

EXPLANATORY STATEMENT

Issued by Authority of the Minister for Agriculture

Export Control Act 1982
Export Control (Orders) Regulations 1982

Export Control Legislation Amendment (2014 Measures No. 1) Order 2014

Legislative Authority

Section 3 of the *Export Control Act 1982* (Act) defines ‘prescribed goods’ to mean goods, or goods included in a class of goods, that are declared by the *Export Control (Orders) Regulations 1982* (Regulations) to be prescribed goods for the purposes of the Act. Section 7 of the Act provides that the Regulations may prohibit the export of prescribed goods from Australia absolutely or to a specified place or unless specified conditions or restrictions are complied with or to a specified place unless conditions or restrictions are complied with.

Regulation 3 provides that the Minister may, by instrument in writing, make orders, not inconsistent with regulations made under the Act, with respect to any matter for or in relation to which provision may be made by regulations under the Act.

The following orders are made under the Regulations:

- *Export Control (Animals) Order 2004* (Animals Order): which sets out the arrangements for the export of live animals and animal reproductive material
- *Export Control (Fees) Orders 2001* (Fees Order): which impose fees in connection with the performance of services by the Secretary, delegates of the Secretary and authorised officers in connection with the provision of export certification
- *Export Control (Prescribed Goods—General) Order 2005* (General Order): which deals with matters that are common to the export of all prescribed goods
- *Export Control (Rabbit and Ratite Meat) Orders 1985* (Rabbit and Ratite Order): which sets out the arrangements for the export of rabbit meat and ratite meat and their products

Purpose

The purpose of the *Export Control Legislation Amendment (2014 Measures No. 1) Order 2014* (Amendment Order) is to:

- remove the requirement in the Animals Order for export supply chain assurance system (ESCAS) approval to export live animals other than live-stock, consistent with the policy intent of ESCAS
- clarify that ‘live animals’ for the purposes of the Animals Order includes cold-blooded animals (for example fish, snakes and lizards) when certification is required by the importing country (noting that the *Export Control (Fish and Fish Products) Orders 2005* regulates the export of fish and fish products as food)
- remove duplication of shift loading fees for inspection services for meat and meat products from the Fees Order
- ensure consistent requirements for the export of consignments—less than 10 kilograms/litres—of animals and their reproductive material
- clarify that the department can issue certificates for the export of animal food and pharmaceutical materials to certify that the goods meet the importing country’s requirements
- insert approved arrangements provisions in the Rabbit and Ratite Orders for exporters of rabbit and ratite meat.

Impact and Effect

These amendments will correct technical deficiencies within the orders, allow for greater flexibility in certifying goods for export, fix typographical errors and remove obsolete references.

These amendments will ensure that the export legislative framework remains current and assists industry to gain and/or maintain market access, which has the potential to boost Australia's trade credentials and strengthen relations with importing countries.

Consultation

Consultation has not been undertaken in relation to the amendments as they are minor and technical in nature and do not result in any policy change. The amendments reflect current operational practice and policy and also remove redundant provisions to ensure the export legislative framework remains current and up to date.

The Office of Best Practice Regulation (OBPR) was consulted on the changes to the Amendment Order and has advised that a Regulation Impact Statement is not required (OBPR reference 16902).

Details of the *Export Control Legislation Amendment (2014 Measures No. 1) Order 2014*

Section 1 – Name of the Order

The section provides that the name of the Amendment Order is the *Export Control Legislation Amendment (2014 Measures No. 1) Order 2014*.

Section 2 – Commencement

This section provides for the Amendment Order to commence on the day after it is registered on the Federal Register of Legislative Instruments.

Section 3 – Authority

This provides that the Amendment Order is made under the *Export Control (Orders) Regulations 1982*.

Section 4 – Schedule(s)

Each instrument that is specified in a Schedule to the Amendment Order is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to the Amendment Order has effect according to its terms.

Schedule 1 – Amendments

Export Control (Animals) Order 2004

Item 1 repeals the Reader's guide in the Animals Order.

The purpose of this amendment is to align the Animals Order with current legislation drafting practice which is for reader's guides to be provided outside the legislation itself.

Item 2 repeals section 1.03 of the Animals Order. This provision is spent as the repeals provided for in section 1.03 have already occurred.

Item 3 repeals the definition of 'AMLI Indonesia Order' in subsection 1.05(1) of the Animals Order. This definition is no longer required as the provisions in the Animals Order that refer to the definition no longer have any practical effect.

In addition, the legislative instrument that the definition refers to, the *Australian Meat and Live-stock Industry (Export of Live-stock to the Republic of Indonesia) Order 2011 (No. 2)*, was repealed by the *Australian Meat and Live-stock Industry (Export of Live-stock to the Republic of Indonesia Repeal) Order 2012*.

Item 4 substitutes paragraph 2.46A(3)(b) of the Animals Order with a new paragraph. The only change to the paragraph is the removal of the reference to ‘AMLI Indonesia Order’, consistent with the amendments being made by item 3. There is no change to the policy intent of the paragraph.

Items 5, 6 and 7 amend subsection 2.60(1) of the Animals Order by altering certain words from past tense to present tense to aid ease of understanding. There is no change to the policy intent of the subsection.

Item 8 substitutes the definition of ‘live animal’ in section 3.02 of the Animals Order with a new definition so that ‘live animal’ means:

- a warm-blooded animal intended to be exported alive; or
- 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.

The new definition includes a note directing the reader to the *Export Control (Fish and Fish Products) Orders 2005* for provisions relating to the export of fish and fish products as food.

The purpose of this amendment is to redraft paragraph (b) to clarify that cold blooded animals (including fish and aquatic animals) are included in the scope of the Animals Order where certification is required by the importing country authority, consistent with the amendments made to the Animals Order by the *Export Control (Animals) Amendment Order 2006 (No. 1)*.

Item 9 substitutes section 3.03 of the Animals Order with a new section which sets out the prohibition on live animal exports.

New section 3.03 prohibits the export of a live animal is prohibited unless:

- an export permit has been granted, and is in effect, for the export of the animal;
- the animal is exported to the place specified in the export permit;
- the exporter complies with any condition of the export permit;
- in the case of live-stock – the exporter has obtained approval of the notice of intention to export (NOI) and the ESCAS and has complied with all conditions to which the approvals are subject;
- in the case of any other live animal – the exporter has obtained approvals of the NOI and has complied with all conditions to which the approvals are subject.

The purpose of this amendment is to clarify that an ESCAS approval is not required for the export of live animals other than live-stock, consistent with the policy intent of ESCAS and operational practice.

Item 10 substitutes the words ‘do any 1’ in subsection 3.09(2) of the Animals Order with ‘do one’.

The purpose of this amendment is to remove the word ‘any’ as it serves no practical effect.

Item 11 substitutes paragraph 3.09A(3)(b) of the Animals Order with a new paragraph. The only change to the paragraph is the removal of the reference to ‘AMLI Indonesia Order’, consistent with the amendments being made by item 3. There is no change to the policy intent of the paragraph.

Item 12 substitutes subsection 3.16(1) of the Animals Order with a new subsection that outlines when the Secretary of the department may refuse to grant an export permit.

The purpose of this amendment is to change subsection 3.16(1) from past tense to present tense to aid ease of understanding. There is no change to the policy intent of the subsection.

Item 13 substitutes ‘AQIS’ in section 4A.03 of the Animals Order with ‘the Department’.

The purpose of this amendment is to reflect the retirement of the Australian Quarantine and Inspection Service (AQIS) brand.

Item 14 substitutes ‘AQIS’ in subsection 4A.04(1) of the Animals Order with ‘Australian Government’.

The purpose of this amendment is to reflect the retirement of the AQIS brand.

Item 15 substitutes note 2 to subsection 4A.04(1) of the Animals Order with an updated note stating that information about the Australian Government Accredited Veterinarian Program can be found on the Department of Agriculture website, <http://www.daff.gov.au>.

The purpose of this amendment is to reflect the retirement of AQIS brand and to update the associated weblink.

Item 16 substitutes ‘AQIS’ in paragraph 4A.07(1)(b) of the Animals Order with ‘Australian Government’.

The purpose of this amendment is to reflect the retirement of the AQIS brand.

Item 17 substitutes the note in subsection 4A.07 of the Animals Order with an updated note stating that a list (of accredited veterinarians) can be found on the Department of Agriculture website, <http://www.daff.gov.au>.

The purpose of this amendment is to reflect the retirement of the AQIS brand and to update the associated weblink.

Item 18 repeals section 7.06 as the transitional arrangements provided for in the section are no longer required.

Export Control (Fees) Orders 2001

Item 19 repeals order 3 of the Fees Order. This provision is spent as the repeals provided for in order 3 have already occurred.

Item 20 substitutes the words ‘means a’ in the definition of ‘Area Technical Manager’ in suborder 4(1) of the Fees Order with ‘means’.

The purpose of this amendment is to correct a typographical error.

Item 21 repeals suborder 4J(2) of the Fees Order.

The purpose of this amendment is to remove suborder 4J(2) as it refers to redundant suborder 4I(2) which was repealed by the *Export Control (Fees) Amendment Orders 2011 (No. 1)*.

Item 22 repeals suborder 4K(1) from the Fees Order.

The purpose of this amendment is to remove suborder 4K(1) as it refers to Part 1 of Schedule 1B to the Fees Order, which is being repealed by item 27.

Item 23 substitutes the reference to ‘suborder (1)’ in suborder 4K(3) of the Fees Order with a reference to ‘suborder (2)’.

The purpose of this amendment is to remove the reference to redundant suborder 4K(1) which is being repealed by item 22 and to insert a reference to suborder 4K(2), which should have been included when suborder 4K(3) was amended by the *Export Control (Fees) Amendment Orders 2011 (No. 3)*. This ensures that overtime fees are payable by the person to whom the service is provided, consistent with the policy intent of those amendments.

Item 24 substitutes the note to order 54 of the Fees Order with a new note. The only change is the inclusion of ‘ratite meat’ and ‘ratite meat products’ in the definitions of ‘meat’ and ‘meat products’.

The purpose of this amendment is to update the note consistent with the definition of ‘meat’ and ‘meat products’ in the Fees Order, which includes ratite meat and ratite meat products.

Item 25 substitutes ‘\$50.00’ in item 5 of the table in Schedule 1A to the Fees Order with ‘\$40.00’.

The purpose of this amendment is to reflect the correct rate charged by the department in respect of goods for which an application under section 8.05 of the General Order has been made.

Item 26 repeals the note to schedule 1B of the Fees Order, which is redundant as it refers to commodities in Part 1 and Schedule 1 of the Fees Order, which is being repealed by item 27.

Item 27 repeals Part 1 of Schedule 1B to the Fees Order, which relates to shift loading fees for services performed by authorised officers in respect of meat and meat products.

The purpose of this amendment is to remove Part 1 of Schedule 1B as it duplicates shift loading fees provided for under Part 3 of Schedule 7 to the Fees Order.

Item 28 substitutes the note to schedule 7 of the Fees Order with a new note. The only change is the inclusion of ‘ratite meat’ and ‘ratite meat products’ in the definitions of ‘meat’ and ‘meat products’.

The purpose of this amendment is to update the note consistent with the definition of ‘meat’ and ‘meat products’ in the Fees Order, which includes ratite meat and ratite meat products.

Export Control (Prescribed Goods—General) Order 2005

Item 29 repeals the definitions of ‘game animal’, ‘game meat’ and ‘game meat product’ in subsection 1.05(1) of the General Order.

The purpose of this amendment is to remove obsolete definitions from the General Order, which will be replaced by the definitions inserted by item 32.

Item 30 repeals the definition of ‘Game, Poultry and Rabbit Meat Orders’ in subsection 1.05(1) of the General Order.

The purpose of this amendment is to remove an obsolete definition from the General Order, which will be replaced by the definitions being inserted by item 32.

Item 31 substitutes the words ‘exported; or’ in subparagraph (b)(ii) of the definition of ‘government certificate’ in subsection 1.05(1) of the General Order with ‘exported’.

The purpose of this amendment is to correct a typographical error.

Item 32 inserts a number of definitions in subsection 1.05(1) of the General Order:

- ‘rabbit meat’, ‘rabbit meat product’, ‘ratite meat’ and ‘ratite meat product’, which have the same meaning as in the *Export Control (Rabbit and Ratite Meat) Orders 1985*.
- ‘wild game animal’, ‘wild game meat’ and ‘wild game meat product’ have also been inserted in subsection 1.05(1) of the General Order, which have the same meaning as in the *Export Control (Wild Game Meat and Wild Game Meat Products) Orders 2010*.

The purpose of this amendment is to insert updated definitions into subsection 1.05(1) of the General Order to ensure consistency across the export legislative framework.

Item 33 inserts a reference to ‘Part 8’ to subsection 1.07(2) of the General Order after the reference to ‘Part 6’.

The purpose of this amendment is to enable clarity that government certification of animal food and pharmaceutical materials that meet importing country requirements.

Item 34 substitutes the reference to ‘clause 3’ in paragraph 1.07(5)(a) of the General Order with ‘clause 4’.

The purpose of this amendment is to correct a typographical error, as clause 4 of Schedule 4 to the *Export Control (Meat and Meat Products) Order 2005* relates to pharmaceutical material, rather than clause 3.

Item 35 inserts new subsection 2.01(5) in section 2.01 of the General Order which provides that paragraph 2.01(4)(g) does not apply to ‘live animals’ within the meaning of Part 3 of the Animals Order and ‘animal reproductive material’ as defined in the Animals Order.

The purpose of this amendment is to correct an issue whereby consignments of exported goods no more than ten litres or ten kilograms are currently exempt from the requirements of the General Order or any other Export Control Order, contrary to current operational policy. This amendment will now exclude ‘live animals’ and ‘animal reproductive material’ to ensure they are included in the span of the Animals Order.

The effect of this amendment is that live animals less than ten kilograms in size and animal reproductive material less than ten litres/kilograms will come under the scope of the Animals Order, consistent with current operational policy.

Item 36 substitutes paragraph 2.02(1)(a) of the General Order with a new paragraph which provides that meaning for prescribed grain as defined in the *Export Control (Plants and Plant Products) Order 2011*.

The purpose of this amendment is to update the definition provision to reflect the current *Export Control (Plants and Plant Products) Order 2011*.

Item 37 substitutes ‘L’ in subparagraph 3.01(a)(i) of the General Order with ‘litres’.

The purpose of this amendment is to provide clarity by replacing the symbol for the unit of volume, L, with the non-abbreviated expression, litre.

Item 38 substitutes ‘kg’ in subparagraph 3.01(a)(ii) of the General Order with ‘kilograms’.

The purpose of this amendment is to provide clarity by replacing the symbol for the unit of mass, kg, with the non-abbreviated expression, kilograms.

Item 39 omits ‘clear’ from subsection 3.02(1) of the General Order.

The purpose of this amendment is to correct a typographical error.

Item 40 repeals subsections 13.05(1) and (2) of the General Order.

The purpose of this amendment is to remove an obsolete official mark for Halal meat which is no longer used.

Item 41 repeals Part 18 of the General Order as the transitional arrangements, savings and repeals have had their intended effect and are no longer required.

Export Control (Rabbit and Ratite Meat) Orders 1985

Item 42 inserts the following definitions into suborder 5.1 of the Rabbit and Ratite Order:

- ‘Act’, which means the *Export Control Act 1982*.
- ‘General Order’, which means the *Export Control (Prescribed Goods—General) Order 2005*.
- ‘Importing country requirement’, which for a particular country, refers to a requirement that must be met before prescribed goods may be imported into that country from Australia.
- ‘Prescribed goods’, which means goods declared to be prescribed goods under suborder 4.2 of the Rabbit and Ratite Order.

The purpose of this amendment is to insert definitions to aid ease of understanding of terms that are used consistently throughout the Rabbit and Ratite Order.

Item 43 adds a note to the end of suborder 5.1 of the Rabbit and Ratite Order directing the reader to section 3 of the *Export Control Act 1982*, which defines a number of terms in the export legislative framework.

The purpose of this amendment is to direct the reader to the definitions of a number of commonly used expressions such as ‘animal’, ‘food’ and ‘prescribed goods’ that appear throughout the Rabbit and Ratite Order and the export legislation framework.

Item 44 repeals suborder 5.3 of the Rabbit and Ratite Order and substitutes it with new suborders 5.3 and 5.4.

Suborder 5.3 provides that the words ‘Penal provision’ at the foot of a provision indicate that the provision is a penal provision for the purposes of subregulation 4(1) of the *Export Control (Orders) Regulations 1982*.

Suborder 5.4 explains that if a provision mentioned in suborder 5.3 specifies that it is a penal provision of a particular level, the applicable penalty is the penalty specified in the table in paragraph 4(1)(b) of the *Export Control (Orders) Regulations 1982*. The Regulations allow for five levels of penal provisions. The penalty for a level 1 penal provision is 10 penalty units; the penalty for a level 2 penal provision is 20 penalty units; and so on.

The purpose of this amendment is to update the language explaining penal provisions throughout the Rabbit and Ratite Order.

Item 45 inserts provisions following order 6 of the Rabbit and Ratite Order which set out requirements for registered establishments.

Order 6 of the Rabbit and Ratite Order requires that rabbit meat, ratite meat and associated products be prepared in a registered establishment. However, there are currently no provisions in the Rabbit and Ratite Order that set out the requirements for registered establishments preparing rabbit meat, ratite meat and associated products which is inconsistent with the other export control orders.

The purpose of this amendment and those made by item 57 is to correct this issue by inserting provisions that set out requirements for registered establishments, which are consistent with current operational policy and similar export control orders. These provisions will ensure that there are clear requirements for the preparation of rabbit and ratite meat set out in the Rabbit and Ratite Order which are consistent with current operational policy and the other commodity orders.

Order 6AA – Requirements for registered establishments

New suborder 6AA.1 provides that a person who wishes to apply for registration of an establishment for the preparation or inspection of prescribed goods within the meaning of these Orders must comply with Schedule 3.

The notes to suborder 6AA.1 direct the reader to Part 4 of the General Order, which provides for applications for registration, and section 3 of the *Export Control Act 1982*, which contains a definition of ‘preparation’ in relation to prescribed goods.

New suborder 6AA.2 provides that a registered establishment must be operated in accordance with Schedule 3.

The notes to suborder 6AA.2 direct the reader to order 7, which provides that occupiers of registered establishments must also comply with the applicable Australian Standards, and Part 4 of the General Order, which provides that failure to comply can lead to suspension or cancellation of registration.

Order 6AB – Importing country requirements

New order 6AB provides that the occupier of a registered establishment must ensure that prescribed goods prepared for export for food at the establishment comply with relevant importing country requirements.

Order 6AC – Transport of prescribed goods

New order 6AC relates to the transport of prescribed goods.

New suborder 6AB.1 provides that prescribed goods may be transported between registered establishments only in accordance with orders or instructions from an authorised officer.

New suborder 6AB.2 provides that if prescribed goods are transported to another registered establishment where the export permit is to be issued, a transfer certificate for the goods may be issued by an authorised officer in a form approved by the Secretary.

New suborder 6AB.3 provides that goods being transported in accordance with this section are taken to be in a registered establishment.

Order 6 AD – Records of dates of packaging

New order 6AD provides that if prescribed goods originate from different registered establishments and are repacked at another registered establishment, the occupier of that other registered establishment must keep, for at least 2 years, a record of the packing dates and the establishments at which the goods were originally packed.

The note at the end of order 6AD directs the reader to clause 3 of Schedule 3, which outlines the record keeping requirements to be met by an occupier of a registered establishment.

Item 46 substitutes the words ‘Orders comply’ from order 7 of the Rabbit and Ratite Order with ‘Orders apply’.

The purpose of this amendment is to correct a typographical error.

Item 47 substitutes ‘products –’ from paragraph 7(c) of the Rabbit and Ratite Order with ‘products—’.

The purpose of this amendment is to correct a typographical error.

Item 48 repeals suborder 7A of the Rabbit and Ratite Order which relates to the requirements for officers of authorised offices who are veterinarians.

The purpose of this amendment is to remove specific requirements of the offices of authorised officers who are veterinarians, giving generic requirements for the offices of authorised officers as set out by subclauses 4(3), (4), (5) and (6) at Schedule 3, which is being inserted by item 57.

Item 49 substitutes ‘products –’ from paragraph 8(c) of the Rabbit and Ratite Order with ‘products—’.

The purpose of this amendment is to correct a typographical error and provide consistency with the rest of the order.

Item 50 substitutes the heading to order 11 of the Rabbit and Ratite Order with a new heading. The only amendment to the heading is to replace the reference to ‘poultry’ or ‘rabbits’ with ‘prescribed goods’.

The purpose of this amendment is to correct a typographical error.

Item 51 substitutes the heading to order 15 of the Rabbit and Ratite Order with a new heading relating to carton sealing for importing countries.

The purpose of this amendment is to ensure consistency with other Export Control Orders, which use the term ‘importing country’ rather than ‘foreign country’.

Item 52 substitutes the words ‘a foreign’ from order 15 of the Rabbit and Ratite Order with ‘an importing’.

The purpose of this amendment is to ensure consistency with other Export Control Orders, which use the term ‘importing country authority’ rather than ‘foreign country authority’.

Item 53 substitutes each occurrence of the word ‘foreign’ from paragraphs 15(b) and (e) of the Rabbit and Ratite Order with ‘importing’.

The purpose of this amendment is to ensure consistency with other Export Control Orders, which use the term ‘importing country requirements’ rather than ‘foreign country requirements’.

Item 54 substitutes the words ‘that foreign’ from order 15 of the Rabbit and Ratite Order with ‘that importing’.

The purpose of this amendment is to ensure consistency with other Export Control Orders, which use the term ‘importing country requirements’ rather than ‘foreign country requirements’.

Item 55 omits ‘20’ from orders 25 and 26 of the Rabbit and Ratite Order.

The purpose of this amendment is to remove an obsolete reference, as order 20 was repealed by the *Game, Poultry and Rabbit Meat Amendment Order 2010 (No. 1)*.

Item 56 omits ‘20 or’ from order 27 of the Rabbit and Ratite Order.

The purpose of this amendment is to remove an obsolete reference, as order 20 was repealed by the *Game, Poultry and Rabbit Meat Amendment Order 2010 (No. 1)*.

Item 57 inserts a new Schedule 3 to the Rabbit and Ratite Order which sets out requirements for registered establishments.

Order 6 of the Rabbit and Ratite Order requires that rabbit meat, ratite meat and associated products be prepared in a registered establishment. However, there are currently no provisions in the Rabbit and Ratite Order that set out the requirements for registered establishments preparing rabbit meat, ratite meat and associated products which is inconsistent with the other export control orders.

The purpose of this amendment and those made by item 45 is to correct this issue by inserting provisions that set out requirements for registered establishments, which are consistent with current operational policy and similar export control orders. These provisions will ensure that

there are clear requirements for the preparation of rabbit and ratite meat set out in the Rabbit and Ratite Order which are consistent with current operational policy and the other commodity orders.

Clause 1 – Application for registration

Clause 1 provides that an application for registration of an establishment under the General Order must be completed and returned to an authorised officer in the State or Territory in which the establishment is located, together with plans and specifications of the establishment.

Clause 2 – Requirements for plans and specifications

Clause 2 sets out the requirements for plans and specifications of registered establishments.

Subclause 2.1 provides that for the purposes of registration, plans or diagrams giving the general structural and operational layout of the establishment must be provided.

Subclause 2.2 provides that plans must be sufficiently detailed to allow evaluation of the establishment and must include a locality map showing the site in relation to the local area; and a site plan showing all salient features of the site and adjoining sites including location of the establishment; and a floor plan of processing areas, showing all permanent fixtures and layout of equipment; and a product flow chart, and main features of the product.

Clause 3 – Records to be maintained

Clause 3 provides that each document made by the occupier of a registered establishment or documents that comes into the occupier's possession, relevant to whether compliance with the applicable requirements of the Act or these Orders has been met, must be retained for at least 2 years after the document concerned is made by the occupier or comes into the occupier's possession.

Clause 4 – Structural requirements for establishments preparing prescribed goods

Clause 4 of the new schedule provides the structural requirements for establishments preparing prescribed goods.

Subclause 4.1 provides that the premises, equipment, facilities and essential services that are necessary to ensure that operations for the preparation of prescribed goods are conducted in accordance with the requirements of these Orders must be provided at a registered establishment.

Subclause 4.2 provides that measuring devices must be provided and used to assess accurately whether the requirements of the Orders are complied with.

Subclause 4.3 provides that if one or more authorised officers are permanently located at the establishment or are required to be present at the establishment during the preparation of prescribed goods, an office, dining room, change room, shower room, rest room and a toilet must be provided.

Subclause 4.4 provides that the amenities must be separate from, but may be in the same building as, amenities provided for employees; suitable, and suitably and conveniently located, for the exclusive use of authorised officers.

Subclause 4.5 provides that an office referred to in paragraph (3)(a) must be equipped with a telephone, a connection to a computer terminal and a lockable metal cabinet, a desk, chair and locker, as well as hand washing and drying facilities, if not conveniently located nearby.

Subclause 4.6 provides that the area within which an authorised officer performs a post mortem inspection must not be encroached upon by equipment or personnel.

Subclause 4.7 provides that access must be provided to a prescribed goods examination facility, located within a refrigerated area, maintained at a temperature of not warmer than 10 Degrees Celsius during operations.

Subclause 4.8 provides that the prescribed goods examination facility need not be for the exclusive use of authorised officers, provided they can perform their functions unimpeded while in the facility.

Subclause 4.9 provides that if prescribed goods are loaded for export at the establishment, the establishment must have a separate and secure storage area for the storage of all prescribed goods retained or held under security.

Subclause 4.10 provides that the construction and use of the secure storage area must not jeopardise the integrity of prescribed goods held in the area.

Clause 5 – Control systems

Clause 5 provides that the occupier of a registered establishment must identify the importing country requirements for which a government certificate for prescribed goods may be sought, as well as document the control systems used to ensure compliance with the identified importing country requirements; the relevant Australian Standards; and all requirements necessary for the issue of an export permit or government certificate in relation to prescribed goods.

Item 58 omits every occurrence of ‘authorized’ in the Rabbit and Ratite Order and substitutes it with ‘authorised’.

The purpose of this amendment is to correct typographical errors throughout the Rabbit and Ratite Order.

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Export Control Legislation Amendment (2014 Measures No. 1) Order 2014

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Legislative Instrument

The purpose of the *Export Control Legislation Amendment (2014 Measures No. 1) Order 2014* is to:

- remove the requirement for export supply chain assurance system (ESCAS) approval to export live animals other than live-stock, consistent with the policy intent of ESCAS
- clarify that cold-blooded animals (for example fish, snakes and lizards) fall within the scope of the Animals Order when certification is required by the importing country
- remove duplication of overtime fees for inspection services for meat and meat products
- ensure consistent requirements for the export of consignments—less than 10 kilograms/litres—of animals and their reproductive material
- clarify that the department can issue certificates for the export of animal food and pharmaceutical materials to certify that the goods meet the importing country's requirements
- insert approved arrangements provisions for exporters of rabbit and ratite meat.

Human rights implications

This Legislative Instrument does not engage any of the applicable rights or freedoms.

Conclusion

This Legislative Instrument is compatible with human rights as it does not raise any human rights issues.

The Hon. Barnaby Joyce MP
Minister for Agriculture