



Export Control (Animals) Amendment (Information Sharing and Other Matters) Order 2018

I, David Littleproud, Minister for Agriculture and Water Resources, make the following order.

Dated 30 April 2018

David Littleproud
Minister for Agriculture and Water Resources

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1 Name

This instrument is the *Export Control (Animals) Amendment (Information Sharing and Other Matters) Order 2018*.

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.	4 May 2018

Note: This table relates only to the provisions of this instrument as originally made.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 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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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—Main amendments

Export Control (Animals) Order 2004

1 Subsection 1.05(1)

Insert:

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

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

2 At the end of section 1A.29

Add:

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

3 At the end of Part 6

Add:

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;
 - (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 2—Technical amendments

Export Control (Animals) Order 2004

3 Part 3 (heading)

Repeal the heading, substitute:

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

4 Section 3.01

Repeal the section, substitute:

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.

5 Paragraph 3.03(d)

Repeal the paragraph.

6 Paragraph 3.03(e)

Omit “in the case of any other live animal—”.

7 Paragraph 3.04(2)(a)

Omit “including, in the case of a proposed export of live-stock by air, the exporter’s AMLI licence number”.

8 Subparagraph 3.04(2)(b)(xiii)

Omit “officer;”, substitute “officer.”.

9 Subparagraph 3.04(2)(b)(xiv)

Repeal the subparagraph.

10 Section 3.04A

Repeal the section.

11 Section 3.05 (heading)

Omit “and ESCAS”.

12 Subsection 3.05(1A)

Repeal the subsection.

13 Subsection 3.05(2)

Omit “Despite subsections (1) and (1A), the Secretary may accept an NOI or an ESCAS”, substitute “Despite subsection (1), the Secretary may accept an NOI”.

14 Section 3.07 (heading)

Omit “and ESCAS”.

15 Paragraph 3.07(1)(b)

Repeal the paragraph.

16 Paragraph 3.07(1)(c)

Omit “, or an ESCAS be varied,”.

17 Paragraph 3.07(2)(b)

Repeal the paragraph.

18 Paragraph 3.07(2)(c)

Omit “requirements”, substitute “requirements.”.

19 Subsection 3.07(2) (note)

Repeal the note.

20 Subsections 3.07(2AA), (2A) and (2B)

Repeal the subsections.

21 Subsection 3.07(3)

Omit “or an ESCAS”.

22 Subsection 3.07(4)

Omit “or an ESCAS”.

23 Subsection 3.07(5)

Repeal the subsection.

24 Section 3.08 (heading)

Omit “and ESCAS”.

25 Subsection 3.08(1)

Repeal the subsection, substitute:

- (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.

26 Subsection 3.08(3)

Repeal the subsection.

27 Sections 3.09A, 3.10, 3.11 and 3.12

Repeal the sections.

28 Paragraph 3.15(1)(f)

Repeal the paragraph.

29 Subsection 3.17(2)

Repeal the subsection.