



Export Control Legislation Amendment (2025 Measures No. 1) Rules 2025

I, Adam Phillip Fennessy PSM, Secretary of the Department of Agriculture, Fisheries and Forestry, make the following rules.

Dated 5 February 2025

Adam Phillip Fennessy PSM
Adam Phillip Fennessy PSM
Secretary of the Department for Agriculture, Fisheries and Forestry

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1 Name

This instrument is the *Export Control Legislation Amendment (2025 Measures No. 1) Rules 2025*.

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. Sections 1 to 4 and anything in this instrument not elsewhere covered by this table	The day after this instrument is registered.	13 February 2025
2. Schedule 1, Part 1	The day after this instrument is registered.	13 February 2025
3. Schedule 1, Part 2	The 14th day after this instrument is registered.	26 February 2025

Note: This table relates only to the provisions of this instrument as originally made.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 Act 2020*.

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Export Control (Meat and Meat Products) Rules 2021

1 Subsection 6-2(1)

Omit “the condition in subsection (2) of this section is prescribed in relation to a meat export licence”, substitute “this section prescribes conditions that an export licence is subject to”.

2 Subsection 6-2(1) (note)

Omit “This condition also applies”, substitute “The prescribed conditions also apply”.

3 At the end of section 6-2

Add:

- (3) The holder of the meat export licence must continue to meet the requirements mentioned in subsection 191(2) of the Act for the grant of the licence.

4 At the end of Part 3 of Chapter 6

Add:

6-3A Other requirements that must be met for meat export licence to be renewed

For the purposes of paragraph 196(2)(e) of the Act, the following requirements are prescribed in relation to an application to renew a meat export licence:

- (a) the holder of the licence:
 - (i) is competent to hold the licence; and
 - (ii) is of sound financial standing;
- (b) the holder of the licence has a quality assurance system accredited by the Australian meat standards classification body in place;
- (c) the renewal of the licence would not, for any reason, be contrary to the interests of the meat and meat products industry.

Export Control (Wood and Woodchips) Rules 2021

5 Section 2-2

Omit all the words after “prescribed wood or woodchips”, substitute:

if:

- (a) the wood or woodchips are to be exported in a consignment:
 - (i) of not more than 2 tonnes; or
 - (ii) that includes not more than 2 tonnes of wood or woodchip; or
- (b) the wood or woodchips are derived from trees harvested outside Australian territory.

6 Section 2-13

Repeal the section, substitute:

2-13 Publication of scientific assessments of approved codes of practice

The Secretary must ensure that the findings of the most recent scientific assessment of an approved code of practice for a State, prepared under the direction of the Secretary and based on the national plantation principles, are published on the Department's website.

Note: For the requirement for the Minister to have regard to the findings in approving, or revoking the approval of, a code of practice, see subsections 2-7(5) and 2-12(2).

7 Subsection 6-1(1) (note)

Omit "Note", substitute "Note 1".

8 At the end of subsection 6-1(1)

Add:

Note 2: It is also a requirement for the grant of a wood export licence that the applicant is a fit and proper person (see paragraph 191(2)(a) of the Act and section 6-2A of this instrument).

9 After Part 2 of Chapter 6

Insert:

Part 2A—Fit and proper persons

6-2A Kinds of persons who are required to be fit and proper persons

For the purposes of subsection 373(1) of the Act, the following kinds of persons are required, for the purposes of Chapter 6 of the Act (export licences), to be fit and proper persons (having regard to the matters referred to in section 372 of the Act):

- (a) an applicant for a wood export licence;
- (b) the holder of a wood export licence.

Note: For the application of this section, see section 12-2.

10 At the end of Chapter 12

Add:

12-2 Transitional provisions relating to the *Export Control Legislation Amendment (2025 Measures No. 1) Rules 2025*

Section 6-2A of this instrument, as inserted by Part 1 of Schedule 1 to the *Export Control Legislation Amendment (2025 Measures No. 1) Rules 2025*, applies in relation to the following:

- (a) applications for, or in relation to, wood export licences:
 - (i) made on or after 1 May 2025; or
 - (ii) made before, but not determined by, 1 May 2025; and

Schedule 1 Amendments

Part 1 Amendments commencing day after registration

- (b) other decisions in relation to wood export licences made on or after 1 May 2025.

Part 2—Amendments commencing later

Export Control (Animals) Rules 2021

11 Section 1-6

Insert:

property identification code, for a property or a part of a property (however described), means the identification code allocated to the property or part by the body responsible for stock identification in the State or Territory where the property is located.

12 Subsection 2-1(1)

Omit “Act, the”, substitute “Act, and subject to subsection (3) of this section, the”.

13 After subsection 2-1(2) (before the note)

Insert:

- (3) Goods covered by paragraph (1)(b) or (c) of this section are not prescribed for the purposes of subsection 28(1) of the Act if they are subject to a direction under paragraph 135(2)(b) of the *Biosecurity Act 2015*.

14 After subsection 4-3(6)

Insert:

- (6A) Property identification codes must be allocated to the establishment, or the particular parts of the establishment, at which prescribed livestock are, or will be, prepared for export.

15 Paragraph 6-24(3)(c)

Repeal the paragraph, substitute:

- (c) the address, and the property identification code of the property or the part of the property, from which the sheep or goats originated;

16 At the end of Part 3 of Chapter 6

Add:

6-26A Other requirements for renewal of livestock export licence

- (1) For the purposes of paragraph 196(2)(e) of the Act, this section prescribes other requirements that must be met for the renewal of a livestock export licence.

Note: The requirements provided by paragraphs 196(2)(a), (b), (c) and (d) of the Act must also be met.

Applicant must be competent and of sound financial standing

- (2) The holder of the licence must be:
- (a) competent to hold the licence; and
 - (b) of sound financial standing.

Renewal of licence must not be contrary to interests of livestock industry

- (3) The renewal of the licence must not, for any reason, be contrary to the interests of the livestock industry.

Operations and governance manual

- (4) If the holder of the licence:
- (a) has been granted an exemption under Part 2 of Chapter 2 of the Act from the requirement that prescribed livestock be prepared for export in accordance with an approved arrangement; or
 - (b) intends to apply, or has applied, for such an exemption;
- the holder must have an operations and governance manual for the holder's livestock export business.

Note 1: It is a prescribed export condition that an approved arrangement held by the exporter that covers operations to prepare prescribed livestock for export at a registered establishment or approved premises must be in force and not suspended in relation to those operations at the time they are carried out (see items 1 and 2 of the table in section 2-3).

Note 2: The Secretary may deal with an application for the renewal of an export licence for a kind of export operations in relation to livestock and an application for an exemption at the same time.

Note 3: If the livestock export licence and the exemption are granted, the operations and governance manual must not be varied except as permitted by subsections 6-8(3) to (5).

- (5) The operations and governance manual must set out the matters mentioned in subsection 6-1(5).

17 At the end of subsection 8-6(3)

Add:

- ; and (e) if the livestock is to be transported by air—the exporter has given to the Secretary the property identification codes of each property, or part, at which the livestock were prepared for export.

18 Subsection 9-13(7)

Omit “document that was given to the accredited veterinarian in connection with the export operations”, substitute “record that the veterinarian is required to retain under section 9-26”.

19 Subsection 9-13(7) (note)

Repeal the note.

20 Subsection 9-26(1A)

Repeal the subsection.

21 Subsection 9-26(2)

Omit “, and copies of invoices referred to in subsection (1A), for at least 2 years after the prescribed livestock to which the record relates leave the registered establishment”; substitute “for at least 2 years after the prescribed livestock to which the record relates leave the registered establishment or other premises”.

22 Subsection 9-26(3)

Repeal the subsection (including the note), substitute:

Records of invoices and other documents

- (3) The accredited veterinarian must also keep records of the following:
 - (a) each invoice received relating to the purchase of a drug or product for administration to prescribed livestock as mentioned in subparagraph (1)(a)(iv);
 - (b) each other document given to, or generated by, the veterinarian in connection with, or in the course of carrying out, the export operations.
- (4) The record of an invoice or other document mentioned in subsection (3) must include the original document or a copy of the document.
- (5) The accredited veterinarian must retain each record referred to in subsection (4) for at least 2 years after the livestock leave the registered establishment or other premises where they were held and assembled for export.

Note: An accredited veterinarian may commit an offence of strict liability if a requirement of this section is not complied with (see section 316 of the Act).

23 In the appropriate position in Chapter 12

Insert:

Part 9—Amendments made by the Export Control Legislation Amendment (2025 Measures No. 1) Rules 2025

12-39 Definitions

In this Part:

amending Rules means the *Export Control Legislation Amendment (2025 Measures No. 1) Rules 2025*.

commencement day means the day on which Part 2 of Schedule 1 to the amending Rules commences.

12-40 Application provisions

- (1) The amendments of section 2-1 made by the amending Rules apply in relation to goods in respect of which a direction under paragraph 135(2)(b) of the *Biosecurity Act 2015* is made on or after the commencement day.
- (2) The amendment of section 4-3 made by the amending Rules applies in relation to applications under section 111, 116 or 120 of the Act made on or after the commencement day.
- (3) Section 6-26A, as inserted by the amending Rules, applies in relation to applications under section 195 of the Act made on or after the commencement day.

- (4) The amendment of section 8-6 made by the amending Rules applies in relation to notices of intention to export goods given under section 8-5 on or after the commencement day.
- (5) The amendments of section 9-13 made by the amending Rules apply in relation to accreditations under section 9-12 granted before, on or after the commencement day.
- (6) Paragraph 9-26(3)(b), as inserted by the amending Rules, applies in relation to documents given to, or generated by, a veterinarian on or after the commencement day.

Export Control (Miscellaneous) Rules 2021

24 After Part 3

Insert:

Part 4—Fit and proper person test

4-1 Fit and proper persons

- (1) For the purposes of paragraph 372(2)(j) of the Act, this section prescribes other matters the Secretary must have regard to in determining whether a person is a fit and proper person for the purposes of the provisions mentioned in, or prescribed under, subsection 372(1) of the Act.
- (2) A prescribed matter is whether the person or an associate of the person gave false or misleading information or documents to the Secretary, or to another person, performing functions or duties or exercising powers under:
 - (a) the repealed *Export Control Act 1982*; or
 - (b) the repealed Part 2 of the *Australian Meat and Live-stock Industry Act 1997*.

Note 1: The *Export Control Act 1982* was repealed on 28 March 2021 by Schedule 1 to the *Export Control (Consequential Amendments and Transitional Provisions) Act 2020*.

Note 2: Part 2 of the *Australian Meat and Live-stock Industry Act 1997* was repealed on 28 March 2021 by Schedule 2 to the *Export Control (Consequential Amendments and Transitional Provisions) Act 2020*.

25 At the end of Part 5

Add:

5-2 Amendments made by the *Export Control Legislation Amendment (2025 Measures No. 1) Rules 2025*

Section 4-1, as inserted by Part 2 of Schedule 1 to the *Export Control Legislation Amendment (2025 Measures No. 1) Rules 2025*, applies in relation to applications made that require a determination under section 372 of the Act on or after the day on which that Part commences.