



Export Control (Animals) Amendment (Notices of Intention to Export) Order 2018

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

Dated 15 August 2018

David Littleproud
Minister for Agriculture and Water Resources

Contents

1	Name.....	1
2	Commencement	1
3	Authority.....	1
4	Schedules	1
Schedule 1—Amendments		2
	<i>Export Control (Animals) Order 2004</i>	2

1 Name

This instrument is the *Export Control (Animals) Amendment (Notices of Intention to Export) 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.	16 August 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Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Export Control (Animals) Order 2004

1 Paragraph 1A.01(c)

Repeal the paragraph, substitute:

- (c) an NOI for the export has been approved under section 1A.25A, the approval is in force and, if the exporter was required to vary the NOI under section 1A.26, the NOI has been varied as required;

2 Subsection 1A.24(5) (note)

Repeal the note.

3 After section 1A.25

Insert:

1A.25A Approval of NOI

- (1) If an exporter gives the Secretary an NOI for a proposed export of live-stock (under section 1A.25 or 1A.26), the Secretary may approve the NOI. For the purpose of deciding whether to approve the NOI, the Secretary may, by notice in writing to the exporter:

- (a) require further information about the proposed export; or
- (b) direct that the NOI be varied in a specified way.

Note: If the live-stock are to be exported by air, an approval of the premises at which the live-stock are to be prepared may also be required (see section 1A.27).

- (2) The criteria for approval of an NOI for a proposed export of live-stock are:

- (a) whether the proposed export complies with the following:
 - (i) the requirements of this Order;
 - (ii) the requirements of the AMLI Act and regulations under that Act;
 - (iii) orders and directions under the AMLI Act;
 - (iv) the conditions of the exporter's live-stock export licence under the AMLI Act; and
- (b) whether the international transport arrangements for the live-stock are adequate for their health and welfare.

Note: Section 3 of the *Australian Meat and Live-stock Industry (Standards) Order 2005* provides that the holder of a live-stock export licence must not export live-stock except in accordance with the Australian Standards for the Export of Live-stock.

- (3) The Secretary must not approve an NOI for a proposed export for which an ESCAS is required unless the Secretary is satisfied that an approved ESCAS applies to the proposed export.

Note: See Division 1A.3 in relation to approval of ESCASs. An ESCAS is not required for certain proposed exports (see subsection 1A.19(4)).

- (4) The Secretary must give written notice to an exporter who has given an NOI to the Secretary:

- (a) of the Secretary's decision whether or not to approve the NOI; and
- (b) if the decision is a refusal—of the reasons for the decision.

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

4 Subsection 1A.26(2)

Repeal the subsection, substitute:

- (2) If the Secretary has been informed by an exporter, or has otherwise become aware, of a change relevant to a proposed export, the Secretary may, by notice in writing to the exporter, do any of the following:
 - (a) cancel any approval of an NOI for the proposed export that has been given under section 1A.25A;
 - (b) require the exporter:
 - (i) to vary an NOI for the proposed export given to the Secretary; or
 - (ii) to give the Secretary a new NOI for the proposed export.

5 Paragraph 1A.29(3)(c)

After “approved ESCAS”, insert “or approved NOI”.

6 Before paragraph 1A.30(1)(a)

Insert:

- (aa) an NOI for the export of the live-stock has been approved under section 1A.25A and the approval is in force; and

7 At the end of Part 7

Add:

Division 4—Transitional provisions relating to the Export Control (Animals) Amendment (Notices of Intention to Export) Order 2018

7.19 Application of amendments—approval of NOIs

- (1) The amendments made by items 1 and 2 of Schedule 1 to the *Export Control (Animals) Amendment (Notices of Intention to Export) Order 2018* apply in relation to an export of live-stock if the NOI for the proposed export is given to the Secretary after the commencement of that Order.
- (2) The amendments made by items 3 and 4 of Schedule 1 to the *Export Control (Animals) Amendment (Notices of Intention to Export) Order 2018* apply in relation to an NOI for a proposed export of live-stock if the NOI is given to the Secretary after the commencement of that Order.
- (3) The amendment made by item 5 of Schedule 1 to the *Export Control (Animals) Amendment (Notices of Intention to Export) Order 2018* applies in relation to an application for an export permit for a proposed export of live-stock if the NOI for the proposed export is given to the Secretary after the commencement of that Order.
- (4) The amendment made by item 6 of Schedule 1 to the *Export Control (Animals) Amendment (Notices of Intention to Export) Order 2018* applies in relation to the grant of an export permit for a proposed export of live-stock if the NOI for the proposed export is given to the Secretary after the commencement of that Order.