



Export Control (Animals) Amendment (Approved Arrangements) Order 2015

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

Dated 30 October 2015

Barnaby Joyce
Minister for Agriculture and Water Resources

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1 Name

This is the *Export Control (Animals) Amendment (Approved Arrangements) Order 2015*.

2 Commencement

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

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	

Note: This table relates only to the provisions of this instrument as originally made.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

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

3 Authority

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Export Control (Animals) Order 2004

1 Subsection 1.05(1)

Insert:

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.

registered premises means premises registered under Division 2.2.

2 After section 1.05

Insert:

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.

3 After Part 1

Insert:

Part 1A—Export of live-stock prepared under approved arrangements

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

1A.01 Prohibition on live-stock exports

- (1) The export of live-stock is prohibited unless:
 - (a) the conditions in subsection (2) are met; or
 - (b) the export:

- (i) occurs before 1 January 2017; and
- (ii) is an export to which Part 2 or 3 applies; and
- (iii) is not prohibited because the conditions in section 2.02 or 3.03 are met.

Note: Parts 2 and 3 do not apply to:

- (a) an export of live-stock by an exporter for whom there is an approved arrangement; or
- (b) an export of live-stock after 31 January 2016 and before 1 January 2017 by an exporter for whom there is not an approved arrangement but for whom there had been an approved arrangement at any time after 31 January 2016.

- (2) For paragraph (1)(a), the conditions are as follows:
- (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) there is an approved arrangement for the exporter;
 - (h) the live-stock have been prepared in accordance with the approved arrangement and any conditions on the approval of the arrangement;
 - (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 holds a live-stock export licence under the AMLI Act 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 received after 2016

The Secretary is taken to have refused the application if:

- (a) the application is received after 31 December 2016; and
- (b) the Secretary has not made a decision on whether to approve the arrangement within 60 days after:
 - (i) the day the application was received; or
 - (ii) 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.

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; 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
 - (d) under the arrangement, the exporter will engage an accredited veterinarian to undertake a program of activities specified by the exporter for the purpose of ensuring the health and welfare of live-stock in the course of export activities involving the live-stock; and

- (e) the applicant will act in accordance with the arrangement.

Note: The program described in paragraph (d) will be an approved export program as defined in section 9A of the Act.

- (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: An example of a matter that may be dealt with in a condition is audit.

- (2) The conditions must be for the purpose of achieving the outcomes described in paragraphs 1A.05(1)(b), (c), (d) 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:
- (a) the application is received after 31 December 2016; and
 - (b) 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).

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
 - (c) the Secretary is not satisfied that the exporter will engage an accredited veterinarian to undertake a program of activities specified by the exporter for the purpose of ensuring the health and welfare of live-stock in the course of export activities involving the live-stock; 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:
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- (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.

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.
- (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.

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- (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:
 - (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.

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- (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);
 - (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, the condition in paragraph 1A.01(2)(c) for the export of live-stock will not be met (so the export will be prohibited by subsection 1A.01(1) unless paragraph 1A.01(1)(b) applies).

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.
- (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
 - (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

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- (c) no relevant circumstances have changed in relation to the approved ESCAS that applies to the export.
 - (4) The Secretary may obtain evidence about the matters referred to in paragraph (3)(a) 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.

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
 - (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 described in subsection 1A.29(3).

- (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.
- (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.

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- (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:
 - (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
 - (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).

4 Division 2.1 (heading)

Repeal the heading, substitute:

Division 2.1—Export of live-stock by sea before 2017 without approved arrangement

5 Section 2.01 (definition of *registered premises*)

Repeal the definition.

6 After section 2.01A

Insert:

2.01B This Part does not apply to certain exports

- (1) This Part does not apply in relation to an export of live-stock that:
- (a) is by an exporter for whom there is an approved arrangement; or
 - (b) occurs after 31 January 2016 and before 1 January 2017, and is by an exporter for whom there is not an approved arrangement but for whom there had been an approved arrangement at any time after 31 January 2016; or
 - (c) occurs after 31 December 2016.

Note: Part 1A (Export of live-stock prepared under approved arrangements) deals completely with exports of live-stock to which this Part does not apply because of subsection (1) of this section. Part 1A regulates exports covered by paragraph (1)(a) or (c) of this section, and prohibits exports covered by paragraph (1)(b) of this section.

- (2) However, subsection (1) does not affect the operation of:
- (a) Division 2.2; or
 - (b) section 2.01 so far as it is relevant to Division 2.2.

Note: Division 2.2 is relevant to Parts 1A and 5 as well as the rest of this Part.

7 Division 2.2 (heading)

Repeal the heading, substitute:

**Division 2.2—Registration of premises for holding and assembling
live-stock for export at any time**

8 Section 2.07 (heading)

Repeal the heading, substitute:

2.07 Decision on registration of premises**9 Subsection 2.07(1)**

Omit “Subject to subsection (2), the criteria for registration of premises are:”, substitute “The Secretary may both approve an application for registration of premises and register the premises if the Secretary is satisfied that:”.

10 Paragraph 2.07(1)(a)

Omit “whether”.

11 After paragraph 2.07(1)(a)

Insert:

- (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

12 Paragraphs 2.07(1)(b), (c), (d), (e), (f), (g), (h), (i) and (j)

Omit “whether”.

13 Paragraph 2.10(1)(e)

After “under”, insert “section 1A.28 or”.

14 Division 2.4 (heading)

Repeal the heading, substitute:

**Division 2.4—Notice of intention to export and related matters for
export before 2017 without approved arrangement**

15 Paragraph 2.44(2B)(a)

Omit “2.42A(2)(a)(i)”, substitute “2.42A(2)(a)(ia)”.

16 Division 2.5 (heading)

Repeal the heading, substitute:

**Division 2.5—Inspection of live-stock before export, and grant of
export permit, for export before 2017 without approved
arrangement**

17 Part 3 (heading)

Repeal the heading, substitute:

**Part 3—Other export of live animals (except live-stock after
2016)**

18 Section 3.01

Before “In this Part”, insert “(1)”.

19 At the end of section 3.01

Add:

(2) This Part does not apply to the export of live-stock that:

- (a) is by an exporter for whom there is an approved arrangement; or
- (b) occurs after 31 January 2016 and before 1 January 2017, and is by an exporter for whom there is not an approved arrangement but for whom there had been an approved arrangement at any time after 31 January 2016; or
- (c) occurs after 31 December 2016.

Note: Part 1A (Export of live-stock prepared under approved arrangements) deals completely with exports of live-stock to which this Part does not apply because of subsection (2) of this section. Part 1A regulates exports covered by paragraph (2)(a) or (c) of this section, and prohibits exports covered by paragraph (2)(b) of this section.

20 At the end of subsection 3.06(1)

Add “, unless those premises are registered premises”.

21 Subsection 3.06(2)

Omit “applicant for the NOI”, substitute “exporter”.

22 Paragraph 3.06(2)(b)

Repeal the paragraph, substitute:

(b) to arrange for an authorised officer to be allowed to inspect the premises.

23 Paragraph 3.07(2B)(a)

Omit “3.04A(2)(a)(i)”, substitute “3.04A(2)(a)(ia)”.

24 Section 5.01 (definition of *export instrument*)

Omit “and ESCAS,”, substitute “or ESCAS, an approved arrangement,”.

25 After subsection 5.03(2)

Insert:

(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.

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