live-stock to be exported;
 - (iv) the name of the accredited veterinarian who will assist in the preparation of the live-stock for export;
 - (v) the date the live-stock are to leave Australia;
 - (vi) the date the live-stock are expected to arrive in the importing country;
 - (vii) the ESCAS that will apply to the proposed export, unless an ESCAS is not required because of subsection 1A.19(4);
 - (viii) the international transport arrangements, including the route of the international voyage and details of the vessel or aircraft to be used, for the live-stock;
 - (ix) if the live-stock are to be exported by sea—the information referred to in subsection (3);
 - (x) if the live-stock are to be exported by air—the information referred to in subsection (4).

Sea export—extra details

- (3) An NOI for a proposed export by sea must also include the following information:
 - (a) the name and the registration number of the registered premises at which the live-stock are to be held and assembled for export;
 - (b) the expected dates on which the live-stock are to arrive at, and depart from, those premises;
 - (c) the port from which the live-stock will leave Australia;
 - (d) the port at which the live-stock will arrive in the importing country.

Air export—extra details

- (4) An NOI for a proposed export by air must also include the following information:
 - (a) the premises where the live-stock are to be prepared for export (including, if the premises are registered premises, the name and the registration number of those premises);

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- (b) the expected dates on which the live-stock are to arrive at, and depart from, those premises;
- (c) the premises where the live-stock may be inspected;
- (d) whether there are importing country requirements for pre-export quarantine or isolation of the live-stock;
- (e) the airport from which the live-stock will leave Australia;
- (f) the airport at which the live-stock will arrive in the importing country.

Effect of failure to comply with this section

- (5) A document that does not meet the requirements of this section is taken not to be an NOI.

Note: If any of the requirements of this section are not met in relation to the export of live-stock, the export of the live-stock will be prohibited by section 1A.01 as the condition in paragraph (c) of that section will not be complied with.

1A.25 Giving NOI to Secretary

- (1) The NOI for a proposed export must be given to the Secretary no later than:
 - (a) if the importing country requirements require pre-export quarantine or isolation of the live-stock—10 working days before the quarantine or isolation begins; or
 - (b) otherwise—10 working days before the proposed export.
- (2) However, an NOI may be given to the Secretary at any time if the Secretary considers this reasonable in all the circumstances.

1A.26 What happens if circumstances change after NOI is given

- (1) If there is a relevant change in any circumstance of an export, after the exporter has given the Secretary an NOI for the proposed export of live-stock, the exporter must inform the Secretary in writing.
- (2) If the Secretary has been informed by an exporter, or has otherwise become aware, of a change relevant to a proposed export, the Secretary may, by notice in writing to the exporter, require the exporter:
 - (a) to vary an NOI given to the Secretary; or
 - (b) to give the Secretary a new NOI.

1A.27 Approval of premises for quarantine or isolation before export by air

- (1) If an NOI given to the Secretary (under section 1A.25 or 1A.26) indicates:
 - (a) that the live-stock are to be exported by air; and
 - (b) that the importing country requirements require the live-stock to be prepared at premises approved for pre-export quarantine or isolation;the NOI has effect as an application for approval of the premises at which the animals are to be prepared, unless those premises are registered premises.

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- (2) For the purposes of considering whether premises may be approved under this section, the Secretary may request the exporter:
 - (a) to provide further information; and
 - (b) to arrange for an authorised officer to be allowed to inspect the premises.
- (3) The criteria for the approval of premises are that the premises meet the importing country requirements for pre-export quarantine or isolation.
- (4) The Secretary may approve premises only for the period of preparation required in relation to the consignment mentioned in the NOI.

Division 1A.5—Information exporter must give operator of registered premises

1A.28 Information exporter must give operator of registered premises where live-stock are held and assembled for export

An exporter must give the following information as soon as practicable to the operator of the registered premises in which live-stock are to be held and assembled for export:

- (a) a description (including number, kind, class and condition) of the live-stock;
- (b) the dates the live-stock are expected to arrive at, and depart from, the premises;
- (c) the date the live-stock will leave Australia;
- (d) the importing country requirements relating to sourcing, pre-export quarantine or isolation, treatment and testing, and the exporter's plans to meet those requirements;
- (e) the standards in the Australian Standard for the Export of Live-stock relevant to the export, and the exporter's plans to meet those standards;
- (f) any applicable requirements in Orders made under the AMLI Act, and the exporter's plans to meet those requirements.

Division 1A.6—Export permits and health certificates

1A.29 Application for export permit and health certificate

- (1) After preparing live-stock in accordance with an approved arrangement and any conditions on the approval of the arrangement, an exporter may apply to the Secretary for:
 - (a) an export permit for the live-stock; and
 - (b) if the importing country requirements include a requirement for a health certificate—a health certificate for the live-stock.
- (2) The application must:
 - (a) be in writing in the form approved by the Secretary; and
 - (b) include a declaration by the exporter in accordance with subsection (3) and, if applicable, subsection (3A); and
 - (c) be accompanied by evidence supporting the declaration.
- (3) The declaration by the exporter must state that:
 - (a) the exporter has complied with:
 - (i) any requirements under any other Commonwealth law, or the law of a State or Territory, that the exporter must comply with; and
 - (ii) the Australian Standards for the Export of Live-stock; and
 - (iii) the approved ESCAS that applies to the export; and
 - (iv) all importing country requirements relating to the consignment that the exporter must comply with; and
 - (b) the live-stock have been prepared for export by the exporter in accordance with the approved arrangement for the exporter; and
 - (ba) an accredited veterinarian has undertaken the activities in the approved export program held by the exporter under Subdivision A of Division 1A.7 that apply in relation to the preparation of the live-stock; and
 - (c) no relevant circumstances have changed in relation to the approved ESCAS that applies to the export.
- (3A) If the live-stock are sheep in relation to which the *Australian Meat and Live-stock Industry (Export of Sheep by Sea to Middle East) Order 2018* applies, the declaration by the exporter must also state the following:
 - (a) that:
 - (i) the vessel on which the sheep are to be transported is equipped with automatic live-stock watering systems that have water receptacles at a height suitable for the sheep; and
 - (ii) details of those watering systems are set out in the record of equipment and arrangements attached to the Australian certificate for the carriage of livestock for the vessel issued by the Australian Maritime Safety Authority under *Marine Order 43 (Cargo and cargo handling—livestock) 2018*;

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- (b) that a heat stress management plan for the proposed export voyage is in place;
- (c) that bedding (such as straw, shavings or sawdust) of at least 1 tonne for every 10,000 sheep will be provided on the vessel;
- (d) the area of the pen space on the vessel for each sheep, and that the pen space for each sheep meets the requirements in section 10 of the *Australian Meat and Live-stock Industry (Export of Sheep by Sea to Middle East) Order 2018*;
- (e) that the pen air turnover for the vessel has been verified by an independent qualified mechanical engineer as required by subsection 9(1) of the *Australian Meat and Live-stock Industry (Export of Sheep by Sea to Middle East) Order 2018*.

- (3B) An expression used in subsection (3A) of this section and in the *Australian Meat and Live-stock Industry (Export of Sheep by Sea to Middle East) Order 2018* has the same meaning in subsection (3A) of this section as it has in that Order.

Note: The expressions *heat stress management plan*, *Heat Stress Risk Assessment Model*, *independent qualified mechanical engineer* and *pen air turnover* are defined in section 5 of the *Australian Meat and Live-stock Industry (Export of Sheep by Sea to Middle East) Order 2018*.

- (4) The Secretary may obtain evidence about the matters referred to in paragraphs (3)(a) and (ba) and (3A)(a) to (e) directly from the Commonwealth, State or Territory authority concerned, and may for that purpose give a copy of the relevant declaration to the Commonwealth, State or Territory authority.

Note: See also sections 6.04 and 6.05 in relation to the disclosure and collection of certain information in relation to live-stock.

1A.30 Grant of export permit

- (1) The Secretary may grant an export permit for live-stock if:
- (a) the exporter has applied for the permit under section 1A.29; and
 - (b) the exporter holds a live-stock export licence under the AMLI Act; and
 - (c) if another Commonwealth law requires the exporter to hold an authorisation (whatever it is called) for the export—the exporter holds such an authorisation; and
 - (d) the exporter has made the declaration mentioned in subsection 7(3C) of the *Export Control Act 1982* (about compliance with conditions of such a live-stock export licence under the AMLI Act and other requirements under that Act about export of live-stock); and
 - (e) if the relevant importing country requirements include a requirement for a health certificate—a health certificate for the live-stock has been issued or will be issued when the permit is granted; and
 - (f) the Secretary is satisfied that:
 - (i) the live-stock have been prepared in accordance with the approved arrangement and any conditions on the approval of the arrangement; and

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- (ia) an accredited veterinarian has undertaken the activities in the approved export program held by the exporter under Subdivision A of Division 1A.7 that apply in relation to the preparation of the live-stock; and
- (ii) the exporter has complied with importing country requirements in relation to the live-stock; and
- (iii) no relevant circumstances have changed since the live-stock were inspected under section 1A.33 for the purposes of the issue of the health certificate (if required); and
- (iv) the Australian Standards for the Export of Live-stock have been, and will continue to be, complied with in relation to the live-stock; and
- (v) the exporter has complied, and is in a position to comply, with the approved ESCAS that applies to the export, unless an ESCAS is not required because of subsection 1A.19(4); and
- (g) the live-stock are fit enough to undertake the proposed export voyage without any significant impairment of their health; and
- (h) the travel arrangements for the live-stock are adequate for their health and welfare.

Note: Paragraph (1)(a) has the effect that the Secretary may grant an export permit only if the exporter has made an application for the permit that includes the declaration required by paragraph 1A.29(2)(b).

- (2) In deciding whether to grant an export permit to an exporter, the Secretary may take into account whether the exporter has complied with:
 - (a) any conditions to which a live-stock export licence under the AMLI Act was subject; and
 - (b) any requirements under that Act that otherwise relate to the export of live-stock.
- (3) The Secretary may be satisfied that the conditions in one or more of paragraphs (1)(f), (g) and (h) are met without inspecting each of the live-stock.
- (4) An export permit:
 - (a) must be in a form approved by the Secretary; and
 - (b) must state the date on which it is granted; and
 - (c) must state the number, kind and class of live-stock authorised to be exported; and
 - (d) must specify the place to which the live-stock are authorised to be exported; and
 - (e) must specify the name of the vessel, or the number of the flight, on which the live-stock are authorised to be exported; and
 - (f) must be signed by an authorised officer; and
 - (g) must bear the identity number of the authorised officer who signed it; and
 - (h) must bear an official mark declared under Part 13 of the *Export Control (Prescribed Goods—General) Order 2005*; and
 - (i) may contain any information required by the importing country.
- (5) An export permit and health certificate may be combined in one document.

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- (6) It is a condition of an export permit that the live-stock to which it applies leave Australia within 72 hours after it is granted, unless the Secretary approves otherwise.
- (7) An export permit may be subject to such other conditions as the Secretary thinks fit.

Example: The Secretary may grant an export permit subject to the condition that the live-stock being exported be accompanied on their export voyage by an accredited veterinarian.

1A.31 Refusal to grant permit

- (1) The Secretary may refuse to grant an export permit if the permit would, if granted, allow live-stock:
 - (a) to be carried on a ship or aircraft the condition of which there is reason to believe may cause the health or condition of live-stock to deteriorate during an export voyage; or
 - (b) to be consigned to a person whose actions there is reason to believe may cause the health or condition of live-stock to deteriorate during export; or
 - (c) to be exported by a person whose actions there is reason to believe may cause the health or condition of live-stock to deteriorate during export; or
 - (d) to be dealt with other than in accordance with an approved ESCAS that applies to the export.

Note 1: An approved ESCAS will not apply to the export if the Secretary is satisfied that the live-stock are to be exported as breeder live-stock: see subsection 1A.19(4).

Note 2: The Secretary must refuse to grant an export permit if any of the conditions in subsection 1A.30(1) are not met.

- (2) The Secretary may refuse to grant an export permit if satisfied that the declaration included in the application for the permit under section 1A.29 is not accurate.
- (3) The Secretary may refuse to grant an export permit if there is reason to believe that the intended country of destination will not permit the live-stock to enter.
- (4) If the Secretary refuses to grant an export permit, the Secretary must give the applicant written notice of the refusal.

Note: For reconsideration and review of a decision to refuse an export permit, see section 6.03 of this Order and Part 16 of the *Export Control (Prescribed Goods—General) Order 2005*.

- (5) The notice must set out the reasons for the refusal.

1A.32 Revocation of export permit

Discretionary revocation

- (1) The Secretary may revoke an export permit if there is reason to believe that:
 - (a) a condition of the permit has not been complied with; or
 - (b) a circumstance relevant to the grant of the permit has changed; or
 - (c) the exporter granted the permit has not complied with:

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- (i) any conditions to which a live-stock export licence under the AMLI Act for the live-stock was subject; or
 - (ii) any requirements under that Act that otherwise relate to the export of the live-stock; or
 - (d) information or a declaration in, or accompanying, the application for the permit is false, incomplete or misleading.
- (2) If the Secretary revokes an export permit under subsection (1), the Secretary must give the holder of the permit written notice of the revocation.
- (3) The notice must set out the reasons for the revocation.

Note: For reconsideration and review of a decision to revoke an export permit, see section 6.03 of this Order and Part 16 of the *Export Control (Prescribed Goods—General) Order 2005*.

Requirement to revoke on request

- (4) The Secretary must revoke an export permit if the holder requests the Secretary in writing to do so.

Replacement of revoked permit

- (5) If the Secretary revokes an export permit, he or she may grant another export permit subject to a different condition or an additional condition, or authorising export to a different destination.
- (6) If an export permit granted under subsection (5) is subject to a condition to which the revoked export permit was not subject, the Secretary must give the person to whom the export permit is granted written notice of the reasons for imposing the new condition.

1A.33 Health certificate

- (1) A health certificate for live-stock is a certificate, issued by an authorised officer, that the live-stock meet the requirements of a specified importing country relating to the health of the live-stock.
- (2) Before issuing a health certificate for live-stock, an authorised officer:
- (a) must inspect the live-stock (at a place chosen by an authorised officer); and
 - (b) may consider any evidence provided by the exporter in relation to the health of the live-stock; and
 - (c) may take into account any undertaking accepted by an authorised officer from the exporter as to the treatment, handling or transport of the live-stock.
- (3) An authorised officer may be satisfied that live-stock in a consignment to be exported meet the requirements of a specified importing country relating to the health of the live-stock without considering every animal in the consignment.
- (4) A health certificate:
- (a) must be in a form approved by the Secretary; and

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- (b) must be signed by the authorised officer who issues it; and
- (c) must bear the identity number of the authorised officer who issues it; and
- (d) must state its date of issue; and
- (e) must bear an official mark declared under Part 13 of the *Export Control (Prescribed Goods—General) Order 2005*; and
- (f) may contain any information required by a competent authority of the importing country.

1A.34 Revocation of health certificate

- (1) An authorised officer may revoke a health certificate issued under section 1A.33 for live-stock if there is reason to believe that:
 - (a) a circumstance relevant to the issue of the certificate has changed; or
 - (b) the exporter who applied for the certificate has not complied with:
 - (i) any conditions to which a live-stock export licence under the AMLI Act for the live-stock was subject; or
 - (ii) any requirements under that Act that otherwise relate to the export of the live-stock.
- (2) If an authorised officer revokes a health certificate, the officer must give written notice of the revocation to the exporter who applied for the certificate.
- (3) The notice must set out the reasons for the revocation.
- (4) To avoid doubt, the revocation of a health certificate for live-stock does not prevent the issue (under section 1A.33) of another health certificate for the live-stock (with or without another inspection of the live-stock by an authorised officer).

Division 1A.7—Approved export programs

Subdivision A—Exporter's approved export programs

1A.35 Application by exporter for approval of program of activities

- (1) An exporter who wants to export one or more kinds or classes of live-stock may:
 - (a) prepare a program of activities to be undertaken by an accredited veterinarian for the purpose of ensuring the health and welfare of each kind or class of live-stock in the course of some or all of the export activities of the exporter in relation to each kind or class of live-stock; and
 - (b) apply, in writing, to the Secretary for approval of the program of activities.
- (2) For the purposes of paragraph (1)(a), a program of activities in relation to one or more kinds or classes of live-stock:
 - (a) may be undertaken within or outside Australia; and
 - (b) may include all the activities referred to in subsection 9A(3) of the Act; and
 - (c) may include activities other than those referred to in that subsection; and
 - (d) may differ depending on any of the following:
 - (i) the country to which a kind or class of live-stock is to be exported;
 - (ii) the kind or class of live-stock;
 - (iii) the method of transport;
 - (iv) any other relevant matter.
- (3) An application under paragraph (1)(b) for approval of a program of activities:
 - (a) must be accompanied by a written record of the program of activities; and
 - (b) may be made at the same time as an application for approval of an arrangement under section 1A.02 in relation to the live-stock to which the application under paragraph (1)(b) of this section relates.

1A.36 Assessment of application and Secretary's decision

- (1) On receiving an application from an exporter under paragraph 1A.35(1)(b) for approval of a program of activities, the Secretary must decide:
 - (a) to approve the program of activities; or
 - (b) not to approve the program of activities.

Request for further information or documents

- (2) For the purpose of making a decision in relation to the application, the Secretary may request the applicant, or another person who the Secretary considers may have information or documents relevant to the application, to give the Secretary further specified information or documents relevant to the application.
- (3) A request under subsection (2):
 - (a) may be made orally or in writing; and
 - (b) must specify the period within which the request must be complied with.

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Approval of program of activities

- (4) The Secretary may approve the program of activities if the Secretary is satisfied that the program of activities is for the purpose of ensuring the health and welfare of each kind or class of live-stock in the course of export activities to which the application relates.
- (5) A program of activities that is approved under paragraph (1)(a) is an approved export program for the purposes of the Act.

Note 1: See Part IIA of the Act in relation to approved export programs.

Note 2: An exporter may commit an offence under Subdivision B of Division 2 of Part IIA of the Act for certain contraventions relating to approved export programs.

Note 3: The Secretary may direct an authorised officer to undertake some or all of the activities in an exporter's approved export program—see section 9D of the Act.

- (6) If the Secretary approves the program of activities, the Secretary may, if the Secretary considers it appropriate, set an expiry date for the approved export program.

When Secretary is taken to have decided not to approve program of activities

- (7) The Secretary is taken to have decided not to approve the program of activities if the Secretary has not made a decision on the application within 60 days (the **initial consideration period**), or such extended period as may apply under subsection (8), after:
 - (a) the day the application was received; or
 - (b) if the application was varied—the day the application was varied.
- (8) The initial consideration period for the application is extended, for each request made under subsection (2), by the number of days in the period beginning on the day the request was made and ending on:
 - (a) the day the request was complied with; or
 - (b) if the request was not complied with within the period specified in the request—the last day of that period.

Notice of decision

- (9) If the Secretary approves the program of activities, the Secretary must give the applicant a written notice stating:
 - (a) the day the approved export program takes effect; and
 - (b) either:
 - (i) that the approved export program remains in force unless it is suspended or cancelled; or
 - (ii) if applicable, the expiry date for the approved export program.
- (10) If the Secretary decides not to approve the program of activities, the Secretary must give the applicant a written notice setting out:
 - (a) the reasons for the decision; and
 - (b) the applicant's right to apply for reconsideration of the decision.

Note: For reconsideration and review of decisions, see section 6.03 of this Order and Part 16 of the *Export Control (Prescribed Goods—General) Order 2005*.

1A.37 Period of effect of approved export program

- (1) An approved export program under this Subdivision remains in force:
 - (a) if there is an expiry date for the approved export program—until that expiry date unless the approved export program is cancelled under section 1A.43 or 1A.44; or
 - (b) if there is no expiry date for the approved export program—until the approved export program is cancelled under section 1A.43 or 1A.44.
- (2) However, if an approved export program, or a part of an approved export program, is suspended under subsection 1A.41(3) or 1A.42(1), the approved export program, or the part of the approved export program, is not in force during the period of the suspension.

1A.38 Holder may apply for approval of variation of approved export program

- (1) The holder of an approved export program may apply to the Secretary, in writing, to approve a variation of the approved export program.
- (2) On receiving an application under subsection (1) to approve a variation, the Secretary must decide:
 - (a) to approve the variation; or
 - (b) not to approve the variation.

Request for further information or documents

- (3) For the purpose of making a decision in relation to the application, the Secretary may request the applicant, or another person who the Secretary considers may have information or documents relevant to the application, to give the Secretary further specified information or documents relevant to the application.
- (4) A request under subsection (3):
 - (a) may be made orally or in writing; and
 - (b) must specify the period within which the request must be complied with.

Approval of variation

- (5) The Secretary may approve a variation of the approved export program if the Secretary is satisfied that the approved export program, as proposed to be varied, is for the purpose of ensuring the health and welfare of a kind or class of live-stock in the course of export activities to which the approved export program relates.

When Secretary is taken to have decided not to approve variation

- (6) The Secretary is taken to have decided not to approve a variation of the approved export program if the Secretary has not made a decision on the application within

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60 days (the *initial consideration period*), or such extended period as may apply under subsection (7), after:

- (a) the day the application was received; or
 - (b) if the application was varied—the day the application was varied.
- (7) The initial consideration period for the application is extended, for each request made under subsection (3), by the number of days in the period beginning on the day the request was made and ending on:
- (a) the day the request was complied with; or
 - (b) if the request was not complied with within the period specified in the request—the last day of that period.

Notice of decision

- (8) If the Secretary approves a variation, the Secretary must give the applicant a written notice stating:
- (a) details of the variation; and
 - (b) the day the variation takes effect.
- (9) If the Secretary decides not to approve a variation, the Secretary must give the applicant a written notice setting out:
- (a) the reasons for the decision; and
 - (b) the applicant's right to apply for reconsideration of the decision.

Note: For reconsideration and review of decisions, see section 6.03 of this Order and Part 16 of the *Export Control (Prescribed Goods—General) Order 2005*.

1A.39 Secretary may require holder to vary approved export program

- (1) The Secretary may, by written notice to the holder of an approved export program, require the holder to vary the approved export program if the Secretary is satisfied that the variation is necessary for the purpose of ensuring the health and welfare of a kind or class of live-stock in the course of export activities to which the approved export program relates.
- (2) The notice under subsection (1) must:
- (a) identify (in general or specific terms) the variation required; and
 - (b) require the holder to give the varied approved export program to the Secretary within a specified period; and
 - (c) set out:
 - (i) the reasons for the decision to require the holder to vary the approved export program; and
 - (ii) the holder's right to apply for reconsideration of the decision.

Note: For reconsideration and review of decisions, see section 6.03 of this Order and Part 16 of the *Export Control (Prescribed Goods—General) Order 2005*.

- (3) The holder must comply with the notice.

- (4) If the holder complies with the notice, the Secretary may give the holder a written notice approving the varied approved export program. The notice must state the day the varied approved export program takes effect.
- (5) The Secretary may amend or revoke a notice given under subsection (1) by giving a further written notice to the holder.

1A.40 When an approved export program includes a variation

An approved export program under this Subdivision includes a variation of the approved export program if:

- (a) the variation was approved under paragraph 1A.38(2)(a); or
- (b) the variation was required by a notice given under subsection 1A.39(1) and the Secretary approved the varied approved export program under subsection 1A.39(4).

1A.41 Holder may request suspension of approved export program

Request for suspension

- (1) The holder of an approved export program may request the Secretary to suspend the approved export program or a part of the approved export program.
- (2) A request under subsection (1) must:
 - (a) be in writing; and
 - (b) specify whether the whole or a part of the approved export program is to be suspended; and
 - (c) if a part of the approved export program is to be suspended—specify (as the case requires):
 - (i) the part of the approved export program that is to be suspended; or
 - (ii) the activities that are to be suspended; or
 - (iii) any other aspects in relation to which the approved export program is to be suspended (for example, in relation to the kinds or classes of live-stock, the countries to which the live-stock are to be exported, or the methods of transport of the live-stock); and
 - (d) specify the reason for the suspension.
- (3) If the Secretary receives a request from the holder of an approved export program under subsection (1), the Secretary may, by written notice to the holder, suspend the approved export program, or the part of the approved export program, as requested, with effect on:
 - (a) the day specified in the notice; or
 - (b) if no day is specified in the notice—the day the notice is given to the holder.

Note: An approved export program, or a part of an approved export program, that is suspended is not in force during the period of the suspension—see subsection 1A.37(2).

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Request to cancel suspension

- (4) If an approved export program, or a part of an approved export program, is suspended under subsection (3), the holder of the approved export program may request the Secretary to cancel the suspension.
- (5) A request under subsection (4) must:
 - (a) be in writing; and
 - (b) state the reason for the request.
- (6) If the Secretary receives a request under subsection (4) from the holder of an approved export program, the Secretary may:
 - (a) if the Secretary is satisfied that the reasons for the suspension no longer exist and there is no reason why the suspension should not be cancelled—cancel the suspension by written notice to the holder; or
 - (b) in any other case:
 - (i) suspend the approved export program, or a part of the approved export program, under section 1A.42; or
 - (ii) cancel the approved export program under section 1A.44.

1A.42 Secretary may suspend approved export program

- (1) The Secretary may, by written notice to the holder of an approved export program, suspend the approved export program, or a part of the approved export program, if the Secretary is satisfied that the suspension is necessary for the purpose of ensuring the health and welfare of a kind or class of live-stock in the course of export activities to which the approved export program relates.

Note: An approved export program, or a part of an approved export program, that is suspended is not in force during the period of the suspension—see subsection 1A.37(2).
- (2) A period of suspension must not exceed 12 months.
- (3) The notice under subsection (1) must:
 - (a) state that the approved export program, or a part of the approved export program, is to be suspended; and
 - (b) if a part of the approved export program is to be suspended—specify (as the case requires):
 - (i) the part of the approved export program that is to be suspended; or
 - (ii) the activities that are to be suspended; or
 - (iii) any other aspects in relation to which the approved export program is to be suspended (for example, in relation to the kinds or classes of live-stock, the countries to which the live-stock are to be exported, or the methods of transport of the live-stock); and
 - (c) set out the reasons for the suspension; and
 - (d) specify the date the suspension is to begin and the period of the suspension; and
 - (e) set out the holder's right to apply for reconsideration of the decision.

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Note: For reconsideration and review of decisions, see section 6.03 of this Order and Part 16 of the *Export Control (Prescribed Goods—General) Order 2005*.

- (4) The Secretary may, under section 1A.44, cancel an approved export program that is suspended, or a part of which is suspended:
- (a) even if the period of the suspension has not expired; and
 - (b) on grounds that are the same as, or similar to, the grounds for the suspension.

1A.43 Holder may request cancellation of approved export program

- (1) The holder of an approved export program (including an approved export program that is suspended, or a part of which is suspended) may request the Secretary, in writing, to cancel the approved export program.

Note: If the holder does not wish to cancel the approved export program for all purposes, the holder may apply to the Secretary under section 1A.38 to approve a variation of the approved export program.

- (2) If the Secretary receives a request from the holder of an approved export program under subsection (1), the Secretary must, by written notice to the holder, cancel the approved export program with effect on:
- (a) the day specified in the notice; or
 - (b) if no day is specified in the notice—the day the notice is given to the holder.

1A.44 Secretary may cancel approved export program

- (1) The Secretary may, by written notice to the holder of an approved export program, cancel the approved export program if the Secretary is satisfied that the cancellation is necessary for the purpose of ensuring the health and welfare of each kind or class of live-stock in the course of export activities to which the approved export program relates.
- (2) The notice under subsection (1) must:
- (a) state that the approved export program is to be cancelled; and
 - (b) set out the reasons for the cancellation; and
 - (c) specify the date the cancellation is to take effect; and
 - (d) set out the holder's right to apply for reconsideration of the decision.

Note: For reconsideration and review of decisions, see section 6.03 of this Order and Part 16 of the *Export Control (Prescribed Goods—General) Order 2005*.

Subdivision B—Secretary's approved export programs

1A.45 Approvals of programs of activities to be undertaken by authorised officers

- (1) The Secretary may, on the Secretary's own initiative, approve one or more programs of activities, to be undertaken by an authorised officer, for the purpose

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of ensuring the health and welfare of one or more kinds or classes of live-stock that are to be exported by sea, in the course of export activities.

Note 1: Activities in an approved export program that is approved under this subsection will only be required to be undertaken if the Secretary directs an authorised officer to undertake the activities under section 9D of the Act.

Note 2: An approved export program under Subdivision A and an approved export program under this Subdivision may apply to the same export activities of an exporter.

Matters to which program of activities may relate

- (2) For the purposes of subsection (1), a program of activities in relation to one or more kinds or classes of live-stock:
- (a) may be undertaken within or outside Australia; and
 - (b) may include any of the activities referred to in subsection 9A(3) of the Act; and
 - (c) may include activities other than those referred to in that subsection; and
 - (d) may differ depending on any of the following:
 - (i) the country to which a kind or class of live-stock is to be exported;
 - (ii) the kind or class of live-stock;
 - (iii) the method of transport;
 - (iv) any other matter the Secretary considers relevant.

Approval of program of activities

- (3) A program of activities that is approved under subsection (1) must be in writing.
- (4) A program of activities that is approved under subsection (1) is an approved export program for the purposes of the Act.
- Note: See subsection 9A(2) of the Act.
- (5) The Secretary may, if the Secretary considers it appropriate, set an expiry date for an approved export program under this Subdivision.

1A.46 Period of effect of approved export program

An approved export program under this Subdivision remains in force:

- (a) if there is an expiry date for the approved export program—until that expiry date unless the approved export program is cancelled; or
- (b) if there is no expiry date for the approved export program—until the approved export program is cancelled.

1A.47 Secretary may vary approved export program

- (1) The Secretary may vary an approved export program that is in force under this Subdivision if the Secretary is satisfied that the approved export program, as proposed to be varied, is for the purpose of ensuring the health and welfare of a kind or class of live-stock in the course of export activities to which the approved export program relates.

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- (2) If the Secretary varies an approved export program under subsection (1), the Secretary must, in writing, notify the exporters to whose export activities the approved export program relates.
- (3) The notice under subsection (2) must state:
 - (a) details of the variation; and
 - (b) the day the variation takes effect.

Subdivision C—Other powers of Secretary

1A.48 Secretary may give direction to exporter in relation to implementation of approved export program

- (1) The Secretary may give a direction (orally or in writing) to an exporter in relation to the implementation of an approved export program in relation to the export, or a particular export, of a kind or class of live-stock by the exporter.
- (2) An exporter who is given a direction under subsection (1) must comply with the direction.

1A.49 Secretary may publish records and reports in relation to approved export programs

The Secretary may publish records and reports made by accredited veterinarians or authorised officers in relation to approved export programs.

Note: Sections 4A.14 and 4A.15 require an accredited veterinarian to keep records and make reports in connection with approved export programs. An accredited veterinarian who contravenes section 4A.14 or 4A.15 may commit an offence—see section 9G of the Act.

Subdivision D—Other provisions

1A.50 Circumstances in which exporter must allow accredited veterinarian or authorised officer to accompany live-stock

- (1) If an approved export program provides for an accredited veterinarian to accompany a kind or class of live-stock during their transport from Australia to their overseas destination in connection with the approved export program, the exporter to whose export activities the approved export program relates must allow an accredited veterinarian to accompany the live-stock during their transport from Australia to their overseas destination in connection with the approved export program.

Note: An exporter may commit an offence if the exporter contravenes this subsection—see section 9J of the Act.

- (2) If:
 - (a) under subsection 9D(1) of the Act, the Secretary directs an authorised officer to undertake some or all of the activities in an approved export program; or

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- (b) under subsection 9E(1) of the Act, the Secretary directs an authorised officer to monitor, review or audit:
- (i) the undertaking by an accredited veterinarian of the activities in an approved export program; or
 - (ii) the activities of an exporter in relation to an approved export program; the exporter to whose export activities the approved export program relates must allow the authorised officer to accompany the live-stock to which the approved export program relates during their transport from Australia to their overseas destination in connection with the approved export program.

Note: An exporter may commit an offence if the exporter contravenes this subsection—see section 9J of the Act.

1A.51 Inconsistency between activities in Secretary’s approved export program and exporter’s approved export program

- (1) This section applies if, under section 9D of the Act, the Secretary has directed an authorised officer to undertake some or all of the activities in an approved export program in force under Subdivision B in relation to export activities of an exporter.
- (2) If some or all of the activities that the authorised officer has been directed to undertake are inconsistent with activities (the *inconsistent activities*) in the approved export program held by the exporter, the inconsistent activities are taken not to be in the exporter’s approved export program while the direction under section 9D of the Act is in force.

1A.52 Payment of costs of authorised officers etc.

- (1) An exporter must pay the reasonable costs of any activities undertaken by an authorised officer under section 9D or 9E of the Act in relation to an approved export program.
- (2) For the purposes of subsection (1), *costs* includes the cost of the officer’s salary, transport and accommodation.
- (3) An amount payable by an exporter under subsection (1) is a debt due to the Commonwealth.

Part 2—Registration of premises

2.01 Definitions for this Part

In this Part:

enclosed shed means an enclosure for animals that has, at least, a structure providing overhead covering for the animals and may or may not have walls and windows.

2.03 Application of this Part

This Part makes provision in relation to the registration of premises to be used for holding and assembling live-stock for export.

Note: Live-stock for export by sea must be held before export, and assembled for export, in registered premises (see paragraph 1A.01(d)). Certain live-stock for export by air must be held before export, and assembled for export, in registered premises or premises approved under section 1A.27 (see paragraph 1A.01(e)).

2.04 Application for registration

- (1) A person may apply to the Secretary for the registration of premises under this Part.
- (2) The application must be in writing in the form approved by the Secretary for the purpose.
- (3) The application must include:
 - (a) the applicant's basic details; and
 - (b) an accurate map or plan clearly showing the location and boundaries of the premises in relation to adjoining property; and
 - (c) detailed plans of the premises showing fences, water and feed troughs, shelters, drainage, food and water storage, isolation areas and entry and access points and, for enclosed sheds, details of dimensions, ventilation and flooring; and
 - (d) a copy of an operations manual in accordance with section 2.05.
- (4) The application must be accompanied by evidence that the applicant:
 - (a) has control of the day-to-day operation of the premises; and
 - (b) has obtained any approval or licence (whatever it is called) necessary to operate the premises from the responsible State or Territory authority.
- (5) The application must specify:
 - (a) the species, and class or classes, of live-stock that the applicant proposes to hold and assemble at the premises; and
 - (b) the greatest number of live-stock that the applicant proposes to hold and assemble at the premises at a time (and, if the live-stock will not all be of the same species, the greatest number of each species); and

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- (c) the types of operation that will be carried out at the premises.
- (6) The application must specify the months during which the premises are proposed to be used to hold and assemble live-stock for export.

2.05 Operations manuals

The operations manual for premises to be registered must set out how the premises will operate, including processes or arrangements for the following matters:

- (a) management and control of operations at the premises;
- (b) receiving and identifying each animal received;
- (c) ensuring that each animal on the premises continues to be identifiable;
- (d) daily reconciliation of animals and animal movements;
- (e) daily monitoring and reporting of animals' health and mortality;
- (f) preventing unauthorised access to the premises;
- (g) supply of feed and water;
- (h) disposing of carcasses;
- (i) the management of animals rejected (including isolating and removing any animal suffering from inappetence);
- (j) a plan for managing a disease outbreak;
- (k) disposal of animal wastes and the maintenance of sanitation in the yards or sheds used to hold animals;
- (l) making and storing records of action taken in compliance with the manual.

2.06 Assessment of application

- (1) For the purposes of deciding whether to approve an application for registration of premises, the Secretary may evaluate the premises in an audit.
- (2) For the purposes of deciding whether to approve an application for registration of premises, the Secretary may request any of the following that the Secretary reasonably requires:
 - (a) further information or documents of the kind specified by the Secretary;
 - (b) the applicant's consent to an inspection by an authorised officer nominated by the Secretary of the premises and the facilities and equipment to be used in the operations carried out at the premises;
 - (c) a demonstration of the operations and procedures to be followed at the premises;
 - (d) the applicant's consent to the use (at the applicant's expense) of an appropriately qualified person nominated by the Secretary in any inspection, evaluation or demonstration.

2.07 Decision on registration of premises

- (1) The Secretary may both approve an application for registration of premises and register the premises if the Secretary is satisfied that:

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- (a) the applicant has the capacity to carry out the operations in accordance with the operations manual, and to comply with the conditions of registration; and
 - (aa) the Secretary is satisfied that:
 - (i) if the operator of the premises is an individual—he or she is a fit and proper person; or
 - (ii) if the operator of the premises is a corporation—each person who is to manage or control the operations to be carried on on the premises is a fit and proper person; or
 - (iii) if the operator of the premises is a partnership—each of the partners is a fit and proper person; and
 - (b) the operations manual is adequate; and
 - (c) the location of the premises is appropriate, taking into account the species, class and maximum number of animals to be held at the premises and the types of operations proposed to be carried out; and
 - (d) there is adequate drainage to ensure that the premises are free-draining; and
 - (e) there is adequate shelter to protect the animals from adverse weather; and
 - (f) fences and arrangements for the separation of animals on the premises are adequate for the species and maximum number of animals to be held and the types of operations; and
 - (g) the water supply and the arrangements for storage and delivery of feed and water are adequate for the species and maximum number of animals to be held and the types of operations; and
 - (h) the security proposed is adequate; and
 - (i) for an enclosed shed, the dimensions, ventilation and flooring are adequate for the species proposed to be held in the shed; and
 - (j) the operations manual sets out the operations to occur at the premises, including supervision and record-keeping arrangements, in sufficient detail and with sufficient clarity to enable effective monitoring and audit of the operations.
- (2) The Secretary may take into account:
- (a) the extent to which the premises' operations manual and facilities comply with the Australian Standards for the Export of Live-stock; and
 - (b) any other matters that may have adverse health or welfare consequences for animals at the premises, or that make the premises unsuitable for holding and assembling of animals for export.

2.08 Notice of decision

- (1) The Secretary must give written notice of his or her decision on an application to the applicant.
- (2) The notice must set out:
 - (a) if the decision was to approve the application—any condition to which the registration is subject; or
 - (b) if the decision was to refuse the application—the reasons for the decision.

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2.09 Registration—duration etc

- (1) Registration has effect (unless sooner cancelled) for 5 years from the date of the notice of registration, or a shorter period specified in the notice of registration.
- (2) Approval of an application for registration is also approval of the operations manual included in the application.
- (3) Registration of premises ceases to have effect if:
 - (a) the premises are transferred to a new owner; or
 - (b) the operator ceases to have day-to-day control of the operations at the premises.

2.10 Registration—conditions

- (1) The registration of premises is subject to the following conditions:
 - (a) that the operator must not accept an animal for holding and assembling for export except in accordance with the registration;
 - (b) that, subject to subsection (2), operations at the premises, and the maintenance of the premises, are carried out in accordance with the approved operations manual for the premises;
 - (c) that the operator must consent to entry (at a reasonable time and on reasonable notice) by an authorised officer, and must provide such assistance to an authorised officer as is reasonably necessary, to enable the officer to perform an audit at the premises or to exercise his or her powers or functions under the Act or this Order at the premises;
 - (d) that the operator must consent to entry by an accredited veterinarian, and must provide such assistance to such a veterinarian as is reasonably necessary, to enable the veterinarian to undertake veterinary work in accordance with an approved export program;
 - (e) that the operator must not accept live-stock for holding and assembling for export unless the operator is satisfied that the live-stock can be held and assembled at the premises in accordance with the information about the live-stock given to the operator under section 1A.28;
 - (h) that the operator must not, without the Secretary's written approval:
 - (i) alter the premises in any respect referred to in paragraph 2.04(3)(b) or (c); or
 - (ii) change any aspect of the operation of the premises referred to in subsection 2.04(5);
 - (i) that the operator must not alter the approved operations manual for the premises without the Secretary's written approval;
 - (j) that the operator must comply with any notice given by the Secretary under subsection 2.11(4) within the time specified in the notice;
 - (k) that the operator must retain copies of all documents given to it in connection with a consignment of live-stock for at least 2 years after the consignment leaves the premises;

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- (1) that if the Secretary so requests in writing, the operator must produce to the Secretary any document referred to in paragraph (k) within a reasonable period after the request.
- (2) For the purposes of paragraph (1)(b), if a requirement of an approved NOI is inconsistent with the approved operations manual for premises, the requirement of the NOI prevails to the extent of the inconsistency.
- (3) The Secretary may impose an additional condition or conditions on the registration of premises.
- (4) Without limiting subsection (3), a condition may relate to any or all of the following:
 - (a) the number of live-stock that may be held at the premises at a time;
 - (b) the kind of live-stock that may be held or assembled;
 - (c) the types of operation that may be carried out at the premises;
 - (d) the countries to which live-stock held or assembled at the premises may be exported;
 - (e) that live-stock may not be held or assembled at the premises during a specified month or months for export to a specified place or places;
 - (f) the frequency and intensity of audits for the premises.

2.11 Changes to operations manuals

- (1) An application for approval to alter the approved operations manual for registered premises:
 - (a) must be in writing in the form approved by the Secretary for the purpose; and
 - (b) must set out the proposed change; and
 - (c) must include a statement of the reason for the change; and
 - (d) must include, or refer to, any necessary evidence supporting that reason.
- (2) The Secretary must give written notice of his or her decision on an application to the applicant.
- (3) If the decision was to refuse the application, the notice must set out the reasons for the decision.
- (4) The Secretary may direct the operator of registered premises, by notice in writing, to alter the approved operations manual for the premises in a specified way within a specified reasonable time.

2.12 Renewal of registration

- (1) The operator of registered premises may re-apply for approval of the registration of the premises no later than 1 month before the registration expires.
- (2) Sections 2.04 to 2.09 apply to such an application, except that the operator need not give the Secretary information or a document that the Secretary already has.

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2.13 Variation of registration

- (1) The operator of registered premises may apply in writing to the Secretary for approval to:
 - (a) alter the premises in a respect referred to in paragraph 2.04(3)(b) or (c); or
 - (b) change an aspect of the operation of the premises referred to in subsection 2.04(5).
- (2) Sections 2.04 to 2.08 apply to such an application, except that the operator need not give the Secretary information or a document that the Secretary already has.
- (3) The Secretary must give written notice of his or her decision on an application to the applicant.
- (4) If the decision was to refuse the application, the notice must set out the reasons for the decision.
- (5) The Secretary may, by notice in writing, unilaterally vary the conditions of registration of registered premises if he or she is satisfied that the variation is necessary to:
 - (a) protect Australia's trading relationship with an importing country; or
 - (b) protect the health or welfare of animals to be exported.
- (6) A variation under subsection (5) has effect when notice of it is given to the operator of the premises.

2.14 Show-cause notices

- (1) If there is reason to believe that grounds may exist for the cancellation of the registration of premises, the Secretary may give to the operator of the premises a show-cause notice in accordance with this section.

Note: The grounds for cancellation are set out in section 2.15.
- (2) A show-cause notice must be in writing.
- (3) The notice must set out the facts and circumstances that appear to be grounds for the cancellation of the registration of the premises.
- (4) The notice must invite the operator to show cause in writing, within 14 days of service of the notice, why the registration should not be cancelled.
- (5) The Secretary may suspend the registration if the suspension is to:
 - (a) protect Australia's trading relationship with an importing country; or
 - (b) protect the health or welfare of animals to be exported.
- (6) A show-cause notice may include notice to an operator that a decision has been taken under subsection (5) to suspend the registration.

2.15 Cancellation of registration

- (1) The Secretary may cancel the registration of premises if:
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- (a) a condition of the registration of the premises has been contravened; or
 - (b) he or she is satisfied that cancellation of the registration is necessary to:
 - (i) protect Australia's trading relationship with an importing country; or
 - (ii) protect the health or welfare of animals to be exported; and
 - (c) the Secretary has given the operator of the premises a show-cause notice in accordance with section 2.14; and
 - (d) the period allowed by the notice for the operator to show cause why the registration should not be cancelled has ended.
- (2) Before cancelling the registration of premises, the Secretary must take into account any submissions that the operator makes within 14 days after service of the relevant show-cause notice.
- (3) If the operator has been charged with, but acquitted of, an offence, the Secretary is not obliged to find that the facts on which the charge was based have not been established.
- (4) If the Secretary has not decided whether or not to cancel the registration within 60 days after the end of the period allowed for submissions, the Secretary is taken to have decided, at the end of that period, not to cancel the registration.

2.16 Notice of cancellation

- (1) The Secretary must give written notice of cancellation of the registration of premises to the operator of the premises.
- (2) The notice must set out the reasons for the decision.
- (3) The cancellation has effect when the notice is given to the occupier.

Section 3.01

Part 3—Export of live animals other than live-stock

3.01 Application of this Part

This Part applies to the export of live animals other than live-stock.

Note: Part 1A applies to the export of live-stock.

3.02 Definitions for this Part

In this Part:

live animal means:

- (a) a warm-blooded animal intended to be exported alive; or
- (b) a cold-blooded animal intended to be exported alive if the importing country requires certification by a government agency of the exporting country in relation to any matter about the animal.

Note: For the export of fish and fish products as food, see the *Export Control (Fish and Fish Products) Orders 2005*.

port includes an airport.

voyage includes a flight.

3.03 Prohibition on live animal exports

The export of a live animal is prohibited unless:

- (a) an export permit has been granted, and is in effect, for the export of the animal; and
- (b) the animal is exported to the place specified in the export permit; and
- (c) the exporter complies with any conditions of the export permit; and
- (e) the exporter has obtained approvals of the NOI and has complied with all conditions to which the approvals are subject.

3.04 Notices of intention to export (NOIs)

- (1) An NOI must be in writing in the form approved by the Secretary for the purpose.
- (2) An NOI:
 - (a) must give the basic details of the exporter; and
 - (b) must give the following details of the export:
 - (i) the importing country;
 - (ii) the importer;
 - (iii) the relevant importing country requirements relating to pre-export quarantine or isolation, treatment and testing, and the exporter's plans to meet those requirements;

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- (iv) the name of the veterinarian who will assist in the preparation of the animal or animals for export;
- (v) how many animals are to be exported;
- (vi) a description of the animal, or each animal, to be exported;
- (vii) the travel arrangements, including details of the ship or flight, route, container specifications and feed and water arrangements;
- (viii) the date the animal or animals will leave Australia;
- (ix) the port from which it or they will leave;
- (x) the expected date of arrival in the importing country;
- (xi) the premises where the animal is, or the animals are, to be prepared for export;
- (xii) the expected dates of their arrival at, and departure from, the premises;
- (xiii) the premises where the animal or animals can be inspected by an authorised officer.

3.05 Giving NOIs to Secretary

- (1) The NOI for a proposed export must be given to the Secretary no later than:
 - (a) if the importing country requirements require pre-export quarantine or isolation of the animal or animals—10 working days before the quarantine or isolation begins; or
 - (b) otherwise—10 working days before the proposed export.
- (2) Despite subsection (1), the Secretary may accept an NOI at any time, if the Secretary considers it reasonable to do so in all the circumstances.

3.06 Approval of premises for pre-export quarantine or isolation

- (1) If the importing country requirements require the animal or animals to be prepared at premises approved for pre-export quarantine or isolation, the NOI has effect as an application for approval of the premises at which the animals are to be prepared, unless those premises are registered premises.
- (2) For the purposes of considering whether premises may be approved under subsection (1), the Secretary may request the exporter:
 - (a) to provide further information; and
 - (b) to arrange for an authorised officer to be allowed to inspect the premises.
- (3) The criteria for the approval of premises are that the premises meet the requirements of the importing country for pre-export quarantine or isolation.
- (4) The Secretary may approve premises only for the period of preparation required in relation to the consignment mentioned in the NOI.

3.07 Approval of NOIs

- (1) The Secretary may by notice in writing:
 - (a) require further information about a proposed export; or

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- (c) direct that an NOI be amended, or an ESCAS be varied, in a specified way.
- (2) The criterion for approval of an NOI is whether the export proposed in the NOI complies with:
 - (a) the requirements of this Order; and
 - (b) in the case of an export of live-stock by air:
 - (i) the requirements of the AMLI Act and regulations under that Act; and
 - (ii) orders or directions under the AMLI Act; and
 - (iii) the conditions of the exporter's AMLI licence; and
 - (c) the importing country requirements.
- (3) The Secretary must give written notice to the exporter of his or her decision whether or not to approve an NOI, and if the decision is a refusal, of the reasons for the decision.
- (4) The Secretary may approve an NOI subject to a condition.

3.08 Effect of approval of NOIs

- (1) Approval of an NOI for a proposed export of live animals is permission for the exporter to prepare to export the animals in compliance with the approved NOI.
- (2) Approval of an NOI for a proposed export does not oblige the Secretary to grant an export permit for the export.

3.09 What happens if circumstances change (NOI)

- (1) If there is a relevant change in any circumstance of the export, the exporter must inform the Secretary in writing before proceeding any further with the preparation of the animal or animals for export.
- (2) If the Secretary has been informed by an exporter, or has otherwise become aware, of a change relevant to a proposed export, the Secretary may, by notice in writing to the exporter, do one or more of the following:
 - (a) cancel any approval already granted of the NOI for the proposed export;
 - (b) direct that the approved NOI is to be varied in a specified manner;
 - (c) require the exporter to submit a new NOI.

3.13 Payment of costs of authorised officers etc

- (1) An exporter must pay the reasonable costs of any activities undertaken by an authorised officer under section 9D or 9E of the Act in relation to an approved export program of the exporter.
- (2) For subsection (1):

costs includes the cost of the officer's salary, transport and accommodation.
- (3) An amount payable by an exporter under subsection (1) is a debt due to the Commonwealth.

3.14 Health certificates

- (1) A health certificate for an animal is a certificate, issued by an authorised officer, that the animal meets an importing country's requirements relating to the animal's health.
- (2) A health certificate:
 - (a) must be in a form approved by the Secretary; and
 - (b) must be signed by the authorised officer who issues it; and
 - (c) must bear the identity number of the authorised officer who issues it; and
 - (d) must state its date of issue; and
 - (e) must bear an official mark declared under Part 13 of the *Export Control (Prescribed Goods—General) Order 2005*; and
 - (f) may contain any information required by a competent authority of the importing country.
- (3) Before issuing a health certificate, an authorised officer may consider information provided by an exporter under subparagraphs 3.04(2)(b)(iii), (v), (vi), (vii) and (xii) in relation to the health of an animal.
- (4) When issuing a health certificate, an authorised officer must consider any condition attaching to the NOI approved in relation to export of the animal.

3.15 Grant of export permit for export of live animals

- (1) If the Secretary is satisfied that:
 - (a) the exporter has given the Secretary an NOI about the export in accordance with section 3.04; and
 - (b) the Secretary has approved the NOI; and
 - (c) the exporter has complied with the NOI; and
 - (d) if a health certificate for the animal or animals is required, such a certificate has been issued; and
 - (e) any other importing country requirement has been met; and
 - (g) the animal is, or the animals are, fit enough to undertake the proposed export voyage without any significant impairment of its or their health; and
 - (h) the travel arrangements are adequate for its or their health and welfare; and
 - (i) if another Commonwealth law requires the exporter to hold an authorisation (whatever it is called) for the export, the exporter holds such an authorisation;
 the Secretary must grant an export permit for the proposed export.

Note for paragraph (i): Under the *Environment Protection and Biodiversity Conservation Act 1999*, a permit may be required for the export of a live Australian native animal.

- (2) For the purposes of deciding whether an animal is fit enough to undertake an export voyage without any significant impairment of its health, and whether the travel arrangements are adequate for its health and welfare, the matters that the Secretary may take into consideration include the following:

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- (a) the animal's general condition;
 - (b) the nature of the accommodation, feed and water for it on the ship or aircraft on which it is to be transported overseas;
 - (c) if any other animal is to be transported with it, that animal's or those animals' species, health and general condition;
 - (d) the conditions that the animal will be likely to encounter during the export voyage.
- (3) An export permit:
 - (a) must be in a form approved by the Secretary; and
 - (b) must state the date it was granted; and
 - (c) must state the number, kind and class of animals authorised to be exported; and
 - (d) must specify the place to which the animals are authorised to be exported; and
 - (e) must specify the ship or flight on board which the animals are authorised to be exported; and
 - (f) must be signed by an authorised officer; and
 - (g) must bear the identity number of the authorised officer who signed it; and
 - (h) must bear an official mark declared under Part 13 of the *Export Control (Prescribed Goods—General) Order 2005*; and
 - (i) may contain any information required by the country to which the animals are to be exported.
- (4) A health certificate and an export permit may be combined in 1 document.
- (5) It is a condition of an export permit that the animal or animals to which it applies must leave Australia within 72 hours after it is granted, unless the Secretary approves otherwise.
- (6) An export permit may be subject to such other conditions as the Secretary thinks fit.

3.16 Refusal to grant permit

- (1) The Secretary may refuse to grant an export permit if the permit would, if granted, allow an animal:
 - (a) to be carried on a ship or aircraft the condition of which there is reason to believe may cause the health or condition of the animal to deteriorate during an export voyage; or
 - (b) to be consigned to a person whose actions there is reason to believe may cause the health or condition of the animal to deteriorate during export; or
 - (c) to be exported by a person whose actions there is reason to believe may cause the health or condition of the animal to deteriorate during export.
- (2) The Secretary may refuse to grant the export permit if there is reason to believe that the intended country of destination will not permit the relevant animal or animals to enter.

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- (3) If the Secretary refuses to grant an export permit, the Secretary must give the applicant written notice of the refusal.
- (4) The notice must set out the reasons for the refusal.

3.17 Revocation of export permits

- (1) If there is reason to believe that a condition of an export permit has not been complied with, or that a relevant circumstance has changed, the Secretary may revoke the permit.
- (3) The Secretary must revoke an export permit if the holder requests the Secretary in writing to do so.
- (4) If the Secretary revokes an export permit otherwise than at the request of the holder, the Secretary must give the holder written notice of the revocation.
- (5) The notice must set out the reasons for the revocation.
- (6) The Secretary may, but is not obliged to, grant another export permit subject to a different condition or an additional condition, or authorising export to a different destination.
- (7) If an export permit granted under subsection (6) is subject to a condition to which the revoked export permit was not subject, the Secretary must give the person to whom the new export permit is granted written notice of the reasons for imposing the new condition.

Part 4—Export of animal reproductive material

4.01 Prohibition on export of animal reproductive material

The export of animal reproductive material is prohibited unless:

- (a) an export permit has been granted, and is in effect, for the export of the material; and
- (b) the material is exported to the place specified in the export permit; and
- (c) the exporter complies with any conditions of the export permit.

Note: For the offence of exporting prescribed goods contrary to a prohibition, see the Act, section 8. Animal reproductive material is prescribed goods—see section 1.04 of this Order.

4.02 Giving notice of intention to export for export of animal reproductive material

- (1) An NOI in relation to the export of animal reproductive material:
 - (a) must be in writing in the form approved by the Secretary for the purpose; and
 - (b) must give the exporter's basic details; and
 - (c) must give the following details of the proposed export:
 - (i) a description of the material to be exported;
 - (ii) the travel arrangements;
 - (iii) the importer;
 - (iv) the importing country;
 - (v) the port from which it will leave;
 - (vi) where it will be collected and stored;
 - (vii) details of the relevant importing country requirements in relation to pre-export quarantine or isolation, treatment and testing.
- (2) The Secretary may, by notice in writing, ask the exporter to provide other specified information that is reasonably necessary to allow proper consideration of the NOI.
- (3) The NOI must be given to the Secretary no later than:
 - (a) if the importing country requirements require pre-export quarantine or isolation of the animal or animals from which the material is derived—10 working days before the quarantine or isolation begins; or
 - (b) otherwise—10 working days before the proposed export.
- (4) Despite subsection (3), the Secretary may accept an NOI later than 10 working days before the pre-export quarantine or isolation begins, or the date of the proposed export, as the case requires, if the Secretary thinks it reasonable to do so, having regard to the kind and amount of material to be exported and any relevant requirements of its intended destination.

4.03 Health certificates

- (1) A health certificate for animal reproductive material is a certificate, issued by an authorised officer, that the material meets an importing country's requirements relating to its health or the health of the animal from which it was collected.
- (2) A health certificate:
 - (a) must be in a form approved by the Secretary; and
 - (b) must be signed by the authorised officer who issues it; and
 - (c) must bear the identity number of the authorised officer who issues it; and
 - (d) must state its date of issue; and
 - (e) must bear an official mark declared under Part 13 of the *Export Control (Prescribed Goods—General) Order 2005*; and
 - (f) may contain any information required by a competent authority of the importing country.

4.04 Export permit for animal reproductive material

- (1) If the Secretary is satisfied that:
 - (a) a person intending to export animal reproductive material has given an NOI to export the material in accordance with section 4.02; and
 - (b) the material has been collected and stored in accordance with the law of the State or Territory in which it was collected; and
 - (c) any health certificate required for the material has been issued; and
 - (d) if another Commonwealth law requires the exporter to hold a licence or authorisation (whatever it is called) for the export, the exporter holds such a licence or authorisation; and
 - (e) the primary container in which the material is packaged bears a trade description that clearly identifies the material; and
 - (f) a container that holds the primary container or containers in which the material is packaged has been sealed and an official mark declared under Part 13 of the *Export Control (Prescribed Goods—General) Order 2005* has been applied to the seal;

the Secretary must grant an export permit for the material.

Note for paragraph (d): Under the *Environment Protection and Biodiversity Conservation Act 1999*, a permit may be required for the export of a specimen of an Australian native animal. 'Specimen' includes reproductive material.

- (2) An export permit:
 - (a) must be in a form approved by the Secretary; and
 - (b) must state the date on which it was granted; and
 - (c) must state the amount, kind and condition of animal reproductive material authorised to be exported; and
 - (d) must specify the place to which the material is authorised to be exported; and
 - (e) must specify the ship or flight on board which the material is authorised to be exported; and

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- (f) must be signed by an authorised officer; and
 - (g) must bear the identity number of the authorised officer who signed it; and
 - (h) must bear an official mark declared under Part 13 of the *Export Control (Prescribed Goods—General) Order 2005*; and
 - (i) may contain any information required by the country to which the material is to be exported.
- (3) A health certificate and an export permit may be combined in 1 document.
- (4) It is a condition of an export permit that the animal reproductive material to which it applies must leave Australia within 72 hours after the permit is granted, unless the Secretary approves otherwise.
- (5) An export permit may be subject to such other conditions as the Secretary thinks fit.

Part 4A—Accreditation of veterinarians for live-stock export

4A.01 Definitions

In this Part:

serious offence has the same meaning as it has in the *Export Control (Prescribed Goods—General) Orders 2005*.

veterinarian means a person who is registered under the law of a State or Territory as a veterinarian, veterinary practitioner or veterinary surgeon.

4A.02 Accredited veterinarians

For section 9B of the Act, a veterinarian is an accredited veterinarian for a State or Territory if he or she has been given a notice of accreditation for the State or Territory, by the Secretary, for the purposes of this section.

4A.04 Application for accreditation

- (1) A person must have successfully completed the training programs known as the ‘Initial Accreditation Training Program of the Accreditation Training Program for Australian Veterinarians’ and the ‘Australian Government Accredited Veterinarian Program’ before he or she applies for accreditation as a veterinarian.

Note 1: For information about how to undertake the Initial Accreditation Training Program of the Accreditation Training Program for Australian Veterinarians, email Animal Health Australia at trainingsupport@animalhealthaustralia.com.au.

Note 2: In 2014, information about how to undertake the Australian Government Accredited Veterinarian Program could be viewed on the Department’s website (<http://www.daff.gov.au>).

- (2) Subject to section 4A.13, an application for accreditation must be made to the Secretary in the approved form and must set out:
 - (a) the applicant’s name;
 - (b) the applicant’s address;
 - (c) the applicant’s date of birth;
 - (d) contact details for the applicant (including, at least, a contact phone number and, if available, a facsimile number and email address);
 - (e) whether the applicant seeks accreditation to provide pre-export preparation services, shipboard services, or both in relation to approved export programs;
 - (f) the States and Territories for which the applicant seeks accreditation;
 - (g) if the veterinarian has applied for accreditation for pre-export preparation services—proof of registration as a veterinarian in each State and Territory for which the applicant wishes to be accredited;

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- (h) if the veterinarian has applied for shipboard accreditation—a declaration that the applicant is an Australian citizen and proof of registration as a veterinarian in Australia.

4A.05 Period of accreditation

Accreditation of a veterinarian is for:

- (a) 5 years from the date of the notice of accreditation; or
- (b) if a shorter period is specified in the notice of accreditation—that shorter period;

unless the accreditation is withdrawn earlier at the request of the veterinarian or revoked.

4A.06 Type of accreditation

- (1) If a person applies for accreditation as mentioned in section 4A.04, the Secretary may accredit a veterinarian:
 - (a) to provide pre-export preparation services under approved export programs; or
 - (b) to provide shipboard services under approved export programs; or
 - (c) to provide both services.
- (2) The Secretary may accredit a veterinarian subject to one or more conditions including conditions specifying the frequency and intensity of audit.
- (3) The Secretary may, by 7 days written notice, add, vary or remove conditions of the accreditation of a veterinarian if such action is reasonable in the circumstances.

4A.07 Decision to accredit

- (1) The Secretary may accredit a veterinarian if the veterinarian has satisfactorily completed the following 2 training programs:
 - (a) Initial Accreditation Training Program of the Accreditation Training Program for Australian Veterinarians;
 - (b) Australian Government Accredited Veterinarian Program;and has met all other requirements in relation to an application for accreditation.
- (2) The Secretary may publish a list of accredited veterinarians from time to time.

Note: In 2014, a list could be viewed on the Department's website (<http://www.daff.gov.au>).

4A.08 Variation of accreditation

An accredited veterinarian may apply to the Secretary for the accreditation to be varied by giving the Secretary any further information that would be required in an initial application for the accreditation as so varied.

4A.09 Other conditions of accreditation

- (1) The Secretary may, by notice in writing given to an accredited veterinarian, require the veterinarian to undertake specified further training if it is likely to improve veterinarian services to approved export programs.
- (2) It is a condition of the veterinarian's accreditation that he or she successfully completes the training.
- (3) It is a condition of a veterinarian's accreditation that the veterinarian comply with the activities he or she is required to undertake in relation to all approved export programs for which the veterinarian is the accredited veterinarian.

4A.10 Revocation and suspension of accreditation

- (1) The grounds for suspension or revocation of the accreditation of a person as an accredited veterinarian are that he or she:
 - (a) has provided false or misleading information in his or her application for accreditation; or
 - (b) has ceased to be registered as a veterinarian in the State or Territory for which the veterinarian is accredited; or
 - (c) has failed to comply with a condition of his or her accreditation; or
 - (d) has failed to comply with a direction under subsection 9E(2) of the *Export Control Act 1982* to remedy a deficiency in relation to an approved export program; or
 - (e) has been convicted of a serious offence of a kind that diminishes the confidence the Secretary could place in the person as an accredited veterinarian; or
 - (f) has failed to keep records in compliance with section 4A.14; or
 - (g) has failed to make reports on voyages in compliance with section 4A.15.
 - (2) Subject to section 4A.11, if:
 - (a) the Secretary has reasonable grounds for believing that any of the grounds set out in subsection (1) apply to an accredited veterinarian; and
 - (b) the Secretary considers the grounds justify taking action to suspend or revoke the accreditation of the veterinarian;the Secretary must, before taking action, give a written notice to the veterinarian directing him or her to show cause why his or her accreditation should not be revoked or suspended.
 - (3) The notice under subsection (2) must set out:
 - (a) whether the Secretary is proposing to revoke or suspend the accreditation of the veterinarian; and
 - (b) the period in which the veterinarian has to respond to the Secretary's request under subsection (2) and a statement that if the Secretary does not receive a response within that period, the suspension or revocation will take effect on the date specified in the notice; and
 - (c) the date that the suspension or revocation will come into effect if the Secretary does not receive a response as mentioned in paragraph (b); and
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- (d) if the Secretary is proposing to suspend the accreditation, the proposed period of suspension; and
 - (e) the grounds on which the Secretary proposes to take the action; and
 - (f) a statement of the veterinarian's rights under section 6.03.
- (4) If, at the end of the period referred to in paragraph (3)(b), the veterinarian has not responded to the Secretary's request, the suspension or revocation takes effect as specified in the notice.
- (5) If, before the end of the period referred to in paragraph (3)(b), the veterinarian responds to the Secretary's request, the Secretary must consider the response in making his or her decision to suspend or revoke the veterinarian's accreditation.
- (6) If the Secretary decides, after considering the response, to proceed with the suspension or revocation, the Secretary must give the veterinarian a further notice that sets out:
 - (a) that the accreditation of the veterinarian is revoked or suspended, as the case may be; and
 - (b) the date that the suspension or revocation comes into effect; and
 - (c) if the accreditation is suspended, the period of suspension; and
 - (d) the grounds for the action; and
 - (e) a statement of the veterinarian's rights under section 6.03.
- (7) The suspension or revocation has effect at the date specified in the notice under subsection (6).
- (8) The Secretary may revoke a suspension of accreditation, at any time, by written notice given to the person concerned.

4A.11 Immediate suspension of accreditation in some circumstances

- (1) If:
 - (a) the Secretary has reasonable grounds for believing that there are urgent grounds for suspending the accreditation of a person as an accredited veterinarian; and
 - (b) the Secretary considers the grounds justify taking urgent action under this section to suspend the accreditation of the veterinarian;the Secretary must, before suspending the accreditation, give a written notice to the veterinarian that sets out:
 - (c) that the accreditation of the veterinarian is suspended; and
 - (d) the date that the suspension will come into effect; and
 - (e) the period of suspension; and
 - (f) the Secretary's grounds for the suspension; and
 - (g) a statement of the veterinarian's rights under section 6.03.
- (2) The suspension has effect from the date specified in the notice.
- (3) The Secretary may revoke a suspension of accreditation, at any time, by written notice given to the person concerned.

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- (4) In this section, ***urgent grounds***, in relation to an accredited veterinarian mean:
- (a) any of the grounds set out in paragraphs 4A.10(1)(a), (b) or (c) in relation to the veterinarian; or
 - (b) that the veterinarian is:
 - (i) failing to keep records or make reports in accordance with paragraph 4A.10(1)(f) or (g); or
 - (ii) failing to comply with the condition of accreditation set out in subsection 4A.09(3), being a failure to comply with an approved export program;and the veterinarian has previously failed to keep such records, make such reports or comply with such conditions.

4A.12 Effect of suspension

- (1) A veterinarian is taken not to be accredited during any period that accreditation is suspended.
- (2) The accreditation of a veterinarian cannot be renewed while the accreditation is suspended.
- (3) A suspension:
 - (a) remains in force for such period (not longer than 28 days) as is specified in the notice; and
 - (b) cannot be extended.

4A.13 Reinstatement after revocation

- (1) A veterinarian whose accreditation has been revoked may apply for accreditation only with the written permission of the Secretary.
- (2) The Secretary may permit a veterinarian whose accreditation has been revoked to reapply for accreditation if the Secretary considers that the veterinarian is likely to comply with this Order if accredited.

4A.14 Accredited veterinarians to keep certain records

- (1) The accredited veterinarian engaged by an exporter to undertake activities in an approved export program must keep records of the following in relation to the program:
 - (a) if the veterinarian administers or supervises any veterinary examination or treatment, or testing, of the live-stock to be exported:
 - (i) what the examination, treatment or testing was; and
 - (ii) the date on which, and the place at which, it was administered or supervised;
 - (b) in relation to a treatment involving the administration of a drug or product:
 - (i) the name of the active constituent in the drug or product; and
 - (ii) the dosage of the drug or product given to the live-stock;
 - (c) the results of any testing undertaken;

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- (d) pre-export quarantine or isolation of the live-stock, including the length and conditions of the quarantine or isolation;
- (e) sufficient information to identify (either generally or specifically, as required by the relevant importing country protocol) the live-stock examined, treated, tested, or subjected to pre-export quarantine or isolation.

Note: Failure to keep such a record is an offence—see the Act, subsection 9G(1).

- (2) The accredited veterinarian must also keep the invoice received upon purchase for a drug or product administered to the live-stock.
- (3) The accreditation of a veterinarian is subject to the following conditions:
 - (a) that he or she must keep copies of all documents given to him or her in connection with a consignment of live-stock for at least 2 years after the consignment leaves the premises at which they are held and assembled for export;
 - (b) that if the Secretary so requests in writing, he or she must produce to the Secretary any document referred to in paragraph (a), and specified or described in the request, within 14 days of the request, or such lesser period as the Secretary may specify.

4A.15 Reports by accredited veterinarians on voyages

- (1) If the accredited veterinarian engaged by an exporter to undertake activities in an approved export program travels with the live-stock on the export voyage, the veterinarian must make a written report to the Secretary, in the form approved by the Secretary for the purpose.

Note: Failure to make such a report is an offence—see the Act, subsection 9G(1).

- (2) The veterinarian must make the report daily unless the Secretary directs the veterinarian in writing otherwise.
- (3) The approved form may require information about the following matters:
 - (a) the temperature on board the vessel;
 - (b) the humidity on board the vessel;
 - (c) the wet bulb readings;
 - (d) the deck or cargo hold conditions;
 - (e) the general conditions;
 - (f) the respiratory rate and character of the live-stock;
 - (g) whether and to what extent the live-stock show heat stress;
 - (h) the feed and water consumption of the live-stock;
 - (i) a hospital pen report;
 - (j) mortality rates;
 - (k) number of live-stock that gave birth and estimated stage of pregnancy at time of giving birth for each birth;
 - (l) any other relevant matter.

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- (4) Within 5 working days after the end of the voyage, the veterinarian must make a written report to the Secretary, in the form approved by the Secretary for the purpose, setting out:
- (a) the name of the exporter; and
 - (b) the month and year in which the loading of the live-stock was completed; and
 - (c) the port or ports at which the loading took place; and
 - (d) the port or ports at which the live-stock were discharged; and
 - (e) the month and year in which the live-stock were discharged at each port; and
 - (f) the duration of the voyage; and
 - (g) the type or types of live-stock; and
 - (h) the number of each type of live-stock loaded; and
 - (i) the total mortality for each type of live-stock; and
 - (j) the percentage mortality for each type of live-stock; and
 - (k) the health and welfare of the live-stock on the voyage; and
 - (l) number of live-stock that gave birth and summary information in relation to the estimated stage of pregnancy at the time of birth for those births; and
 - (m) any treatment given to the live-stock during the voyage; and
 - (n) anything else relevant to the live-stock during the voyage.

Note: Failure to make such a report is an offence—see the Act, subsection 9G(1).

Part 5—Audit

5.01 Definition

In this Part:

CRMP means consignment risk management plan.

export instrument means an approved NOI, CRMP or ESCAS, an approved arrangement or an export permit.

5.01A Part does not limit conditions that can be imposed on an ESCAS

Nothing in this Part limits the conditions that can be imposed on an ESCAS in relation to audits.

5.02 Purpose of audit

An audit may be carried out under this Part for any of the following purposes:

- (a) to evaluate an arrangement for which an application for approval has been made under section 1A.02;
- (b) to evaluate premises in relation to which an application for registration has been made under section 2.04;
- (c) to establish whether the operator of registered premises, an exporter of animals or animal reproductive material, or an accredited veterinarian is complying with the following (as applicable):
 - (i) the requirements of the Act, this Order, or the AMLI Act;
 - (ii) the requirements of an approved export program;
 - (iii) the conditions of registration of the premises;
 - (iv) an approved arrangement or the conditions of an approved arrangement;
 - (v) the conditions of an export instrument;
 - (vi) the conditions of accreditation of a veterinarian.

5.03 Audit frequency and intensity

- (1) The operator of registered premises may ask for an audit of the premises in addition to the audit program set out in the conditions of registration of the premises.

Note: The Secretary may impose a condition on the registration of premises regarding the frequency and intensity of audit.

- (2) An exporter may ask for an audit of the exporter's premises.
- (2A) An exporter for whom there is an approved arrangement may ask for an audit of the arrangement in addition to the audit program set out in the conditions of the approval of the arrangement.

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Note: The Secretary may impose a condition on the approval of an arrangement regarding the frequency and intensity of audit.

- (3) An accredited veterinarian may ask for an audit in addition to the audit program set out in the conditions of his or her accreditation.

Note: The Secretary may impose a condition on the accreditation of a veterinarian regarding the intensity and frequency of audit.

5.04 Who is to carry out audits

An audit must be carried out by an authorised officer.

5.05 Operator etc to provide assistance

- (1) An operator of premises, accredited veterinarian or exporter being audited must provide such assistance to an auditor as is reasonably necessary to enable the auditor to perform the audit.
- (2) Without limiting subsection (1), the operator, veterinarian or exporter must:
- (a) provide information to the auditor on request (including provide explanations and make documents and translations available) and operate equipment; and
 - (b) allow an auditor to:
 - (i) observe and interview employees, agents or contractors of the operator, veterinarian or exporter; and
 - (ii) observe procedures; and
 - (iii) use equipment for the purpose of accessing, examining, testing, sampling, recording or reproducing any document or other thing; and
 - (iv) bring onto the premises equipment for a purpose referred to in subparagraph (iii).

5.06 Immediate notification of failures

- (1) If an authorised officer, after auditing registered premises, an accredited veterinarian or an exporter, considers that there has been a failure to comply with a requirement of the Act or this Order, the AMLI Act, a condition of registration or accreditation or of an export instrument, the officer must tell the operator of the premises, the veterinarian or the exporter of the failure immediately after completing the audit.
- (2) The authorised officer may tell the operator, veterinarian or exporter orally.

5.07 Audit reports

- (1) The authorised officer who carried out an audit must make a written report of the audit.
- (2) The report must include the following information:
- (a) the name of the officer;

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- (b) the date the audit commenced, the date it ended and the duration of the audit;
 - (c) the name of the premises, accredited veterinarian or exporter audited;
 - (d) the nature and scope of the audit, including the activities audited.
- (3) The report must state:
 - (a) whether the audit was satisfactorily completed or was terminated before it was completed; and
 - (b) whichever of the following is applicable:
 - (i) if the purpose of the audit was to evaluate an arrangement referred to in paragraph 5.02(a)—the officer's findings in relation to the arrangement;
 - (ii) if the purpose of the audit was to evaluate premises referred to in paragraph 5.02(b)—the officer's findings in relation to the premises;
 - (iii) if the purpose of the audit was to establish whether certain requirements, conditions or an approved arrangement are being complied with by a person as referred to in paragraph 5.02(c)—whether the officer considers that the requirements, conditions or approved arrangement have been complied with by the person; and
 - (c) the reasons for the officer's findings.
- (4) The report must also:
 - (a) if the purpose of the audit was to evaluate an arrangement referred to in paragraph 5.02(a):
 - (i) describe any ways in which the arrangement fails to comply with the requirements of the Act or this Order; and
 - (ii) set out the officer's recommendations for correcting any such failures; or
 - (b) if the purpose of the audit was to evaluate premises referred to in paragraph 5.02(b):
 - (i) describe any ways in which the premises, or operations carried out at the premises, fail to comply with the requirements of the Act or this Order; and
 - (ii) set out the officer's recommendations for correcting any such failures; or
 - (c) if the purpose of the audit was to establish whether certain requirements, conditions or an approved arrangement are being complied with by a person as referred to in paragraph 5.02(c):
 - (i) describe any failure to comply with the requirements, conditions or approved arrangement discovered by the officer; and
 - (ii) set out the officer's recommendations for corrective action.
- (5) Within 14 days after the authorised officer completes the audit, the officer must give copies of the report to:
 - (a) the Secretary; and
 - (b) the operator of the premises, or the veterinarian or exporter, audited.

Part 6—Miscellaneous

6.01 Use of official marks

Part 13 of the *Export Control (Prescribed Goods—General) Order 2005* applies in relation to live animals and animal reproductive material.

Note: Part 13 of the *Export Control (Prescribed Goods—General) Order 2005* declares certain marks and seals to be official marks for the purposes of the Act, and makes provision for their use.

6.02 Samples

Part 14 of the *Export Control (Prescribed Goods—General) Order 2005* applies in relation to live animals and animal reproductive material.

Note: Samples are required to be tagged, labelled or marked in a manner which allows them to be identified, held under conditions that will not affect the result of analysis and kept in the custody of an authorised officer until they are dispatched to an approved analyst.

6.03 Reconsideration and review of decisions

Part 16 of the *Export Control (Prescribed Goods—General) Order 2005* applies to a decision of the Secretary or an authorised officer under this Order.

Note: Part 16 of the *Export Control (Prescribed Goods—General) Order 2005* provides that a person whose interests are affected by a decision made by the Secretary or a delegate of the Secretary 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.

6.04 Disclosure of animal export information

- (1) This section applies in relation to personal information, or information that is commercial-in-confidence, if the information:
 - (a) relates to a live animal, or animal reproductive material, in relation to which an NOI was given on or after 1 July 2018; and
 - (b) was obtained or generated by the Secretary, or an authorised officer, under or for the purposes of this Order or the Act; and
 - (c) was not obtained:
 - (i) in response to a request by the Secretary under this Order; or
 - (ii) in response to a notice issued by the Secretary under this Order; or
 - (iii) as part of an audit under this Order; or
 - (iv) under Part III of the Act.
- (2) The Secretary may disclose the information to an agriculture regulator for either or both of the following purposes:
 - (a) ensuring the health and welfare of live animals, or the health and condition of animal reproductive material, in the course of export activities;

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(b) administering or enforcing the Act, this Order or the *Export Control (Prescribed Goods—General) Order 2005*.

(3) An **agriculture regulator** is:

- (a) a Commonwealth, State or Territory authority or other body that is responsible for the health and welfare of animals, the health and condition of animal reproductive material or the regulation of agricultural production; or
- (b) a body that is authorised to perform functions or exercise powers in relation to the health and welfare of animals, the health and condition of animal reproductive material or the regulation of agricultural production under a Commonwealth law or the law of a State or Territory.

(4) This section is not limited by subsection 1A.29(4).

Note: The disclosure of information referred to in subsection (1) may also be authorised in other circumstances. For example, see the *Privacy Act 1988*.

6.05 Collection of information from agriculture regulators

(1) This section applies in relation to personal information, or information that is commercial-in-confidence, if the information relates to a live animal, or animal reproductive material, in relation to which an NOI was given on or after 1 July 2018.

(2) The Secretary may collect the information from an agriculture regulator for either or both of the following purposes:

- (a) ensuring the health and welfare of live animals, or the health and condition of animal reproductive material, in the course of export activities;
- (b) administering or enforcing the Act, this Order or the *Export Control (Prescribed Goods—General) Order 2005*.

(3) This section is not limited by subsection 1A.29(4).

Note: The collection of information referred to in subsection (1) may also be authorised in other circumstances. For example, see the *Privacy Act 1988*.

Part 7—Transitional

Division 1—Transitional provisions relating to the Export Control (Animals) Amendment (2014 Measures No. 1) Order 2014

7.04 Transitional arrangements in relation to ESCASs—indefinite

- (1) The Secretary may declare by notice published on the Department's web site that this section applies to a country, or to a class of countries (the ***declared countries***), in relation to specified live-stock (the ***declared live-stock*** for those countries).
- (2) An ESCAS is not required for the export of declared live-stock to a declared country.

7.05 Effect of declaration under section 7.04

If an ESCAS is not required in relation to a proposed export because of section 7.04, then any provision of this Order that imposes a requirement on the exporter in relation to an ESCAS is taken to apply as if it did not impose that requirement.

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Division 2—Transitional provisions relating to the Export Control (Animals) Amendment (2017 Measures No. 1) Order 2017

7.07 Application of amendments made by the *Export Control (Animals) Amendment (2017 Measures No. 1) Order 2017*

Assessment of applications relating to registration of premises

- (1) The amendments made by items 2 to 5 of Schedule 1 to the *Export Control (Animals) Amendment (2017 Measures No. 1) Order 2017* apply in relation to an application under section 2.04, 2.12 or 2.13 made on or after the day that Order commences.

Duration of registration of premises for holding and assembling live-stock for export

- (2) The amendment made by item 6 of Schedule 1 to the *Export Control (Animals) Amendment (2017 Measures No. 1) Order 2017* applies in relation to the registration of premises (including on application under section 2.12) if the date of the notice of registration is the date that Order commences or a date after that commencement.

Period of accreditation of veterinarians

- (3) The amendment made by item 7 of Schedule 1 to the *Export Control (Animals) Amendment (2017 Measures No. 1) Order 2017* applies in relation to the accreditation of a veterinarian if the date of the notice of accreditation is the date that Order commences or a date after that commencement.

Division 3—Transitional provisions relating to the Export Control (Animals) Amendment (Approved Export Programs and Other Measures) Order 2018

7.08 Definitions

In this Division:

commencement time means the time when Part 1 of Schedule 1 to the *Export Control (Animals) Amendment (Approved Export Programs and Other Measures) Order 2018* commences.

transitional approved export program means an approved export program that exists because of subsection 7.12(2).

7.09 Application of amendments—conditions of export of live-stock

The amendments made by items 1, 3 and 11 of Part 1 of Schedule 1 to the *Export Control (Animals) Amendment (Approved Export Programs and Other Measures) Order 2018* apply in relation to export activities in relation to live-stock that occur after the commencement time.

7.10 Application of amendments—application for approval of proposed arrangement

The amendments made by items 4, 5 and 6 of Part 1 of Schedule 1 to the *Export Control (Animals) Amendment (Approved Export Programs and Other Measures) Order 2018* apply in relation to:

- (a) an application under section 1A.02 that had been made before the commencement time but had not been decided before that time; and
- (b) an application under section 1A.02 that is made after the commencement time.

7.11 Application of amendments—applications for export permits and health certificates for live-stock

The amendments made by items 8, 9 and 10 of Part 1 of Schedule 1 to the *Export Control (Animals) Amendment (Approved Export Programs and Other Measures) Order 2018* apply in relation to:

- (a) an application under section 1A.29 that had been made before the commencement time but had not been decided before that time; and
- (b) an application under section 1A.29 that is made after the commencement time.

Note: If, before the commencement time, an exporter had applied under section 1A.29 for an export permit, or an export permit and a health certificate, for live-stock and the application had not been decided before that time:

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Division 3 Transitional provisions relating to the Export Control (Animals) Amendment (Approved Export Programs and Other Measures) Order 2018

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- (a) the exporter will need to vary the declaration included in the application to state the matter referred to in paragraph 1A.29(3)(ba); and
- (b) the Secretary will also need to be satisfied of the matter referred to in subparagraph 1A.30(1)(f)(ia) before granting the export permit for the live-stock.

7.12 Transitional—programs of activities in approved arrangements to be undertaken by accredited veterinarians

- (1) This section applies in relation to:
 - (a) an approved arrangement for an exporter that is in effect immediately before the commencement time; and
 - (b) an approved arrangement for an exporter that is suspended, or a part of which is suspended, immediately before the commencement time.
- (2) The program of activities specified in the approved arrangement to be undertaken by an accredited veterinarian for the purpose of ensuring the health and welfare of live-stock in the course of export activities of the exporter is taken to have been approved by the Secretary under paragraph 1A.36(1)(a) at the commencement time, and the approval is taken to have been given to the exporter.

Note: The program of activities is an approved export program for the purposes of the Act (see subsection 1A.36(5) of this instrument), and the exporter is the holder of the approved export program (see the definition of *holder* in subsection 1.05(1) of this instrument).

- (3) The approved arrangement is taken after the commencement time not to specify the program of activities referred to in subsection (2).
- (4) To avoid doubt, except as provided by subsection (3), the approved arrangement continues to have the same effect as it had immediately before the commencement time.

Note: The approved arrangement may be varied, suspended or revoked under Division 1A.2 of Part 1A.

Exporter must vary record of approved arrangement

- (5) The exporter must:
 - (a) vary the record of the approved arrangement so that it does not specify the program of activities referred to in subsection (2); and
 - (b) give the varied written record of the approved arrangement to the Secretary before the end of 30 August 2018.

Note: If the exporter does not comply with subsection (5), the Secretary may suspend or revoke the exporter's approved arrangement under section 1A.12.

7.13 Transitional—exporter must apply for approval of program of activities

- (1) An exporter who holds a transitional approved export program (including a transitional approved export program that is suspended in full or in part because of section 7.15 or 7.16) must, before the end of 30 August 2018, apply to the Secretary under paragraph 1A.35(1)(b) for approval of a program of activities to

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be undertaken by an accredited veterinarian for the purpose of ensuring the health and welfare of live-stock in the course of export activities of the exporter.

- (2) If the exporter makes an application as required by subsection (1) and the application is received by the Secretary before the end of 30 August 2018, the exporter's transitional approved export program remains in force, subject to sections 7.15 and 7.16, until:
 - (a) the Secretary makes a decision on the application; or
 - (b) if the Secretary does not make a decision on the application before the end of 31 October 2018—the end of 31 October 2018.
- (3) If:
 - (a) the exporter makes an application as required by subsection (1); and
 - (b) the application is received by the Secretary before the end of 30 August 2018; and
 - (c) the Secretary does not make a decision on the application before the end of 31 October 2018;the Secretary is taken to have decided, at the end of 31 October 2018, not to approve the program of activities to which the application relates.
- (4) Subsections 1A.36(7) and (8) do not apply in relation to an application referred to in subsection (2) or (3) of this section.
- (5) If an application by an exporter as required by subsection (1) is not received by the Secretary before the end of 30 August 2018, the exporter's transitional approved export program remains in force, subject to sections 7.15 and 7.16, until the end of that day.

7.14 Transitional—application for approval of variation of approved arrangement

- (1) This section applies if:
 - (a) an exporter had made an application before the commencement time under paragraph 1A.09(2)(a) for approval to vary an approved arrangement; and
 - (b) one or more of the variations (the **relevant variations**) for which approval had been sought related to the program of activities specified in the approved arrangement to be undertaken by an accredited veterinarian for the purpose of ensuring the health and welfare of live-stock in the course of export activities of the exporter; and
 - (c) the application had not been decided before the commencement time.
- (2) The exporter is taken to have applied to the Secretary under subsection 1A.38(1) to approve the relevant variations of the exporter's transitional approved export program.
- (3) If the application referred to in paragraph (1)(a) of this section related to variations (the **other variations**) of the approved arrangement in addition to the relevant variations, the application continues to have effect for the purposes of section 1A.09 in relation to the other variations.

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7.15 Transitional—approved arrangement suspended in full immediately before commencement time

- (1) This section applies if an approved arrangement (the *suspended approved arrangement*) for an exporter is suspended in full immediately before the commencement time.
- (2) The exporter's transitional approved export program that relates to the suspended approved arrangement is taken to be suspended in full under subsection 1A.42(1).

Note: An approved export program that is suspended in full under subsection 1A.42(1) is not in force during the period of the suspension—see subsection 1A.37(2).

Period of suspension

- (3) If the exporter makes an application as required by subsection 7.13(1) and the application is received by the Secretary before the end of 30 August 2018, the exporter's transitional approved export program is suspended in full under subsection 1A.42(1) until the earlier of the following:
 - (a) the end of the period of suspension of the suspended approved arrangement;
 - (b) either:
 - (i) the day the Secretary makes a decision on the application; or
 - (ii) if the Secretary does not make a decision on the application before the end of 31 October 2018—the end of 31 October 2018;unless the exporter's transitional approved export program is cancelled earlier under section 1A.43 or 1A.44.
- (4) If an application by an exporter as required by subsection 7.13(1) is not received by the Secretary before the end of 30 August 2018, the exporter's transitional approved export program is suspended in full under subsection 1A.42(1) until the earlier of the following:
 - (a) the end of the period of suspension of the suspended approved arrangement;
 - (b) the end of 30 August 2018;unless the exporter's transitional approved export program is cancelled earlier under section 1A.43 or 1A.44.

7.16 Transitional—approved arrangement suspended in part immediately before commencement time

- (1) This section applies if:
 - (a) an approved arrangement for an exporter is suspended in part immediately before the commencement time; and
 - (b) the whole or a part of the suspended part of the approved arrangement related to the program of activities (the *exporter's transitional approved export program*) specified in the approved arrangement to be undertaken

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by an accredited veterinarian for the purpose of ensuring the health and welfare of live-stock in the course of export activities of the exporter.

Whole of exporter's transitional approved export program suspended

- (2) If the suspended part of the approved arrangement corresponds to the whole of the exporter's transitional approved export program:
- (a) the exporter's transitional approved export program is taken to be suspended in full under subsection 1A.42(1); and
 - (b) subsections 7.15(3) and (4) (which deal with the period of suspension) apply in relation to the exporter's transitional approved export program.

Note: An approved export program that is suspended in full under subsection 1A.42(1) is not in force during the period of the suspension—see subsection 1A.37(2).

Part of exporter's transitional approved export program suspended

- (3) If the suspended part of the approved arrangement corresponds to a part of the exporter's transitional approved export program, that part of the exporter's transitional approved export program is taken to be suspended under subsection 1A.42(1).

Note 1: A part of an approved export program that is suspended under subsection 1A.42(1) is not in force during the period of the suspension—see subsection 1A.37(2).

Note 2: The part of the exporter's transitional approved export program that is not suspended remains in force subject to section 7.13, and may be varied, suspended or cancelled under Subdivision A of Division 1A.7 of Part 1A.

Period of suspension of part of exporter's transitional approved export program

- (4) Subsections (5) and (6) apply if a part (the **relevant part**) of the exporter's transitional approved export program is taken to be suspended under subsection 1A.42(1) because of subsection (3) of this section.
- (5) If the exporter makes an application as required by subsection 7.13(1) and the application is received by the Secretary before the end of 30 August 2018, the relevant part of the exporter's transitional approved export program is suspended under subsection 1A.42(1) until the earlier of the following:
- (a) the end of the period of suspension of the suspended part of the approved arrangement;
 - (b) either:
 - (i) the day the Secretary makes a decision on the application; or
 - (ii) if the Secretary does not make a decision on the application before the end of 31 October 2018—the end of 31 October 2018;
- unless the exporter's transitional approved export program is cancelled earlier under section 1A.43 or 1A.44.
- (6) If an application by an exporter as required by subsection 7.13(1) is not received by the Secretary before the end of 30 August 2018, the exporter's transitional approved export program is suspended under subsection 1A.42(1) until the earlier of the following:
-

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Division 3 Transitional provisions relating to the Export Control (Animals) Amendment (Approved Export Programs and Other Measures) Order 2018

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- (a) the end of the period of suspension of the suspended part of the approved arrangement;
- (b) the end of 30 August 2018;

unless the exporter's transitional approved export program is cancelled earlier under section 1A.43 or 1A.44.

Circumstances in which suspension of part of approved arrangement ceases to have effect

- (7) If the whole of the suspended part of the approved arrangement corresponds to the whole or a part of the exporter's transitional approved export program, the period of suspension of the part of the approved arrangement is taken to have ended at the commencement time.

Note: If the suspended part of the approved arrangement relates to matters other than activities specified in the exporter's transitional approved export program, the period of suspension of the suspended part of the approved arrangement is not affected.

7.17 Application of amendments—applications for export permits and health certificates for sheep to be exported by sea

The amendments made by items 1 to 4 of Schedule 2 to the *Export Control (Animals) Amendment (Approved Export Programs and Other Measures) Order 2018* apply in relation to:

- (a) an application under section 1A.29 that had been made before the commencement of that Schedule but had not been decided before that time; and
- (b) an application under section 1A.29 that is made after the commencement of that Schedule.

Note: If, before the commencement of Schedule 2 to the *Export Control (Animals) Amendment (Approved Export Programs and Other Measures) Order 2018*, an exporter had applied under section 1A.29 for an export permit, or an export permit and a health certificate, for live-stock in relation to which the *Australian Meat and Live-stock Industry (Export of Sheep by Sea to Middle East) Order 2018* applies and the application had not been decided before that time, the exporter will need to vary the declaration included in the application to state the matters referred to in subsection 1A.29(3A).

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 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.

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

Name	Registration	Commencement	Application, saving and transitional provisions
Export Control (Animals) Order 2004	1 Dec 2004 (<i>Gazette</i> 2004, No. S483)	1 Dec 2004	
Export Control (Animals) Amendment Order 2005 (No. 1)	14 Apr 2005 (F2005L00917)	15 Apr 2005	—
Export Control (Animals) Amendment Order 2005 (No. 2)	29 June 2005 (F2005L01806)	1 July 2005	—
Export Control (Animals) Amendment Order 2005 (No. 3)	30 June 2005 (F2005L01850)	1 July 2005	—
Export Control (Animals) Amendment Order 2005 (No. 4)	9 Jan 2006 (F2006L00052)	10 Jan 2006	—
Export Control (Animals) Amendment Order 2006 (No. 1)	31 July 2006 (F2006L02383)	1 Aug 2006	s 4
Export Control (Animals) Amendment Order 2006 (No. 2)	14 Sept 2006 (F2006L03047)	18 Sept 2006	—
Export Control (Animals) Amendment Order 2006 (No. 3)	20 Nov 2006 (F2006L03685)	21 Nov 2006	—
Export Control (Animals) Amendment Order 2012 (No. 1)	28 Feb 2012 (F2012L00439)	1 Mar 2012	—
Export Control Legislation Amendment (2014 Measures No. 1) Order 2014	23 July 2014 (F2014L01017)	Sch 1 (items 1-18): 24 July 2014	—
Export Control (Animals) Amendment (2014 Measures No. 1) Order 2014	14 November 2014 (F2014L01513)	15 November 2014	—
Export Control (Animals) Amendment (Approved Arrangements) Order 2015	5 November 2015 (F2015L01755)	6 November 2015	—
Export Control (Animals) Amendment (Approved Arrangements) Order 2016	14 Sept 2016 (F2016L01435)	15 Sept 2016 (s 2(1) item 1)	—
Export Control (Animals) Amendment (2017 Measures No. 1) Order 2017	30 Aug 2017 (F2017L01113)	31 Aug 2017 (s 2(1) item 1)	—
Export Control (Animals) Amendment (Export of Livestock) Order 2018	10 Apr 2018 (F2018L00475)	10 Apr 2018 (s 2)	—
Export Control (Animals) Amendment (Information Sharing and Other Matters) Order 2018	3 May 2018 (F2018L00580)	4 May 2018 (s 2(1) item 1)	—
Export Control (Animals) Amendment (Approved Export Programs and Other Measures) Order 2018	6 July 2018 (F2018L01011)	Sch 1 (items 1–16), Sch 2 and Sch 3: 7 July 2018 (s 2(1) items 2, 4, 5) Sch 1 (items 17, 18): <u>awaiting commencement</u> (s 2(1) item 3)	—

Endnotes

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Export Control (Animals) Amendment (Notices of Intention to Export) Order 2018	15 Aug 2018 (F2018L01118)	<u>16 Aug 2018 (s 2(1) item 1)</u>	—

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Reader's Guide	rs 2006 No. 1 am 2006 No. 3; 2012 (see supporting material to F2012C00134 on FRLI) rep F2014L01017
Part 1	
s 1.02	rep LA s 48D
s 1.03	rep F2014L01017
s 1.05	am 2005 Nos. 2 and 3; 2006 Nos. 1 and 2; 2012 No. 1; F2014L01017; F2015L01755; F2017L01113; F2018L00580; F2018L01011
s 1.05A.....	ad F2015L01755
Part 1A	
Part 1A heading	rs F2017L01113
Part 1A.....	ad F2015L01755
Division 1A.1	
s 1A.01.....	ad F2015L01755 am F2017L01113; F2018L01011; <u>F2018L01118</u>
Division 1A.2	
s 1A.02.....	ad F2015L01755 am F2016L01435
s 1A.03.....	ad F2015L01755
s 1A.04.....	ad F2015L01755 rs F2018L01011
s 1A.05.....	ad F2015L01755 am F2016L01435; F2018L01011
s 1A.06.....	ad F2015L01755
s 1A.07.....	ad F2015L01755 am F2016L01435; F2018L01011
s 1A.08.....	ad F2015L01755
s 1A.09.....	ad F2015L01755 am F2018L01011
s 1A.10.....	ad F2015L01755 am F2018L01011
s 1A.11.....	ad F2015L01755
s 1A.12.....	ad F2015L01755
s 1A.13.....	ad F2015L01755
s 1A.14.....	ad F2015L01755
s 1A.15.....	ad F2015L01755
s 1A.16.....	ad F2015L01755

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
s 1A.17.....	ad F2015L01755
s 1A.18.....	ad F2015L01755
Division 1A.3	
s 1A.19.....	ad F2015L01755
s 1A.20.....	ad F2015L01755
s 1A.21.....	ad F2015L01755
s 1A.22.....	ad F2015L01755
s 1A.23.....	ad F2015L01755
Division 1A.4	
s 1A.24.....	ad F2015L01755 am F2017L01113; <u>F2018L01118</u>
s 1A.25.....	ad F2015L01755
s 1A.25A.....	ad <u>F2018L01118</u>
s 1A.26.....	ad F2015L01755 am <u>F2018L01118</u>
s 1A.27.....	ad F2015L01755
Division 1A.5	
s 1A.28.....	ad F2015L01755
Division 1A.6	
s 1A.29.....	ad F2015L01755 am F2018L00580; F2018L01011; <u>F2018L01118</u>
s 1A.30.....	ad F2015L01755 am F2018L01011; <u>F2018L01118</u>
s 1A.31.....	ad F2015L01755
s 1A.32.....	ad F2015L01755
s 1A.33.....	ad F2015L01755
s 1A.34.....	ad F2015L01755
Division 1A.7	
Division 1A.6 (second occurring)	ad F2018L00475
Division 1A.7 (prev Division 1A.6)	renum ed C13 rs F2018L01011
Subdivision A	
s 1A.35.....	ad F2018L00475 rs F2018L01011
s 1A.36.....	ad F2018L01011
s 1A.37.....	ad F2018L01011
s 1A.38.....	ad F2018L01011
s 1A.39.....	ad F2018L01011

Endnote 4—Amendment history

Provision affected	How affected
s 1A.40.....	ad F2018L01011
s 1A.41.....	ad F2018L01011
s 1A.42.....	ad F2018L01011
s 1A.43.....	ad F2018L01011
s 1A.44.....	ad F2018L01011
Subdivision B	
s 1A.45.....	ad F2018L01011 am <u>F2018L01011</u>
s 1A.46.....	ad F2018L01011
s 1A.47.....	ad F2018L01011
Subdivision C	
s 1A.48.....	ad F2018L01011
s 1A.49.....	ad F2018L01011
Subdivision D	
s 1A.50.....	ad F2018L01011
s 1A.51.....	ad F2018L01011
s 1A.52.....	ad F2018L01011
Part 2	
Part 2 heading.....	rs 2006 No. 1; F2017L01113
Division 2.1	
Division 2.1 heading.....	rs F2015L01755 rep F2017L01113
s 2.01	am 2006 No. 1; F2015L01755; F2017L01113
s 2.01A.....	ad 2006 No. 1 rep F2017L01113
s 2.01B.....	ad F2015L01755 rep F2017L01113
s 2.02	am 2006 No. 1; 2012 No. 1; F2014L01513 rep F2017L01113
Division 2.2	
Division 2.2 heading.....	rs F2015L01755 rep F2017L01113
s 2.03	rs F2017L01113
s 2.04	am 2006 No. 1; F2017L01113
s 2.05	am 2006 No. 1
s 2.06	rs F2017L01113
s 2.07	am 2006 No. 1; F2015L01755
s 2.09	am F2017L01113
s 2.10	am 2006 No. 1; F2015L01755; F2017L01113

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Endnote 4—Amendment history

Provision affected	How affected
s 2.12	am 2006 No. 1
s 2.14	am 2006 No. 1
Division 2.3	rep 2006 No. 3
s 2.17	rs 2005 No. 1
	rep 2006 No. 3
s 2.39	rep 2006 No. 3
s 2.40	rep 2006 No. 3
Division 2.4	rep F2017L01113
Division 2.4 heading	rs F2015L01755
	rep F2017L01113
s 2.41	am 2006 No. 1; F2014L01513
	rep F2017L01113
s 2.42	am 2006 No. 1
	rep F2017L01113
s 2.42A	ad 2012 No. 1
	am F2014L01513
	rep F2017L01113
s 2.43	rs 2012 No. 1
	am F2014L01513
	rep F2017L01113
s 2.44	am 2006 No. 1; 2012 No. 1; F2014L01513; F2015L01755
	rep F2017L01113
s 2.45	am 2006 No. 1; 2012 No. 1; F2014L01513
	rep F2017L01113
s 2.46	am No. 1, 2012
	rep F2017L01113
s 2.46A	ad 2012 No. 1
	am F2014L01017; F2014L01513
	rep F2017L01113
s 2.47	am 2012 No. 1; F2014L01513
	rep F2017L01113
s 2.48	am 2006 No. 1
	rep F2017L01113
s 2.49	rep F2017L01113
s 2.50	rep F2017L01113
s 2.51	rep F2017L01113
Division 2.5	rep F2017L01113
Division 2.5 heading	rs 2006 No. 1; F2015L01755
	rep F2017L01113
s 2.52	am 2006 No. 1; 2012 No. 1; F2014L01513

Endnote 4—Amendment history

Provision affected	How affected
	rep F2017L01113
s 2.53	am 2005 Nos. 2 and 4
	rep F2017L01113
s 2.54	am 2005 No. 4; 2006 No. 1; 2012 No. 1; F2014L01513
	rep F2017L01113
s 2.55	rep F2017L01113
s 2.56	rep F2017L01113
s 2.57	rep F2017L01113
s 2.58	am 2006 No. 1; 2012 No. 1; F2014L01513
	rep F2017L01113
s 2.59	am 2005 No. 2; 2006 No. 1; 2012 No. 1; F2014L01513
	rep F2017L01113
s 2.60	am 2006 No. 1; 2012 No. 1; F2014L01017; F2014L01513
	rep F2017L01113
s 2.61	am 2006 No. 1
	rep F2017L01113
Part 3	
Part 3 heading	rs F2015L01755; F2018L00580
Part 3	rs 2006 No. 1
s 3.01	rs 2006 No. 1
	am F2015L01755
	rs F2018L00580
s 3.02	rs 2006 No. 1
	am F2014L01017
s 3.03	rs 2006 No. 1
	am 2012 No. 1
	rs F2014L01017
	am F2014L01513; F2018L00580
s 3.04	am 2005 No. 2
	rs 2006 No. 1
	am F2014L01513; F2018L00580
s 3.04A	ad 2012 No. 1
	am F2014L01513
	rep F2018L00580
s 3.05	am 2005 No. 2; 2012 No. 1
	rs 2006 No. 1
	am 2012 No. 1; F2014L01513; F2018L00580
s 3.06	ad 2006 No. 1
	am F2015L01755

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Endnote 4—Amendment history

Provision affected	How affected
s 3.07	ad 2006 No. 1 am 2012 No. 1; F2014L01513; F2015L01755 rs F2014L01513 am F2018L00580
s 3.08	ad 2006 No. 1 am 2012 No. 1 rs F2014L01513 am F2018L00580
s 3.09	ad 2006 No. 1 am 2012 No. 1; F2014L01017
s 3.09A.....	ad 2012 No. 1 am F2014L01017; F2014L01513 rep F2018L00580
s 3.10	ad 2006 No. 1 am 2012 No. 1; F2014L01513 rep F2018L00580
s 3.11	ad 2006 No. 1 rep F2018L00580
s 3.12	ad 2006 No. 1 rep F2018L00580
s 3.13	ad 2006 No. 1
s 3.14	ad 2006 No. 1
s 3.15	ad 2006 No. 1 am 2012 No. 1; F2014L01513; F2018L00580
s 3.16	ad 2006 No. 1 am F2014L01017
s 3.17	ad 2006 No. 1 rep F2018L00580
Part 4	
s 4.01	am 2006 No. 1
s 4.03	am 2005 No. 2
s 4.04	am 2005 No. 2; 2006 No. 1
Part 4A	
Part 4A.....	ad 2006 No. 3
s 4A.01.....	ad 2006 No. 3
s 4A.02.....	ad 2006 No. 3
s 4A.03.....	ad 2006 No. 3 am F2014L01017 rep F2017L01113
s 4A.04.....	ad 2006 No. 3

Endnote 4—Amendment history

Provision affected	How affected
	am F2014L01017
s 4A.05.....	ad 2006 No. 3
	rs F2017L01113
s 4A.06.....	ad 2006 No. 3
s 4A.07.....	ad 2006 No. 3
	am F2014L01017
s 4A.08.....	ad 2006 No. 3
s 4A.09.....	ad 2006 No. 3
s 4A.10.....	ad 2006 No. 3
s 4A.11.....	ad 2006 No. 3
s 4A.12.....	ad 2006 No. 3
s 4A.13.....	ad 2006 No. 3
s 4A.14.....	ad 2006 No. 3
	am F2018L01011
s 4A.15.....	ad 2006 No. 3
	am F2018L01011
Part 5	
s 5.01	am 2012 No. 1; F2015L01755; F2017L01113
s 5.01A.....	ad 2012 No. 1
s 5.02	rs F2017L01113
s 5.03	am 2006 No. 3; F2015L01755
s 5.05	am F2017L01113
s 5.07	am F2017L01113
Part 6	
s 6.01	am 2005 No. 2
s 6.02	am 2005 No. 2
s 6.03	am 2005 No. 2
s 6.04	ad F2018L00580
s 6.05	ad F2018L00580
Part 7	
Division 1	
Division 1 heading.....	ad F2018L01011
s 7.01	rs F2014L01513
	rep F2018L01011
s 7.02	rep F2014L01513
s 7.03	ad 2012 No. 1
	rep F2014L01513
s 7.04	ad 2012 No. 1

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Endnote 4—Amendment history

Provision affected	How affected
s 7.05	ad 2012 No. 1 am F2014L01513
s 7.06	ad 2012 No. 1 rep F2014L01017
Division 2	
Division 2 heading.....	ad F2018L01011
s 7.07	ad 2012 No. 1 rep F2014L01513 ad F2017L01113
Division 3	
Division 3	ad F2018L01011
s 7.08	ad F2018L01011
s 7.09	ad F2018L01011
s 7.10	ad F2018L01011
s 7.11	ad F2018L01011
s 7.12	ad F2018L01011
s 7.13	ad F2018L01011
s 7.14	ad F2018L01011
s 7.15	ad F2018L01011
s 7.16	ad F2018L01011
s 7.17	ad F2018L01011
s 7.18	ad <u>F2018L01011</u>
Division 4	
Division 4	ad <u>F2018L01118</u>
s 7.19	ad <u>F2018L01118</u>