

Improvements to the Export Control Rules

Stakeholder Feedback

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Acknowledgement of Country

We acknowledge the Traditional Custodians of Australia and their continuing connection to land and sea, waters, environment and community. We pay our respects to the Traditional Custodians of the lands we live and work on, their culture, and their Elders past and present.

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Introduction

Australia's agricultural export legislation comprises the *Export Control Act 2020* (the Act) and the various export control rules (the Rules) made under the Act for various commodities. The Act and Rules set out the operational requirements for the export of specific goods from Australia.

Summary of public consultation feedback

Between 29 January 2024 and 3 March 2024, the department undertook public consultation on proposed amendments to the following Rules:

- Export Control (Animals) Rules 2021 (Animals Rules)
- Export Control (Meat and Meat Products) Rules 2021 (Meat Rules)
- Export Control (Miscellaneous) Rules 2021 (Miscellaneous Rules)
- Export Control (Organic Goods) Rules 2021 (Organic Rules)
- Export Control (Plants and Plant Products) Rules 2021 (Plant Rules)
- Export Control (Wild Game Meat and Wild Game Meat Products) Rules 2021 (Wild Game Rules)
- Export Control (Wood and Woodchips) Rules 2021 (Wood Rules)

The department received eleven survey responses during the public consultation period from a range of stakeholders including animal welfare organisations, state government, industry groups and members of the public. Where appropriate, clarification of the proposed amendments was provided to stakeholders. The department thanks all stakeholders who provided feedback during the consultation process to consider improvements to the Rules. A summary response to this feedback is provided below.

Animals Rules

Proposed amendments to the Animals Rules included:

- ensuring that live animals (excluding livestock) and animal reproductive material that are held and directed for export under the *Biosecurity Act 2015* are not considered to be “prescribed goods” for the purposes of the Act, and therefore can be exported from Australian territory in accordance with the direction without needing to meet requirements for export that would apply if they were “prescribed goods”
- aligning the requirements that must be met for granting a livestock export licence with the requirements for renewing a livestock export licence
- clarifying the department’s ability to obtain documentation from accredited veterinarians (AAVs), through requiring AAVs to provide the department, upon written request, copies of any documents in their possession that relate to export operations in an approved export program and any other record they are required to keep under the Animals Rules
- ensuring the department can obtain Property Identification Codes from registered establishment occupiers or exporters of livestock by air (where the livestock are not prepared for export at a registered establishment).

Stakeholder feedback was largely supportive of the proposed amendments. The department notes the suggestion that safeguards are put in place to assess and protect animal's welfare in relation to the export of animals under the *Biosecurity Act 2015*.

Meat Rules

Proposed amendments to the Meat Rules included:

- allowing the Secretary of the department to vary, suspend or revoke the registration and approved arrangement of a Tier 1 establishment if the Tier 1 establishment no longer has its state or territory approval (through cancellation or suspension)
- matters relating to meat export licences:
 - aligning the requirements that must be met for granting an export licence with the requirements for renewing an export licence
 - aligning the requirements that must be met to obtain an export licence with the requirements for maintaining an export licence.

In response to stakeholder feedback for the proposed amendment regarding the registration and approved arrangement of a Tier 1 establishment, the department will consider this amendment further to ensure it is fit for purpose.

Stakeholder feedback was largely supportive of the proposed amendments relating to meat export licences.

Miscellaneous Rules

The proposed amendment to the Miscellaneous Rules is:

- requiring the Secretary of the department to have regard to whether a person that is subject to a fit and proper person (FPP) test or an associate of that person, has provided false or misleading information to the department under the repealed Part 2 of the *Australian Meat and Live-stock Industry Act 1997* and the repealed *Export Control Act 1982*.

Stakeholder feedback was largely supportive of the proposed amendment.

Organic Rules

The proposed amendment to the Organic Rules is:

- updating the definition of the 'National Standard for Organic and Bio-Dynamic Produce' (National Standard) to ensure it refers to the current National Standard.

The department did not receive feedback relating specifically to this proposed amendment.

Plant Rules

The proposed amendment to the Plant Rules is:

- strengthening assessment power provisions by providing express powers for authorised officers to supervise and approve initiation of treatments or treatments.

The department did not receive feedback relating specifically to the proposed amendment.

Wild Game Rules

Proposed amendments to the Wild Game Rules included:

- allowing the Secretary of the department to vary, suspend or revoke the registration and approved arrangement of a Tier 1 establishment if the Tier 1 establishment loses its state or territory approval or has it suspended.

The department did not receive feedback relating specifically to the proposed amendment.

Stakeholder feedback was received in relation to this proposed amendment in the context of the Meat Rules as outlined above (proposed amendment regarding Tier 1 establishments). As a result, the department will also consider this amendment further to ensure it is fit for purpose.

Wood Rules

Proposed amendments to the Wood Rules include:

- clarifying the regulation of wood and woodchips from overseas and in transit
- simplifying the publishing requirements for plantation codes to the department's website
- requiring the Secretary of the department to have regard to a fit and proper person (FPP) test when granting a wood export licence.

The department did not receive feedback relating specifically to the proposed amendment.

Next steps

Stakeholder feedback will help the department ensure the export control legislative framework remains relevant and fit for purpose. Where positive or no feedback was provided, the department will proceed with developing the proposed Rules amendments. The department will further consider the interaction between the Meat Rules and state/territory-based approvals processes for Tier 1 establishments.