



Export Control (Fish and Fish Products) Amendment (2014 Measures No. 1) Order 2014

I, Barnaby Joyce, Minister for Agriculture, make the following order.

Dated 22 September 2014

Barnaby Joyce
Minister for Agriculture

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1 Name of order

This order is the *Export Control (Fish and Fish Products) Amendment (2014 Measures No. 1) Order 2014*.

2 Commencement

This order commences on 1 October 2014.

3 Authority

This order is made under regulation 3 of the *Export Control (Orders) Regulations 1982*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Part 1—General

Export Control (Fish and Fish Products) Orders 2005

1 Suborder 4.11

Repeal the suborder.

2 Order 8 (definition of *Australian Shellfish Quality Assurance Program — Export Standards*)

Repeal the definition, substitute:

Australian Shellfish Quality Assurance Program — Export Standards means the *Australian Shellfish Quality Assurance Program — Export Standards* published by the Department in 2004.

Note: For the standards see the Department’s website (<http://www.agriculture.gov.au>).

3 Order 8 (paragraph (b) of the definition of *catcher boat*)

Omit “icing for transport”, substitute “freezing, icing for transport, salting”.

4 Order 8 (paragraph (a) of the definition of *resources industry structure*)

Omit “*Sea Installation Act 1987*”, substitute “*Sea Installations Act 1987*”.

5 Order 8

Insert:

senior authorised officer means a person appointed to be an authorised officer under section 20 of the Act whose classification level appears in Group 6 or higher of Schedule 1 to the Classification Rules under the *Public Service Act 1999*.

6 Order 8 (definition of *senior authorized officer*)

Repeal the definition.

7 Paragraph 20.7(a)

Omit “complete”, substitute “incomplete”.

8 Paragraph 23(c)

Omit “sorting, grading and icing for transport”, substitute “chilling, freezing, icing for transport, salting, sorting and grading”.

9 Suborder 25.2

Omit “*Sea Installation Act 1987*”, substitute “*Sea Installations Act 1987*”.

10 Subparagraph 26.1(c)(i)

Omit “or”, substitute “of”.

11 Paragraph 26.2(a)

Omit “clear”.

12 Paragraph 29.3(b)

Before “such”, insert “no”.

13 Suborder 29.3 (note)

Omit “section 33 (3A)”, substitute “subsection 33(3)”.

14 Suborder 37.2 (note)

Omit “order 8. See further”, substitute “order 8”.

15 Suborder 48.3 (note)

Omit “order 8 and see further”, substitute “order 8”.

16 Order 57

Omit “person whom”, substitute “person to whom”.

17 Order 57 (note 1)

Omit “the these”, substitute “these”.

18 Order 63

Before “An audit”, insert “63.1”.

19 Suborder 63.2

Repeal the suborder, substitute:

63.2 If the audit is unannounced, the auditor must produce his or her identity card for inspection before starting the audit.

20 Order 64 (note)

Omit “AQIS Guidelines for”, substitute “guidelines published by the Department in relation to”.

21 Order 66A

After “operations”, insert “that are”.

22 Order 77 (note 1)

Omit “clause 6 and”.

23 Order 95

Omit “must,”, substitute “must”.

24 Part 10

Repeal the Part.

25 Paragraph 13.3(d) of Schedule 3

Omit “non hand”, substitute “non-hand”.

26 Subclause 15.1 of Schedule 4 (note 3)

Repeal the note, substitute:

- Note 3: For guidance see the 2011 *Australian Drinking Water Guidelines Paper 6 National Water Quality Management Strategy*, which has been developed by the National Health and Medical Research Council in collaboration with the Natural Resource Management Ministerial Council. See the National Health and Medical Research Council's website (<http://www.nhmrc.gov.au>).

27 Subclause 4.1 of Schedule 7 (notes 3 and 4)

Repeal the notes, substitute:

- Note 3: Schedule 2 to the *Competition and Consumer Act 2010* (the *Australian Consumer Law*) contains prohibitions on engaging in conduct that is misleading or deceptive or is likely to mislead or deceive (see, for example, section 18) and prohibitions on making false or misleading representations, including about the country of origin of fish and fish products (see, for example, sections 29 and 151).
- Note 4: Part 5-3 of the Australian Consumer Law provides defences that certain country of origin representations do not contravene section 18, 29 or 151 of the Australian Consumer Law. For further guidance on correctly describing the country of origin see the Australian Competition and Consumer Commission's website (<http://www.accc.gov.au>).

28 Subclause 25.1 of Schedule 9

Omit "for use for giving" (wherever occurring), substitute "for giving".

29 Subclause 25.1 of Schedule 9 (note)

Repeal the note, substitute:

- Note: For the *Approved EXDOC Interface Software Suppliers* see the Department's website (<http://www.agriculture.gov.au>).

Part 2—References to see further

Export Control (Fish and Fish Products) Orders 2005

30 Amendments of listed provisions—references to see further

| Further amendments—references to see further | | |
|--|---|-------------|
| Item | Provision | Omit |
| 1 | Suborder 3.1 (note 2) | further |
| 2 | Order 8 (note to definition of <i>fit for human consumption</i>) | further |
| 3 | Suborder 22.3 | further |
| 4 | Suborder 51.1 (note 2) | further |
| 5 | Order 55 (note) | further |
| 6 | Part 2 of Schedule 1 (note) | further |
| 7 | Subclause 8.2 of Schedule 2 (note) | further |
| 8 | Subclause 9.4 of Schedule 3 (note 3) | further |
| 9 | Subclause 12.2 of Schedule 3 (note 3) | further |
| 10 | Subclause 10.1 of Schedule 4 (note 3) | further |
| 11 | Subclause 18.1 of Schedule 4 (note) | see further |
| 12 | Subclause 19.1 of Schedule 4 (note) | see further |
| 13 | Subclause 35.1 of Schedule 5 (note 2) | further |
| 14 | Subclause 1.3 of Schedule 6 (note 3) | further |
| 15 | Subclause 2.3 of Schedule 6 (note 3) | further |
| 16 | Subclause 3.3 of Schedule 6 (note 3) | further |
| 17 | Subclause 4.3 of Schedule 6 (note) | further |
| 18 | Subclause 4.4 of Schedule 6 (note 3) | further |

Part 3—References to authorized

Export Control (Fish and Fish Products) Orders 2005

31 Amendments of listed provisions—references to authorized

| Further amendments—references to authorized | | | |
|---|----------------------------------|---------------------------|-------------------|
| Item | Provision | Omit (wherever occurring) | Substitute |
| 1 | Paragraph 3.3(a) | authorized | authorised |
| 2 | Order 8 (note) | authorized | authorised |
| 3 | Order 55 | authorized | authorised |
| 4 | Order 58 (note 3) | authorized | authorised |
| 5 | Paragraph 60(a) | authorized | authorised |
| 6 | Suborder 62.1 | authorized | authorised |
| 7 | Order 70 | authorized | authorised |
| 8 | Order 72 | authorized | authorised |
| 9 | Order 73 | authorized | authorised |
| 10 | Order 75 | authorized | authorised |
| 11 | Order 76 | authorized | authorised |
| 12 | Order 77 | authorized | authorised |
| 13 | Order 78 | authorized | authorised |
| 14 | Suborder 79.3 | authorized | authorised |
| 15 | Suborder 82.1 | authorized | authorised |
| 16 | Order 83 (heading) | authorized | authorised |
| 17 | Order 83 | authorized | authorised |
| 18 | Division III of Part 9 (heading) | authorized | authorised |
| 19 | Order 86 (heading) | authorized | authorised |
| 20 | Order 86 | authorized | authorised |
| 21 | Order 86 (note 1) | authorized | authorised |
| 22 | Order 87 | authorized | authorised |
| 23 | Order 88 (heading) | authorized | authorised |
| 24 | Order 88 | authorized | authorised |
| 25 | Order 89 (heading) | Authorized | Authorised |
| 26 | Order 89 | authorized | authorised |
| 27 | Order 90 (heading) | authorized | authorised |
| 28 | Order 90 | authorized | authorised |
| 29 | Order 91 | authorized | authorised |
| 30 | Order 92 | authorized | authorised |
| 31 | Order 93 | authorized | authorised |
| 32 | Order 94 (heading) | authorized | authorised |
| 33 | Order 94 | authorized | authorised |

| Further amendments—references to authorized | | | |
|--|---|----------------------------------|-------------------|
| Item | Provision | Omit (wherever occurring) | Substitute |
| 34 | Order 97 (note 1) | authorized | authorised |
| 35 | Subclause 9.1 of Schedule 2 | authorized | authorised |
| 36 | Subclause 10.1 of Schedule 2 (note 2) | authorized | authorised |
| 37 | Subclause 21.1 of Schedule 2 | authorized | authorised |
| 38 | Subclause 25.4 of Schedule 2 | authorized | authorised |
| 39 | Subclause 16.1 of Schedule 7 | authorized | authorised |
| 40 | Clause 13 of Schedule 8 | authorized | authorised |
| 41 | Schedule 9 (table of contents) entry for Division III of Part 1 | <i>authorized</i> | <i>authorised</i> |
| 42 | Schedule 9 (table of contents) entry for clause 21 | authorized | authorised |
| 43 | Paragraph 3.1(b) of Schedule 9 | authorized | authorised |
| 44 | Division III of Part 1 of Schedule 9 (heading) | authorized | authorised |
| 45 | Clause 8 of Schedule 9 (heading) | authorized | authorised |
| 46 | Paragraph 8.1(b) of Schedule 9 | authorized | authorised |
| 47 | Subclause 9.1 of Schedule 9 | authorized | authorised |
| 48 | Paragraph 13.4(a) of Schedule 9 | authorized | authorised |
| 49 | Paragraph 14.2(a) of Schedule 9 | authorized | authorised |
| 50 | Clause 21 of Schedule 9 (heading) | authorized | authorised |
| 51 | Subclause 21.1 of Schedule 9 | authorized | authorised |