



5 November 2019

Export advisory notice 2019/11

Review of decisions made in relation to the export of live animals

Species: **All**

Countries: **All**

Attention

- Australian Government Accredited Veterinarians
- Australian Livestock Exporters' Council
- Department officers
- LiveCorp
- Livestock Exporters
- Meat and Livestock Australia
- Registered premises operators

Purpose

To advise the live animal export industry of the process for seeking a review of a decision made by the Secretary (or their delegate) of the Department of Agriculture (the department) in relation to the export of livestock.

Key points

- The options to review a decision will vary depending on the type of decision and the legislation under which the decision is made.
- The type of review and appeals options that may be available are summarised below.

Instructions

The types of review and appeals options available include:

- 1) Discuss the decision with the department:**

In the first instance, a person should seek to discuss the decision with the department by contacting the Secretary (or delegate) who made the decision by email sent to: livestockexp@agriculture.gov.au

2) Internal review/reconsideration:

A person may seek reconsideration of certain decisions by the Secretary or a delegate. The new decision maker will make a new decision with regard to all the relevant facts and may decide to either affirm or vary the original decision.

If internal review is available to you, there may be statutory requirements and timeframes that need to be met to be able to apply for review of the decision.

3) Review by the Administrative Appeals Tribunal

You may apply to the Administrative Appeals Tribunal (AAT) if your decision is reviewable by the AAT. Some decisions may not be reviewable by the AAT (e.g. export permits) or may not be reviewed by the AAT until you seek internal review of the decision first.

The time limit to apply to the AAT for review of a decision commences on the day the decision is made, and expires 28 days after the decision is received.

Further information can be found on the AAT website at <https://www.aat.gov.au/>

4) Judicial review

In certain circumstances, you may also apply for judicial review of that decision under the Administrative Decisions (Judicial Review) Act 1977 (ADJR Act) or the Judiciary Act 1903.

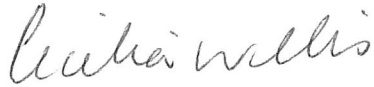
The time frame for review under the ADJR Act commences on the day the decision is made, and expires 28 days after the decision is received.

Background

The department regulates the export of live animals from Australia. Decisions the Secretary (or their delegate) makes under the regulatory framework that may be referred for review include:

Legislation	Type of decision/s
<p><i>Australian Meat and Live-stock Industry Act 1997</i></p> <p><i>Australian Meat and Live-stock Industry (Export Licensing) Regulations 1998</i></p>	<ul style="list-style-type: none"> Licensing to regulate the export of live-stock
<p><i>Export Control Act 1982, including the Export Control (Animals) Order 2004 and Export Control (Prescribed Goods-General) Order 2005</i></p>	<ul style="list-style-type: none"> All decisions made by the Secretary or authorised officer under the Animals Order, other than a decision to grant an export permit or a government certificate.

Further information can also be found on the department's website at
<http://www.agriculture.gov.au/export/controlled-goods/live-animals/livestock/regulatory-framework/legislative-appeal-mechanisms>



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