

EXPLANATORY STATEMENT

Issued by Authority of the Acting Secretary of the Department of Agriculture, Fisheries and Forestry

Export Control Act 2020

Export Control Legislation Amendment (2025 Measures No. 2) Rules 2025

Legislative Authority

The *Export Control Legislation Amendment (2025 Measures No. 2) Rules 2025* (the Amendment Rules) are made by the Secretary of the Department of Agriculture, Fisheries and Forestry (the department) under section 432 of the *Export Control Act 2020* (the Act).

Section 432 of the Act relevantly provides that the Secretary of the department (the Secretary) may, by legislative instrument, make rules prescribing matters required or permitted by the Act, or that are necessary or convenient to be prescribed for carrying out or giving effect to the Act.

Several provisions in the Act set the parameters of the Secretary's rule-making power and either:

- provide examples of the kinds of things for which the Secretary may make provision in the rules; or
- set out the default matters for the provision and allow the Secretary to give further detail, or set out additional requirements, in the rules.

Under section 289 of the Act, the Minister may give directions to the Secretary about the performance of the Secretary's functions or the exercise of the Secretary's powers in making rules under section 432 of the Act. Directions made by the Minister to the Secretary are legislative instruments but are not subject to disallowance or sunset. At the time of commencement, a Ministerial direction has not been made under section 289 of the Act for the purposes of rules relating to the export of goods.

Subsection 33(3) of the *Acts Interpretation Act 1901* provides that where an Act confers a power to make, grant or issue any instrument of a legislative or administrative character (including rules, regulations or by-laws) the power shall be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal, rescind, revoke, amend or vary any such instrument.

Purpose

The Amendment Rules amend the following commodity rules:

- *Export Control (Animals) Rules 2021* (Animals Rules);
- *Export Control (Eggs and Egg Products) Rules 2021* (Egg Rules);
- *Export Control (Fish and Fish Products) Rules 2021* (Fish Rules);
- *Export Control (Meat and Meat Products) Rules 2021* (Meat Rules);
- *Export Control (Milk and Milk Products) Rules 2021* (Milk Rules);
- *Export Control (Organic Goods) Rules 2021* (Organic Goods Rules);

- *Export Control (Poultry Meat and Poultry Meat Products) Rules 2021* (Poultry Meat Rules);
- *Export Control (Rabbit and Ratite Meat and Rabbit and Ratite Meat Products) Rules 2021* (Rabbit and Ratite Meat Rules);
- *Export Control (Wild Game Meat and Wild Game Meat Products) Rules 2021* (Wild Game Rules).

The purpose of these Amendment Rules is to improve the administrative efficiency of the audit report requirements in all the listed commodity rules.

The Amendment Rules amend the Egg Rules, Fish Rules and Milk Rules for the purposes of imposing frequency requirements for internal audits and management reviews.

The Amendment Rules also amend the Meat Rules to update the definition of Australian Meat Industry Classification System to refer to the most recent System published by AUS-MEAT Limited. The Amendment Rules also amend the Meat Rules for the purposes of updating the definition of *veal*.

The Amendment Rules also make minor technical amendments to the Meat Rules, Poultry Meat Rules, Rabbit and Ratite Meat Rules and the Wild Game Meat Rules to clarify matters relating to meat inspection reforms.

Background

The department regularly reviews the rules made under the Act to ensure that it supports the competitiveness and productivity of Australia's agricultural export sector.

The amendments address issues that have been raised by stakeholders or identified by the department. The amendments ensure that the rules made under the Act remain fit for purpose and are updated to reflect current operational requirements.

Impact and Effect

The amendments to the listed commodity rules relating to audit report requirements improve the administrative efficiency of the audit requirements by requiring audit reports to only be given to the Secretary upon written request by the Secretary.

The amendments to the Egg Rules, Fish Rules and Milk Rules require an internal audit and management review of the effectiveness of the management practices of the holder of an approved arrangement, to be conducted at least once every 12 months, as a condition of the approved arrangement. Previously, there was no frequency requirement for these internal audits and management reviews.

The amendment of the definition of *Australian Meat Industry Classification System* in the Meat Rules ensures that the Meat Rules incorporate the Australian Meat Industry Classification System published by AUS-MEAT Limited, as it exists at the commencement of the Amendment Rules. The amendment of the definition of *veal* in the Meat Rules achieves more consistency with the current definition of veal used by trading partners and improves market access.

The amendments to the Meat Rules, Poultry Meat Rules, Rabbit and Ratite Meat Rules and Wild Game Rules ensure consistency among the provisions relating to meat inspection services.

Consultation

Public consultation on the amendments was conducted between 19 May and 20 June 2025 through the Have Your Say platform on the department's website. Public consultation through the Have Your Say Platform was also supported by direct industry engagement, which included the distribution of advice notices on the department's website and directly to industry participants and representative organisations. All feedback received from industry and other stakeholders through the Have Your Say platform was supportive of the proposed changes.

Details/ Operation

The Amendment Rules are a legislative instrument for the purposes of the *Legislation Act 2003*.

The Amendment Rules commence the day after the Instrument is registered on the Federal Register of Legislation.

Details of the Amendment Rules are set out in Attachment A.

Other

The Amendment Rules are compatible with the human rights and freedoms recognised or declared under section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*. A full Statement of Compatibility with Human Rights is set out in Attachment B.

Details of the *Export Control Legislation Amendment (2025 Measures No. 2) Rules 2025*

Section 1 – Name

This section provides that the name of the instrument is the *Export Control Legislation Amendment (2025 Measures No. 2) Rules 2025* (the Amendment Rules).

Section 2 – Commencement

This section provides that the Amendment Rules commence on the day after the instrument is registered on the Federal Register of Legislation.

The note below the table provides that the table relates only to the provision of the Amendment Rules as originally made. It would not be amended to deal with later amendments of the Amendment Rules. The purpose of this note is to clarify that the commencement of any amendments is not reflected in this table.

Section 3 – Authority

This section provides that the Amendment Rules are made under the *Export Control Act 2020*.

Section 4 – Schedules

This section provides for the amendment or repeal of instruments as set out in a Schedule to the Amendment Rules. This enables the amendment of the *Export Control (Animals) Rules 2021*, *Export Control (Eggs and Egg Products) Rules 2021*, *Export Control (Fish and Fish Products) Rules 2021*, *Export Control (Meat and Meat Products) Rules 2021*, *Export Control (Milk and Milk Products) Rules 2021*, *Export Control (Organic Goods) Rules 2021*, *Export Control (Poultry Meat and Poultry Meat Products) Rules 2021*, *Export Control (Rabbit and Ratite Meat and Rabbit and Ratite Meat Products) Rules 2021* and *Export Control (Wild Game Meat and Wild Game Meat Products) Rules 2021* (see Schedule 1 below).

Schedule 1 – Amendments

Part 1—Audit Reports

Export Control (Animals) Rules 2021

Item [1] – Subsection 9-4(1) (notes)

This item repeals the notes following subsection 9-4(1) of the *Export Control (Animals) Rules 2021* (Animals Rules) and substitutes two new notes following subsection 9-4(1).

The first new note following subsection 9-4(1) explains that an auditor is an authorised officer or an approved auditor and refers the reader to the definition of **auditor** in section 12 of the *Export Control Act 2020* (the Act).

The second new note following subsection 9-4(1) refers the reader to section 269 of the Act for the person who is the **relevant person** for an audit.

An “auditor” is defined in section 12 of the Act to mean an approved auditor or an authorised officer whose functions and powers include carrying out an assessment of goods under Part 2 of Chapter 9 of the Act.

The meaning of “relevant person” is set out in section 269 of the Act. Who the “relevant person” is for an audit depends on the kind of audit that is being conducted. For example, for an audit of export operations covered by an approved arrangement, the relevant person is the holder of the approved arrangement.

This amendment is technical as the notes retain the same substantive meaning. The purpose of this amendment is to maintain consistency with other rules made under the Act containing equivalent provisions.

Item [2] – Section 9-5(1) (note)

This item repeals the note following subsection 9-5(1) of the Animals Rules and substitutes a new note following subsection 9-5(1).

The new note following subsection 9-5(1) explains that an auditor is an authorised officer or an approved auditor and refers the reader to the definition of **auditor** in section 12 of the Act.

This amendment is technical as the notes retain the same substantive meaning. The purpose of this amendment is to maintain consistency with other rules made under the Act containing equivalent provisions.

Item [3] – Subsection 9-5(5)

Section 9-5 of the Animals Rules provides requirements for audit reports, including requirements to give the audit report to the Secretary and relevant person for the audit, and the timeframe in which the report must be given.

Subsection 9-5(5) previously provided that within 14 business days after the audit is completed or ends, the auditor must give the audit report to the Secretary in a manner approved by the Secretary and give a copy of the audit report to the relevant person for the audit.

This item repeals subsection 9-5(5), including the note, and substitutes new subsections 9-5(5), (6) and (7) of the Animals Rules.

New subsection 9-5(5) provides that the auditor must give a copy of the audit report to the relevant person for the audit before the end of the period of 14 business days beginning on the day after the audit is completed or ends.

The note following new subsection 9-5(5) refers the reader to section 269 of the Act for the person who is the *relevant person* for an audit.

New subsection 9-5(6) provides that the Secretary may, by notice in writing given to the auditor, request the auditor to give the Secretary a copy of the audit report. The Secretary may specify in the notice the manner in which the auditor is to give the copy.

New subsection 9-5(7) provides that the auditor must comply with any request under subsection 9-5(6) before the end of the later of the following periods:

- the period of 14 business days beginning on the day the Secretary made the request;
- the period of 14 business days beginning on the day the audit is completed or ends.

The amendments made by this item have the effect that an auditor is no longer required to give the audit report to the Secretary unless the Secretary has made a written request to the auditor to give the audit report. If the Secretary requests a copy of the audit report, the auditor must give the report to the Secretary before the end of the period of 14 business days beginning on the day the Secretary made the request, or the period of 14 business days beginning on the day the audit is completed or ends, whichever period is later.

These amendments remove unnecessary administration and complexities in the audit process. It is not operationally necessary for the Secretary to receive all audit reports. Instead, the Secretary may seek a copy of an audit report where the Secretary considers it appropriate to do so.

Requiring persons to provide information or documents may incidentally require the provision of personal information. Part 3 of Chapter 11 of the Act governs the use and disclosure of personal information. Section 388 provides that only certain “entrusted persons” may use or disclose relevant information and that they may only do so for a specified purpose (performing functions or duties, or exercising powers, under the Act or assisting another person to perform functions or duties, or exercise powers, under the Act). Section 397G of the Act provides an offence for the unauthorised use or disclosure of protected information. This provides a safeguard against potential misuse or disclosure of personal information collected.

The department maintains robust policies and procedures to protect any personal information which it holds, as documented in the department’s Privacy Policy at agriculture.gov.au/about/commitment/privacy. As part of these processes, personal information is held in accordance with the collection and security requirements of the

Australian Privacy Principles, the department's policies and procedures and the Australian Government Protective Security Policy Framework.

Export Control (Eggs and Egg Products) Rules 2021

Item [4] – Subsection 9-6(6)

Section 9-6 of the *Export Control (Eggs and Egg Products) Rules 2021* (Egg Rules) provides requirements for audit reports, including requirements to give the audit report to the Secretary and relevant person for the audit, and the timeframe in which the report must be given.

Subsection 9-6(6) previously provided that within 14 business days after the audit is completed or ends, the auditor must give the audit report to the Secretary in a manner approved by the Secretary and give a copy of the audit report to the relevant person for the audit.

This item repeals subsection 9-6(6), including the note, and substitutes new subsections 9-6(6), (7) and (8) of the Egg Rules.

New subsection 9-6(6) provides that the auditor must give a copy of the audit report to the relevant person for the audit before the end of the period of 14 business days beginning on the day after the audit is completed or ends.

The note following new subsection 9-6(6) refers the reader to section 269 of the Act for the person who is the ***relevant person*** for an audit.

New subsection 9-6(7) provides that the Secretary may, by notice in writing given to the auditor, request the auditor to give the Secretary a copy of the audit report. The Secretary may specify in the notice the manner in which the auditor is to give the copy.

New subsection 9-6(8) provides that the auditor must comply with any request under subsection 9-6(7) before the end of the later of the following periods:

- the period of 14 business days beginning on the day the Secretary made the request;
- the period of 14 business days beginning on the day the audit is completed or ends.

The amendments made by this item have the effect that an auditor is no longer required to give the audit report to the Secretary unless the Secretary has made a written request to the auditor to give the audit report. If the Secretary requests a copy of the audit report, the auditor must give the report to the Secretary before the end of the period of 14 business days beginning on the day the Secretary made the request, or the period of 14 business days beginning on the day the audit is completed or ends, whichever period is later.

These amendments remove unnecessary administration and complexities in the audit process. It is not operationally necessary for the Secretary to receive all audit reports. Instead, the Secretary may seek a copy of an audit report where the Secretary considers it appropriate to do so.

Export Control (Fish and Fish Products) Rules 2021

Item [5] – Subsection 9-6(6)

Section 9-6 of the *Export Control (Fish and Fish Products) Rules 2021* (Fish Rules) provides requirements for audit reports, including requirements to give the audit report to the Secretary and relevant person for the audit, and the timeframe in which the report must be given.

Subsection 9-6(6) previously provided that within 14 business days after the audit is completed or ends, the auditor must give the audit report to the Secretary in a manner approved by the Secretary and give a copy of the audit report to the relevant person for the audit.

This item repeals subsection 9-6(6), including the note, and substitutes new subsections 9-6(6), (7) and (8) of the Fish Rules.

New subsection 9-6(6) provides that the auditor must give a copy of the audit report to the relevant person for the audit before the end of the period of 14 business days beginning on the day the audit is completed or ends.

The note following new subsection 9-6(6) refers the reader to section 269 of the Act for the person who is the ***relevant person*** for an audit.

New subsection 9-6(7) provides that the Secretary may, by notice in writing given to the auditor, request the auditor to give the Secretary a copy of the audit report. The Secretary may specify in the notice the manner in which the auditor is to give the copy.

New subsection 9-6(8) provides that the auditor must comply with any request under subsection 9-6(7) before the end of the later of the following periods:

- the period of 14 business days beginning on the day the Secretary made the request;
- the period of 14 business days beginning on the day the audit is completed or ends.

The amendments made by this item have the effect that an auditor is no longer required to give the audit report to the Secretary unless the Secretary has made a written request to the auditor to give the audit report. If the Secretary requests a copy of the audit report, the auditor must give the report to the Secretary before the end of the period of 14 business days beginning on the day the Secretary made the request, or the period of 14 business days beginning on the day the audit is completed or ends, whichever period is later.

These amendments remove unnecessary administration and complexities in the audit process. It is not operationally necessary for the Secretary to receive all audit reports. Instead, the Secretary may seek a copy of an audit report where the Secretary considers it appropriate to do so.

Export Control (Meat and Meat Products) Rules 2021

Item [6] – Subsection 9-5(6)

Section 9-5 of the *Export Control (Meat and Meat Products) Rules 2021* (Meat Rules) provides requirements for audit reports, including requirements to give the audit report to the

Secretary and relevant person for the audit, and the timeframe in which the report must be given.

Subsection 9-5(6) previously provided that within 14 business days after the audit is completed or ends, the auditor must give the audit report to the Secretary in a manner approved by the Secretary and give a copy of the audit report to the relevant person for the audit.

This item repeals subsection 9-5(6), including the note, and substitutes new subsections 9-5(6), (7) and (8) of the Meat Rules.

New subsection 9-5(6) provides that the auditor must give a copy of the audit report to the relevant person for the audit before the end of the period of 14 business days beginning on the day the audit is completed or ends.

The note following new subsection 9-5(6) refers the reader to section 269 of the Act for the person who is the *relevant person* for an audit.

New subsection 9-5(7) provides that the Secretary may, by notice in writing given to the auditor, request the auditor to give the Secretary a copy of the audit report. The Secretary may specify in the notice the manner in which the auditor is to give the copy.

New subsection 9-5(8) provides that the auditor must comply with any request under subsection 9-5(7) before the end of the later of the following periods:

- the period of 14 business days beginning on the day the Secretary made the request;
- the period of 14 business days beginning on the day the audit is completed or ends.

The amendments made by this item have the effect that an auditor is no longer required to give the audit report to the Secretary unless the Secretary has made a written request to the auditor to give the audit report. If the Secretary requests a copy of the audit report, the auditor must give the report to the Secretary before the end of the period of 14 business days beginning on the day the Secretary made the request, or the period of 14 business days beginning on the day the audit is completed or ends, whichever period is later.

These amendments remove unnecessary administration and complexities in the audit process. It is not operationally necessary for the Secretary to receive all audit reports. Instead, the Secretary may seek a copy of an audit report where the Secretary considers it appropriate to do so.

Export Control (Milk and Milk Products) Rules 2021

Item [7] – Subsection 9-6(6)

Section 9-6 of the *Export Control (Milk and Milk Products) Rules 2021* (Milk Rules) provides requirements for audit reports, including requirements to give the audit report to the Secretary and relevant person for the audit, and the timeframe in which the report must be given.

Subsection 9-6(6) previously provided that within 14 business days after the audit is completed or ends, the auditor must give the audit report to the Secretary in a manner

approved by the Secretary and give a copy of the audit report to the relevant person for the audit.

This item repeals subsection 9-6(6), including the note, and substitutes new subsections 9-6(6), (7) and (8) of the Milk Rules.

New subsection 9-6(6) provides that the auditor must give a copy of the audit report to the relevant person for the audit before the end of the period of 14 business days beginning on the day the audit is completed or ends.

The note following new subsection 9-6(6) refers the reader to section 269 of the Act for the person who is the *relevant person* for an audit.

New subsection 9-6(7) provides that the Secretary may, by notice in writing given to the auditor, request the auditor to give the Secretary a copy of the audit report. The Secretary may specify in the notice the manner in which the auditor is to give the copy.

New subsection 9-6(8) provides that the auditor must comply with any request under subsection 9-6(7) before the end of the later of the following periods:

- the period of 14 business days beginning on the day the Secretary made the request;
- the period of 14 business days beginning on the day the audit is completed or ends.

The amendments made by this item have the effect that an auditor is no longer required to give the audit report to the Secretary unless the Secretary has made a written request to the auditor to give the audit report. If the Secretary requests a copy of the audit report, the auditor must give the report to the Secretary before the end of the period of 14 business days beginning on the day the Secretary made the request, or the period of 14 business days beginning on the day the audit is completed or ends, whichever period is later.

These amendments remove unnecessary administration and complexities in the audit process. It is not operationally necessary for the Secretary to receive all audit reports. Instead, the Secretary may seek a copy of an audit report where the Secretary considers it appropriate to do so.

Export Control (Organic Goods) Rules 2021

Item [8] – At the end of subsection 9-4(1)

This item adds a new note at the end of subsection 9-4(1) of the *Export Control (Organic Goods) Rules 2021* (Organic Goods Rules). The note provides that an auditor is an authorised officer or an approved auditor and refers the reader to see section 12 of the Act for the definition of *auditor*.

An equivalent note was previously provided at the end of subsection 9-4(2) of the Organic Goods Rules. This amendment is consequential to the repeal of subsection 9-4(2) (including the notes) by item 9 below.

Item [9] – Subsection 9-4(2)

Section 9-4 of the Organic Goods Rules provides requirements for audit reports, including requirements to give the audit report to the Secretary and relevant person for the audit, and the timeframe in which the report must be given.

Subsection 9-4(2) previously provided that within 14 business days after the audit is completed or ends, the auditor must give the audit report to the Secretary in a manner approved by the Secretary and give a copy of the audit report to the relevant person for the audit.

This item repeals subsection 9-4(2), including the notes, and substitutes new subsections 9-4(2), (3) and (4) of the Organic Goods Rules.

New subsection 9-4(2) provides that the auditor must give a copy of the audit report to the relevant person for the audit before the end of the period of 14 business days beginning on the day the audit is completed or ends.

The note following new subsection 9-4(3) refers the reader to section 269 of the Act for the person who is the *relevant person* for an audit.

New subsection 9-4(3) provides that the Secretary may, by notice in writing given to the auditor, request the auditor to give the Secretary a copy of the audit report. The Secretary may specify in the notice the manner in which the auditor is to give the copy.

New subsection 9-4(4) provides that the auditor must comply with any request under subsection 9-4(3) before the end of the later of the following periods:

- the period of 14 business days beginning on the day the Secretary made the request;
- the period of 14 business days beginning on the day the audit is completed or ends.

The amendments made by this item have the effect that an auditor is no longer required to give the audit report to the Secretary unless the Secretary has made a written request to the auditor to give the audit report. If the Secretary requests a copy of the audit report, the auditor must give the report to the Secretary before the end of the period of 14 business days beginning on the day the Secretary made the request, or the period of 14 business days beginning on the day the audit is completed or ends, whichever period is later.

These amendments remove unnecessary administration and complexities in the audit process. It is not operationally necessary for the Secretary to receive all audit reports. Instead, the Secretary may seek a copy of an audit report where the Secretary considers it appropriate to do so.

Export Control (Poultry Meat and Poultry Meat Products) Rules 2021

Item [10] – Subsection 9-5(6)

Section 9-5 of the *Export Control (Poultry Meat and Poultry Meat Products) Rules 2021* (Poultry Meat Rules) provides requirements for audit reports, including requirements to give the audit report to the Secretary and relevant person for the audit, and the timeframe in which the report must be given.

Subsection 9-5(6) previously provided that within 14 business days after the audit is completed or ends, the auditor must give the audit report to the Secretary in a manner approved by the Secretary and give a copy of the audit report to the relevant person for the audit.

This item repeals subsection 9-5(6), including the note, and substitutes new subsections 9-5(6), (7) and (8) of the Poultry Meat Rules.

New subsection 9-5(6) provides that the auditor must give a copy of the audit report to the relevant person for the audit before the end of the period of 14 business days beginning on the day the audit is completed or ends.

The note following new subsection 9-5(6) refers the reader to section 269 of the Act for the person who is the *relevant person* for an audit.

New subsection 9-5(7) provides that the Secretary may, by notice in writing given to the auditor, request the auditor to give the Secretary a copy of the audit report. The Secretary may specify in the notice the manner in which the auditor is to give the copy.

New subsection 9-5(8) provides that the auditor must comply with any request under subsection 9-5(7) before the end of the later of the following periods:

- the period of 14 business days beginning on the day the Secretary made the request;
- the period of 14 business days beginning on the day the audit is completed or ends.

The amendments made by this item have the effect that an auditor is no longer required to give the audit report to the Secretary unless the Secretary has made a written request to the auditor to give the audit report. If the Secretary requests a copy of the audit report, the auditor must give the report to the Secretary before the end of the period of 14 business days beginning on the day the Secretary made the request, or the period of 14 business days beginning on the day the audit is completed or ends, whichever period is later.

These amendments remove unnecessary administration and complexities in the audit process. It is not operationally necessary for the Secretary to receive all audit reports. Instead, the Secretary may seek a copy of an audit report where the Secretary considers it appropriate to do so.

Export Control (Rabbit and Ratite Meat and Rabbit and Ratite Meat Products) Rules 2021

Item [11] – Subsection 9-5(6)

Section 9-5 of the *Export Control (Rabbit and Ratite Meat and Rabbit and Ratite Meat Products) Rules 2021* (Rabbit and Ratite Meat Rules) provides requirements for audit reports, including requirements to give the audit report to the Secretary and relevant person for the audit, and the timeframe in which the report must be given.

Subsection 9-5(6) previously provided that within 14 business days after the audit is completed or ends, the auditor must give the audit report to the Secretary in a manner approved by the Secretary and give a copy of the audit report to the relevant person for the audit.

This item repeals subsection 9-5(6), including the note, and substitutes new subsections 9-5(6), (7) and (8) of the Rabbit and Ratite Meat Rules.

New subsection 9-5(6) provides that the auditor must give a copy of the audit report to the relevant person for the audit before the end of the period of 14 business days beginning on the day the audit is completed or ends.

The note following new subsection 9-5(6) refers the reader to section 269 of the Act for the person who is the *relevant person* for an audit.

New subsection 9-5(7) provides that the Secretary may, by notice in writing given to the auditor, request the auditor to give the Secretary a copy of the audit report. The Secretary may specify in the notice the manner in which the auditor is to give the copy.

New subsection 9-5(8) provides that the auditor must comply with any request under subsection 9-5(7) before the end of the later of the following periods:

- the period of 14 business days beginning on the day the Secretary made the request;
- the period of 14 business days beginning on the day the audit is completed or ends.

The amendments made by this item have the effect that an auditor is no longer required to give the audit report to the Secretary unless the Secretary has made a written request to the auditor to give the audit report. If the Secretary requests a copy of the audit report, the auditor must give the report to the Secretary before the end of the period of 14 business days beginning on the day the Secretary made the request, or the period of 14 business days beginning on the day the audit is completed or ends, whichever period is later.

These amendments remove unnecessary administration and complexities in the audit process. It is not operationally necessary for the Secretary to receive all audit reports. Instead, the Secretary may seek a copy of an audit report where the Secretary considers it appropriate to do so.

Export Control (Wild Game Meat and Wild Game Meat Products) Rules 2021

Item [12] – Subsection 9-5(6)

Section 9-5 of the *Export Control (Wild Game Meat and Wild Game Meat Products) Rules 2021* (Wild Game Meat Rules) provides requirements for audit reports, including requirements to give the audit report to the Secretary and relevant person for the audit, and the timeframe in which the report must be given.

Subsection 9-5(6) previously provided that within 14 business days after the audit is completed or ends, the auditor must give the audit report to the Secretary in a manner approved by the Secretary and give a copy of the audit report to the relevant person for the audit.

This item repeals subsection 9-5(6), including the note, and substitutes new subsections 9-5(6), (7) and (8) of the Wild Game Meat Rules.

New subsection 9-5(6) provides that the auditor must give a copy of the audit report to the relevant person for the audit before the end of the period of 14 business days beginning on the day the audit is completed or ends.

The note following new subsection 9-5(6) refers the reader to section 269 of the Act for the person who is the *relevant person* for an audit.

New subsection 9-5(7) provides that the Secretary may, by notice in writing given to the auditor, request the auditor to give the Secretary a copy of the audit report. The Secretary may specify in the notice the manner in which the auditor is to give the copy.

New subsection 9-5(8) provides that the auditor must comply with any request under subsection 9-5(7) before the end of the later of the following periods:

- the period of 14 business days beginning on the day the Secretary made the request;
- the period of 14 business days beginning on the day the audit is completed or ends.

The amendments made by this item have the effect that an auditor is no longer required to give the audit report to the Secretary unless the Secretary has made a written request to the auditor to give the audit report. If the Secretary requests a copy of the report, the auditor must give the report to the Secretary before the end of the period of 14 business days beginning on the day the Secretary made the request, or the period of 14 business days beginning on the day the audit is completed or ends, whichever period is later.

These amendments remove unnecessary administration and complexities in the audit process. It is not operationally necessary for the Secretary to receive all audit reports. Instead, the Secretary may seek a copy of an audit report where the Secretary considers it appropriate to do so.

Part 2—Internal audits and management reviews

Export Control (Eggs and Egg Products) Rules 2021

Item [13] – After subsection 5-41(1)

Section 5-41 of the Egg Rules provides requirements for internal audits and management reviews. These requirements are imposed as a condition of an approved arrangement under Part 2 of Chapter 5 of the Egg Rules.

This item inserts new subsections 5-41(1A) and (1B) after subsection 5-41(1) of the Egg Rules. Subsection 5-41(1) provides, broadly, that internal audits and management reviews must be conducted of the effectiveness of the management practices of the holder of an approved arrangement for export operations carried out at a registered establishment in ensuring compliance with certain specified matters, including applicable requirements of the Act.

New subsection 5-41(1A) provides that subject to subsection 5-41(2) of the Egg Rules, at least one internal audit under subsection 5-41(1) of the Egg Rules must be completed before the end of each of the following periods:

- either:
 - in relation to an approved arrangement that is in force on the day new subsection 5-41(1A) commences—the period of 12 months beginning on that day; or
 - in relation to an approved arrangement that takes effect after the day new subsection 5-41(1A) commences—the period of 12 months beginning on the date the approved arrangement takes effect;
- the period of 12 months after the completion of the last internal audit after the commencement of new subsection 5-41(1A).

New subsection 5-41(1B) provides that at least one management review under subsection 5-41(1) of the Egg Rules must be completed before the end of each of the following periods:

- either:
 - in relation to an approved arrangement that is in force on the day new subsection 5-41(1B) commences—the period of 12 months beginning on that day; or
 - in relation to an approved arrangement that takes effect after the day new subsection 5-41(1B) commences—the period of 12 months beginning on the date the approved arrangement takes effect;
- the period of 12 months after the completion of the last management review after the commencement of new subsection 5-41(1B).

New subsections 5-41(1A) and (1B) of the Egg Rules have the effect that internal audits and management reviews required under subsection 5-41(1) of the Egg Rules, must be carried out at least once every 12 months. Where an approved arrangement is already in force at the time of commencement of these amendments, such an audit and review must be carried out within 12 months of these amendments commencing, otherwise an audit and review must be carried out within 12 months of the date an approved arrangement takes effect. A further audit and review must then be carried out every 12 months thereafter.

The addition of a frequency requirement for internal audits and management reviews ensures that management staff of registered establishments regularly conduct internal audits and management reviews in relation to their approved arrangements so that their processes and documentation can be regularly updated as appropriate.

Export Control (Fish and Fish Products) Rules 2021

Item [14] – After subsection 5-49(1)

Section 5-49 of the Fish Rules provides requirements for internal audits and management reviews. These requirements are imposed as a condition of an approved arrangement under Part 2 of Chapter 5 of the Fish Rules.

This item inserts new subsections 5-49(1A) and (1B) after subsection 5-49(1) of the Fish Rules. Subsection 5-49(1) provides, broadly, that internal audits and management reviews must be conducted of the effectiveness of the management practices of the holder of an approved arrangement for export operations carried out at a registered establishment in ensuring compliance with certain specified matters, including applicable requirements of the Act.

New subsection 5-49(1A) provides that subject to subsection 5-49(2) of the Fish Rules, at least one internal audit under subsection 5-49(1) of the Fish Rules must be completed before the end of each of the following periods:

- either:
 - in relation to an approved arrangement that is in force on the day new subsection 5-49(1A) commences—the period of 12 months beginning on that day; or
 - in relation to an approved arrangement that takes effect after the day new subsection 5-49(1A) commences—the period of 12 months beginning on the date the approved arrangement takes effect;
- the period of 12 months after the completion of the last internal audit after the commencement of new subsection 5-49(1A).

New subsection 5-49(1B) provides that at least one management review under subsection 5-49(1) of the Fish Rules must be completed before the end of each of the following periods:

- either:
 - in relation to an approved arrangement that is in force on the day new subsection 5-49(1B) commences—the period of 12 months beginning on that day; or
 - in relation to an approved arrangement that takes effect after the day new subsection 5-49(1B) commences—the period of 12 months beginning on the date the approved arrangement takes effect;
- the period of 12 months after the completion of the last management review after the commencement of new subsection 5-49(1B).

New subsections 5-49(1A) and (1B) of the Fish Rules have the effect that internal audits and management reviews required under subsection 5-49(1) of the Fish Rules, must be carried out at least once every 12 months. Where an approved arrangement is already in force at the time of commencement of these amendments, such an audit and review must be carried out within 12 months of these amendments commencing, otherwise an audit and review must be carried

out within 12 months of the date an approved arrangement takes effect. A further audit and review must then be carried out every 12 months thereafter.

The addition of a frequency requirement for internal audits and management reviews ensures that management staff of registered establishments regularly conduct internal audits and management reviews in relation to their approved arrangements so that their processes and documentation can be regularly updated as appropriate.

Export Control (Milk and Milk Products) Rules 2021

Item [15] – After subsection 5-40(1)

Section 5-40 of the Milk Rules provides requirements for internal audits and management reviews. These requirements are imposed as a condition of an approved arrangement under Part 2 of Chapter 5 of the Milk Rules.

This item inserts new subsections 5-40(1A) and (1B) after subsection 5-40(1) of the Milk Rules. Subsection 5-40(1) provides, broadly, that internal audits and management reviews must be conducted of the effectiveness of the management practices of the holder of an approved arrangement for export operations carried out at a registered establishment in ensuring compliance with certain specified matters, including applicable requirements of the Act.

New subsection 5-40(1A) provides that subject to subsection 5-40(2) of the Milk Rules, at least one internal audit under subsection 5-40(1) of the Milk Rules must be completed before the end of each of the following periods:

- either:
 - in relation to an approved arrangement that is in force on the day new subsection 5-40(1A) commences—the period of 12 months beginning on that day; or;
 - in relation to an approved arrangement that takes effect after the day new subsection 5-40(1A) commences—the period of 12 months beginning on the date the approved arrangement takes effect;
- the period of 12 months after the completion of the last internal audit after the commencement of new subsection 5-40(1A).

New subsection 5-40(1B) provides that at least one management review under subsection 5-40(1) of the Milk Rules must be completed before the end of each of the following periods:

- either:
 - in relation to an approved arrangement that is in force on the day new subsection 5-40(1B) commences—the period of 12 months beginning on that day; or
- the period of 12 months after the completion of the last management review after the commencement of new subsection 5-40(1B).

New subsections 5-40(1A) and (1B) of the Milk Rules have the effect that internal audits and management reviews required under subsection 5-40(1) of the Milk Rules, must be carried out at least once every 12 months. Where an approved arrangement is already in force at the time of commencement of these amendments, such an audit and review must be carried out within 12 months of these amendments commencing, otherwise an audit and review must be

carried out within 12 months of the date an approved arrangement takes effect. A further audit and review must then be carried out every 12 months thereafter.

The addition of a frequency requirement for internal audits and management reviews ensures that management staff of registered establishments regularly conduct internal audits and management reviews in relation to their approved arrangements so that their processes and documentation can be regularly updated as appropriate.

Part 3—Australian Meat Industry Classification System and definition of veal

Export Control (Meat and Meat Products) Rules 2021

Item [16] – Section 1-5 (definition of *Australian Meat Industry Classification System*)

Section 1-5 of the Meat Rules provides the definitions for terms used in the Meat Rules including the definition of ***Australian Meat Industry Classification System***, which means the Australian Meat Industry Classification System published by AUS-MEAT Limited, as that System exists at the commencement of the instrument (meaning the Meat Rules).

This item omits the words “this instrument” and substitutes the words “Part 3 of Schedule 1 to the *Export Control Legislation Amendment (2025 Measures No. 2) Rules 2025*” in the definition of ***Australian Meat Industry Classification System*** in section 1-5 of the Meat Rules.

This amendment has the effect that ***Australian Meat Industry Classification System*** means the Australian Meat Industry Classification System published by AUS-MEAT Limited, as that System exists at the commencement of the Amendment Rules. AUS-MEAT Limited (Authority for Uniform Specification – MEAT) is an industry owned body, which is responsible for setting trade description and classification standards for meat and meat products for export from Australian territory (see definition for ***Australian meat standards classification body*** in section 1-5 of the Meat Rules.)

The purpose of this amendment is to ensure that the meaning of, and the references to, the Australian Meat Industry Classification System in the Meat Rules are updated to reflect the Australian Meat Industry Classification System published by AUS-MEAT Limited as it exists at the commencement of the Amendment Rules, which replaces the 2021 version of the Australian Meat Industry Classification System published by AUS-MEAT Limited.

The Australian Meat Industry Classification System published by AUS-MEAT Limited is incorporated by reference in the form in which it exists at the commencement of the Amendment Rules and not in the form in which it may exist from time to time. This approach is consistent with paragraph 14(1)(b) of the *Legislation Act 2003*, which provides relevantly that a legislative instrument may make provision in relation to a matter by applying, adopting or incorporating any matter contained in an instrument or other instrument in writing in force or existing at the time when the legislative instrument commences. In 2025, the Australian Meat Industry Classification System is freely available on the AUS-MEAT website (<https://www.ausmeat.com.au/members/publications/australian-meat-industry-classification-system/>). Access requires an account, and it is free to create an account on the AUS-MEAT website.

Item [17] – Section 1-5 (paragraph (b) of the definition of *veal*)

Section 1-5 of the Meat Rules provides the definitions for terms used in the Meat Rules including the definition of ***veal***, which means meat derived from a female, castrated male or entire male bovine animal:

- that shows no evidence of eruption of permanent incisor teeth; and
- the carcass of which is not more than 150 kg by reference to hot dress carcass weight; and

- that, in the case of a male animal, shows no evidence of secondary sexual characteristics.

This item omits “150 kg” and substitutes “190 kg” in paragraph (b) of the definition of *veal* in section 1-5 of the Meat Rules.

This amendment has the effect that one of the attributes of veal is that it is meat derived from an animal whose weight (by reference to hot dress carcass weight) is not more than 190 kg, instead of 150 kg.

The amendment is relevant to the content of and requirements for trade descriptions that must be applied to prescribed meat or meat products that are intended to be exported (see sections 5-21 and 8-6 of the Meat Rules).

Due to evolving farming improvements such as the development of ongoing improved breeding, genetics and feeding practices, livestock suppliers are consistently producing animals that have higher weights and yields at a younger age. As a result of this improvement in farming leading to the increased weight at a younger age in the animals, there has been a reduction in the number of eligible livestock under 150kg that can be classified as veal for the purposes of export.

This amendment allows improved market access and achieves more consistency with the definition of veal used by trading partners.

Part 4—Commonwealth authorised officers

Export Control (Meat and Meat Products) Rules 2021

Item [18] – Paragraph 4-28(1)(d)

Subsection 4-28(1) of the Meat Rules sets out the composition of the committee which must be established by the Secretary if the occupier of an establishment makes an application under subsection 4-25(3) (disputed preliminary allocation of meat inspection services to the establishment) or 4-27(4) (disputed revised allocation of meat inspection services to the establishment) of the Meat Rules. Paragraph 4-28(1)(d) requires the committee to include a representative of each relevant union of authorised officers if the occupier did not accept the preliminary allocation or the revised allocation (as the case may be) of meat inspection services to the establishment because of a staffing issue.

This item omits the words “authorised officers” and substitutes the words “Commonwealth authorised officers” in paragraph 4-28(1)(d) of the Meat Rules.

A “Commonwealth authorised officer” is defined in section 12 of the Act to mean an authorised officer who is an officer or employee of a Commonwealth body. An “authorised officer” is defined in the same section to mean a person who is authorised under section 291 of the Act to be an authorised officer under the Act. This could include an officer or employee of a State or Territory body or a third party authorised officer, who is not an officer or employee of either a Commonwealth body or a State or Territory body.

The purpose of this amendment is to ensure consistency among the provisions of the Meat Rules relating to meat inspection services which generally refer to “Commonwealth authorised officer” rather than “authorised officer”. This reflects that only Commonwealth authorised officers (and not authorised officers more broadly) carry out meat inspection services under the relevant provisions. This is therefore a technical amendment that does not have any substantive effect.

Item [19] – Subparagraphs 4-33(1)(a)(iii), (iv) and (vi)

Subsection 4-33(1) of the Meat Rules sets out the circumstances in which section 4-33 applies. This includes circumstances where there is a change to any of the matters set out in paragraph 4-33(1)(a). Matters set out in paragraph 4-33(1)(a) include any staffing formula agreed to by the department and the relevant union or unions of authorised officers (subparagraph 4-33(1)(a)(iii)), the availability of authorised officers to carry out meat inspection services (subparagraph 4-33(1)(a)(iv)) and the need to protect the health and safety of authorised officers while they are performing functions or exercising powers under the Act in or at a registered establishment (subparagraph 4-33(1)(a)(vi)).

This item omits the words “authorised officers” and substitutes the words “Commonwealth authorised officers” in subparagraphs 4-33(1)(a)(iii), (iv) and (vi) of the Meat Rules.

The purpose of this amendment, as above, is to ensure consistency among the provisions of the Meat Rules relating to meat inspection services which generally refer to “Commonwealth authorised officer” rather than “authorised officer”.

Export Control (Poultry Meat and Poultry Meat Products) Rules 2021

Item [20] – Paragraph 4-27(1)(d)

Subsection 4-27(1) of the Poultry Meat Rules sets out the composition of the committee which must be established by the Secretary if the occupier of an establishment makes an application under subsection 4-24(3) (disputed preliminary allocation of meat inspection services to the establishment) or 4-26(4) (disputed revised allocation of meat inspection services to the establishment) of the Meat Rules. Paragraph 4-27(1)(d) requires the committee to include a representative of each relevant union of authorised officers if the occupier did not accept the preliminary allocation or the revised allocation (as the case may be) of meat inspection services to the establishment because of a staffing issue.

This item omits the words “authorised officers” and substitutes the words “Commonwealth authorised officers” in paragraph 4-27(1)(d) of the Poultry Meat Rules.

The purpose of this amendment is to ensure consistency among the provisions of the Poultry Meat Rules relating to meat inspection services which generally refer to “Commonwealth authorised officer” rather than “authorised officer”. This reflects that only Commonwealth authorised officers (and not authorised officers more broadly) carry out meat inspection services under the relevant provisions. This is therefore a technical amendment that does not have any substantive effect.

Item [21] – Subparagraphs 4-32(1)(a)(iii), (iv) and (v)

Subsection 4-32(1) of the Poultry Meat Rules sets out the circumstances in which section 4-32 applies. This includes circumstances where there is a change to any of the matters set out in paragraph 4-32(1)(a). Matters set out in paragraph 4-32(1)(a) include any staffing formula agreed to by the department and the relevant union or unions of authorised officers (subparagraph 4-32(1)(a)(iii)), the availability of authorised officers to carry out meat inspection services (subparagraph 4-32(1)(a)(iv)) and the need to protect the health and safety of authorised officers while they are performing functions or exercising powers under the Act in or at a registered establishment (subparagraph 4-32(1)(a)(v)).

This item omits the words “authorised officers” and substitutes the words “Commonwealth authorised officers” in subparagraphs 4-32(1)(a)(iii), (iv) and (v) of the Poultry Meat Rules.

The purpose of this amendment, as above, is to ensure consistency among the provisions of the Poultry Meat Rules relating to meat inspection services which generally refer to “Commonwealth authorised officer” rather than “authorised officer”.

Export Control (Rabbit and Ratite Meat and Rabbit and Ratite Meat Products) Rules 2021

Item [22] – Paragraph 4-30(1)(d)

Subsection 4-30(1) of the Rabbit and Ratite Meat Rules sets out the composition of the committee which must be established by the Secretary if the occupier of an establishment makes an application under subsection 4-27(3) (disputed preliminary allocation of meat inspection services to the establishment) or 4-29(4) (disputed revised allocation of meat inspection services to the establishment) of the Rabbit and Ratite Meat Rules. Paragraph 4-

30(1)(d) requires the committee to include a representative of each relevant union of authorised officers if the occupier did not accept the preliminary allocation or the revised allocation (as the case may be) of meat inspection services to the establishment because of a staffing issue.

This item omits the words “authorised officers” and substitutes the words “Commonwealth authorised officers” in paragraph 4-30(1)(d) of the Rabbit and Ratite Meat Rules.

The purpose of this amendment is to ensure consistency among the provisions of the Rabbit and Ratite Meat Rules relating to meat inspection services which generally refer to “Commonwealth authorised officer” rather than “authorised officer”. This reflects that only Commonwealth authorised officers (and not authorised officers more broadly) carry out meat inspection services under the relevant provisions. This is therefore a technical amendment that does not have any substantive effect.

Item [23] – Subparagraphs 4-35(1)(a)(iii) and (iv)

Subsection 4-35(1) of the Rabbit and Ratite Meat Rules sets out the circumstances in which section 4-35 applies. This includes circumstances where there is a change to any of the matters set out in paragraph 4-35(1)(a). Matters set out in paragraph 4-35(1)(a) include any staffing formula agreed to by the department and the relevant union or unions of authorised officers (subparagraph 4-35(1)(a)(iii)) and the availability of authorised officers to carry out meat inspection services (subparagraph 4-35(1)(a)(iv)).

This item omits the words “authorised officers” and substitutes the words “Commonwealth authorised officers” in subparagraphs 4-35(1)(a)(iii) and (iv) of the Rabbit and Ratite Meat Rules.

The purpose of this amendment, as above, is to ensure consistency among the provisions of the Rabbit and Ratite Meat Rules relating to meat inspection services which generally refer to “Commonwealth authorised officer” rather than “authorised officer”.

Export Control (Wild Game Meat and Wild Game Meat Products) Rules 2021

Item [24] – Paragraph 4-27(1)(d)

Subsection 4-27(1) of the Wild Game Meat Rules sets out the composition of the committee which must be established by the Secretary if the occupier of an establishment makes an application under subsection 4-24(3) (disputed preliminary allocation of meat inspection services to the establishment) or 4-26(4) (disputed revised allocation of meat inspection services to the establishment) of the Wild Game Meat Rules. Paragraph 4-27(1)(d) requires the committee to include a representative of each relevant union of authorised officers if the occupier did not accept the preliminary allocation or the revised allocation (as the case may be) of meat inspection services to the establishment because of a staffing issue.

This item omits the words “authorised officers” and substitutes the words “Commonwealth authorised officers” in paragraph 4-27(1)(d) of the Wild Game Meat Rules.

The purpose of this amendment is to ensure consistency among the provisions of the Wild Game Meat Rules relating to meat inspection services which generally refer to

“Commonwealth authorised officer” rather than “authorised officer”. This reflects that only Commonwealth authorised officers (and not authorised officers more broadly) carry out meat inspection services under the relevant provisions. This is therefore a technical amendment that does not have any substantive effect.

Item [25] – Subparagraphs 4-32(1)(a)(iii) and (iv)

Subsection 4-32(1) of the Wild Game Meat Rules sets out the circumstances in which section 4-32 applies. This includes circumstances where there is a change to any of the matters set out in paragraph 4-32(1)(a). Matters set out in paragraph 4-32(1)(a) include any staffing formula agreed to by the department and the relevant union or unions of authorised officers (subparagraph 4-32(1)(a)(iii)) and the availability of authorised officers to carry out meat inspection services (subparagraph 4-32(1)(a)(iv)).

This item omits the words “authorised officers” and substitutes the words “Commonwealth authorised officers” in subparagraphs 4-32(1)(a)(iii) and (iv) of the Wild Game Meat Rules.

The purpose of this amendment, as above, is to ensure consistency among the provisions of the Wild Meat Rules relating to meat inspection services which generally refer to “Commonwealth authorised officer” rather than “authorised officer”.

Part 5—Application provisions

Export Control (Animals) Rules 2021

Item [26] – In the appropriate position in Chapter 12

Chapter 12 of the Animals Rules provides application, saving and transitional provisions.

This item inserts new Part 11 in the appropriate position in Chapter 12 of the Animals Rules. New Part 11 deals with amendments made by the Amendment Rules.

New section 12-42 provides for the application of amendments made by the Amendment Rules. New section 12-42 provides that the amendment of the Animals Rules made by Part 1 of Schedule 1 to the *Export Control Legislation Amendment (2025 Measures No. 2) Rules 2025* applies in relation to an audit that is completed or ends on or after the commencement of that Part.

New section 12-42 makes clear that the amendment of the Animals Rules made by Part 1 of Schedule 1 to the Amendment Rules has prospective effect.

Export Control (Eggs and Egg Products) Rules 2021

Item [27] – Chapter 12 (heading)

Chapter 12 of the Egg Rules provides for transitional provisions. This item repeals the heading of Chapter 12 in the Egg Rules and substitutes the new heading “Chapter 12 — Application, saving and transitional provisions”.

This amendment is consequential to the insertion of application provisions by Part 5 of this Schedule.

Item [28] – In the appropriate position in Chapter 12

This item inserts new Part 5 in the appropriate position in Chapter 12 of the Egg Rules.

New Part 5 provides for the application of amendments made by the Amendment Rules.

New subsection 12-13(1) provides that the amendment of the Egg Rules made by Part 1 of Schedule 1 to the *Export Control Legislation Amendment (2025 Measures No. 2) Rules 2025* applies in relation to an audit that is completed or ends on or after the commencement of that Part.

New subsection 12-13(2) provides that the amendments of the Egg Rules made by Part 2 of Schedule 1 to the *Export Control Legislation Amendment (2025 Measures No. 2) Rules 2025* apply on and after the commencement of those Parts in relation to an approved arrangement, whether the arrangement was approved before, on or after that commencement.

New section 12-13 makes clear that the amendments of the Egg Rules made by Parts 1 and 2 of Schedule 1 to the Amendment Rules have prospective effect.

Export Control (Fish and Fish Products) Rules 2021

Item [29] – Chapter 12 (heading)

Chapter 12 of the Fish Rules provides for transitional provisions. This item repeals the heading of Chapter 12 in the Fish Rules and substitutes the new heading “Chapter 12— Application, saving and transitional provisions”.

This amendment is consequential to the insertion of application provisions by Part 5 of this Schedule.

Item [30] – In the appropriate position in Chapter 12

This item inserts new Part 5 in the appropriate position in Chapter 12 of the Fish Rules.

New Part 5 provides for the application of amendments made by the Amendment Rules.

New subsection 12-13(1) provides that the amendment of the Fish Rules made by Part 1 of Schedule 1 to the *Export Control Legislation Amendment (2025 Measures No. 2) Rules 2025* applies in relation to an audit that is completed or ends on or after the commencement of that Part.

New subsection 12-13(2) provides that the amendments of the Fish Rules made by Part 2 of Schedule 1 to the *Export Control Legislation Amendment (2025 Measures No. 2) Rules 2025* apply on and after the commencement of those Parts in relation to an approved arrangement, whether the arrangement was approved before, on or after that commencement.

New section 12-13 makes clear that the amendments of the Fish Rules made by Parts 1 and 2 of Schedule 1 to the Amendment Rules have prospective effect.

Export Control (Meat and Meat Products) Rules 2021

Item [31] – Chapter 12 (heading)

Chapter 12 of the Meat Rules provides for transitional provisions. This item repeals the heading of Chapter 12 in the Meat Rules and substitutes the new heading “Chapter 12— Application, saving and transitional provisions”.

This amendment is consequential to the insertion of application provisions by Part 5 of this Schedule.

Item [32] – In the appropriate position in Chapter 12

This item inserts new Part 7 in the appropriate position in Chapter 12 of the Meat Rules.

New Part 7 provides for the application of amendments made by the Amendment Rules.

New subsection 12-33(1) provides that the amendment of the Meat Rules made by Part 1 of Schedule 1 to the *Export Control Legislation Amendment (2025 Measures No. 2) Rules 2025*

applies in relation to an audit that is completed or ends on or after the commencement of that Part.

New subsection 12-33(2) provides that the amendments made by Part 3 of Schedule 1 to the *Export Control Legislation Amendment (2025 Measures No. 2) Rules 2025* apply in relation to a trade description that is applied on or after the commencement of that Part.

New section 12-33 makes clear that the amendments of the Meat Rules made by Parts 1 and 3 of Schedule 1 to the Amendment Rules have prospective effect.

Export Control (Milk and Milk Products) Rules 2021

Item [33] – Chapter 12 (heading)

Chapter 12 of the Milk Rules provides for transitional provisions. This item repeals the heading of Chapter 12 in the Milk Rules and substitutes the new heading “Chapter 12— Application, saving and transitional provisions”.

This amendment is consequential to the insertion of application provisions by Part 5 of this Schedule.

Item [34] – In the appropriate position in Chapter 12

This item inserts new Part 5 in the appropriate position in Chapter 12 of the Milk Rules.

New Part 5 provides for the application of amendments made by the Amendment Rules.

New subsection 12-13(1) provides that the amendment of the Milk Rules made by Part 1 of Schedule 1 to the *Export Control Legislation Amendment (2025 Measures No. 2) Rules 2025* applies in relation to an audit that is completed or ends on or after the commencement of that Part.

New subsection 12-13(2) provides that the amendments of the Milk Rules made by Part 2 of Schedule 1 to the *Export Control Legislation Amendment (2025 Measures No. 2) Rules 2025* apply on and after commencement of those Parts in relation to an approved arrangement, whether the arrangement was approved before, on or after that commencement.

New section 12-13 makes clear that the amendments of the Milk Rules made by Parts 1 and 2 of Schedule 1 to the Amendment Rules have prospective effect.

Export Control (Organic Goods) Rules 2021

Item [35] – Chapter 12 (heading)

Chapter 12 of the Organic Goods Rules provides for transitional provisions. This item repeals the heading of Chapter 12 in the Organic Goods Rules and substitutes the new heading “Chapter 12—Application, saving and transitional provisions”.

This amendment is consequential to the insertion of application provisions by Part 5 of this Schedule.

Item [36] – In the appropriate position in Chapter 12

This item inserts new Part 3 in the appropriate position in Chapter 12 of the Organic Goods Rules.

New Part 3 provides for the application of amendments made by the Amendment Rules.

New section 12-8 provides that the amendment of the Organic Goods Rules made by Part 1 of Schedule 1 to the *Export Control Legislation Amendment (2025 Measures No. 2) Rules 2025* apply in relation to an audit that is completed or ends on or after the commencement of that Part.

New section 12-8 makes clear that the amendment of the Organic Goods Rules made by Part 1 of Schedule 1 to the Amendment Rules has prospective effect.

Export Control (Poultry Meat and Poultry Meat Products) Rules 2021

Item [37] – Chapter 12 (heading)

Chapter 12 of the Poultry Meat Rules provides for transitional provisions. This item repeals the heading of Chapter 12 in the Poultry Meat Rules and substitutes the new heading “Chapter 12—Application, saving and transitional provisions”.

This amendment is consequential to the insertion of application provisions by Part 5 of this Schedule.

Item [38] – In the appropriate position in Chapter 12

This item inserts new Part 7 in the appropriate position in Chapter 12 of the Poultry Meat Rules.

New Part 7 provides for the application of amendments made by the Amendment Rules.

New section 12-31 provides that the amendment of the Poultry Meat Rules made by Part 1 of Schedule 1 to the *Export Control Legislation Amendment (2025 Measures No. 2) Rules 2025* applies in relation to an audit that is completed or ends on or after the commencement of that Part.

New section 12-31 makes clear that the amendment of the Poultry Meat Rules made by Part 1 of Schedule 1 to the Amendment Rules has prospective effect.

Export Control (Rabbit and Ratite Meat and Rabbit and Ratite Meat Products) Rules 2021

Item [39] – Chapter 12 (heading)

Chapter 12 of the Rabbit and Ratite Meat Rules provides for transitional provisions.

This item repeals the heading of Chapter 12 in the Rabbit and Ratite Meat Rules and substitutes the new heading “Chapter 12—Application, saving and transitional provisions”.

This amendment is consequential to the insertion of application provisions by Part 5 of this Schedule.

Item [40] – In the appropriate position in Chapter 12

This item inserts new Part 5 in the appropriate position in Chapter 12 of the Rabbit and Ratite Meat Rules.

New Part 5 provides for the application of amendments made by the Amendment Rules.

New section 12-9 provides that the amendment of the Rabbit and Ratite Meat Rules made by Part 1 of Schedule 1 to the *Export Control Legislation Amendment (2025 Measures No. 2) Rules 2025* applies in relation to an audit that is completed or ends on or after the commencement of that Part.

New section 12-9 makes clear that the amendment of the Rabbit and Ratite Meat Rules made by Part 1 of Schedule 1 to the Amendment Rules has prospective effect.

Export Control (Wild Game Meat and Wild Game Meat Products) Rules 2021

Item [41] – Chapter 12 (heading)

Chapter 12 of the Wild Game Meat Rules provides for transitional provisions. This item repeals the heading of Chapter 12 in the Wild Game Meat Rules and substitutes the new heading “Chapter 12—Application, saving and transitional provisions”.

This amendment is consequential to the insertion of application provisions by Part 5 of this Schedule.

Item [42] – In the appropriate position in Chapter 12

This item inserts new Part 7 in the appropriate position in Chapter 12 of the Wild Game Meat Rules.

New Part 7 provides for the application of amendments made by the Amendment Rules.

New section 12-31 provides that the amendment of the Wild Game Meat Rules made by Part 1 of Schedule 1 to the *Export Control Legislation Amendment (2025 Measures No. 2) Rules 2025* applies in relation to an audit that is completed or ends on or after the commencement of that Part.

New section 12-31 makes clear that the amendment of the Wild Game Meat Rules made by Part 1 of Schedule 1 to the Amendment Rules has prospective effect.

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Export Control Legislation Amendment (2025 Measures No. 2) Rules 2025

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Legislative Instrument

The *Export Control Legislation Amendment (2025 Measures No. 2) Rules 2025* (Legislative Instrument) is made under the *Export Control Act 2020* (Act) and amends the following instruments:

- *Export Control (Animals) Rules 2021* (Animals Rules);
- *Export Control (Eggs and Egg Products) Rules 2021* (Egg Rules);
- *Export Control (Fish and Fish Products) Rules 2021* (Fish Rules);
- *Export Control (Meat and Meat Products) Rules 2021* (Meat Rules);
- *Export Control (Milk and Milk Products) Rules 2021* (Milk Rules);
- *Export Control (Organic Goods) Rules 2021* (Organic Goods Rules);
- *Export Control (Poultry Meat and Poultry Meat Products) Rules 2021* (Poultry Meat Rules);
- *Export Control (Rabbit and Ratite Meat and Rabbit and Ratite Meat Products) Rules 2021* (Rabbit and Ratite Meat Rules);
- *Export Control (Wild Game Meat and Wild Game Meat Products) Rules 2021* (Wild Game Meat Rules).

The Legislative Instrument amends the Animals Rules, Egg Rules, Fish Rules, Meat Rules, Milk Rules, Organic Goods Rules, Poultry Meat Rules, Rabbit and Ratite Meat Rules and Wild Game Meat Rules for the purposes of improving the administrative efficiency of audit report requirements.

The Legislative Instrument amends the Egg Rules, Fish Rules and Milk Rules for the purposes of imposing frequency requirements for internal audits and management reviews.

The Legislative Instrument also amends the Meat Rules to update the definition of Australian Meat Industry Classification System to refer to the most recent System published by AUS-MEAT Limited. The Amendment Rules also amend the Meat Rules for the purposes of updating the definition of *veal*.

The Legislative Instrument also makes minor technical amendments to the Meat Rules, Poultry Meat Rules, Rabbit and Ratite Meat Rules and the Wild Game Meat Rules to clarify matters relating to meat inspection reforms.

Human rights implications

This Legislative Instrument may engage Article 17 of the International Covenant on Civil and Political Rights (ICCPR) in relation to the right to protection from arbitrary interference with privacy.

Article 17 of the ICCPR prohibits arbitrary or lawful interference with an individual's privacy, family, home or correspondence, and protects a person's honour and reputation from unlawful attacks. The right to privacy can be limited to achieve a legitimate objective where the limitations are lawful and not arbitrary. For an interference with the right to privacy to be permissible, the interference must be authorised by law, be for a reason consistent with the ICCPR and be reasonable in the circumstances. The United Nations Human Rights Committee has interpreted the requirement of 'reasonableness' as implying that any interference with privacy must be proportionate to a legitimate end and be necessary in the circumstances. While the United Nations Human Rights Committee has not defined 'privacy', the term is generally understood to comprise freedom from unwarranted and unreasonable intrusions into activities that society recognises as falling within the sphere of individual autonomy.

The amendments of the Animals Rules, Fish Rules, Meat Rules, Milk Rules, Organic Goods Rules, Poultry Meat Rules, Rabbit and Ratite Meat Rules and Wild Game Meat Rules in Part 1 of Schedule 1 to the Legislative Instrument relating to audit reports require a person to provide information or documents.

These amendments retain requirements for providing audit reports. As with the previous provisions, the new provisions require that an auditor give a copy of the audit report to the relevant person for the audit before the end of the period of 14 business days beginning on the day the audit is completed or ends. This replicates current requirements. The amendments also provide that the auditor is required to give the Secretary a copy of the audit report upon written request from the Secretary, replacing the previous requirement to give the Secretary a copy of the audit report in all cases after the audit is completed or ends. The auditor must comply with the written request from the Secretary before the end of the later of the following periods:

- the period of 14 business days beginning on the day the Secretary made the request;
- the period of 14 business days beginning on the day the audit is completed or ends.

As with the previous provisions, requiring persons to provide information or documents may incidentally require the provision of personal information. The collection, use, storage, and disclosure of personal information may engage the right to freedom from arbitrary or unlawful interference with privacy.

In relation to the amendments made by Part 1 of Schedule 1 to the Legislative Instrument, Part 3 of Chapter 11 of the Act includes a range of protections relating to the use and disclosure of protected information. Section 388 provides that only certain persons may use or disclose relevant information and that they may only do so for a permissible purpose (performing functions or duties, or exercising powers under the Act or assisting another person to perform functions or duties, or exercise powers under the Act). Section 397G of the Act also provides an offence for the improper use or disclosure of protected information. These protections provide a safeguard against potential misuse or disclosure of information gathered under the provisions amended by Part 1 of Schedule 1 to the Legislative Instrument.

The department maintains robust policies and procedures to protect any personal information which it holds, as documented in the department's Privacy Policy at agriculture.gov.au/about/commitment/privacy. As part of these processes, personal information is held in accordance with the collection and security requirements of the Australian Privacy Principles, the department's policies and procedures and the Australian Government Protective Security Policy Framework. Should personal information held by the department be subject to unauthorised access or disclosure, the department has procedures in place to assess the incident and mitigate any harm that may have been caused and considers the incident in accordance with its responsibilities under the *Privacy Act 1988* and requirements under the Notifiable Data Breach Scheme to notify the Office of the Australian Information Commissioner of any potential eligible data breaches.

Persons who participate in export operations are 'opting into' the regulatory framework under the Act. PJCHR Guidance indicates that whether a person has reasonable expectation of privacy in the circumstances is relevant to the issue of determining whether a provision is permissible. A person who has opted into the export control regulatory framework should expect that a certain amount of personal information will need to be provided to the Secretary.

The interference with privacy is also not arbitrary in these circumstances because the information that is provided as part of the audit report would be relevant to the conduct of the audit of export operations. A person who has opted into participating in export operations should be aware that they will be required to provide relevant information, which may include personal information, in order for an audit report to be completed in the conduct of an audit.

To the extent that the Legislative Instrument may engage the right to protection from arbitrary interference with privacy under Article 17 of the ICCPR, any limitations on this right are permissible as they are limited only to those measures that are necessary, reasonable and proportionate to achieving the legitimate objective of ensuring persons participating in export operations continue to comply with the requirements of the export control legislative framework.

Conclusion

This Legislative Instrument is compatible with human rights because to the extent that it may limit human rights, those limitations are reasonable, necessary and proportionate.

Justine Saunders APM
Acting Secretary of the Department of Agriculture, Fisheries and Forestry