



## The *Export Control Act 2020*

The *Export Control Act 2020* (the Act) sets out the overarching legislative framework for the regulation of exported goods, including food and agricultural products, from Australian territory. The Export Legislation Framework which includes the Act and rules, is regularly reviewed to ensure that it remains effective, relevant and fit for purpose.

Following passage of the [Export Control Amendment \(Streamlining Administrative Processes\) Act 2023](#) on 4 September 2023, changes are coming to the Act. These will occur in two stages.

## Changes to the *Export Control Act 2020*

The changes to the Act are a result of broad consultation and agreement across the department about modernising and streamlining the export control space. They are designed to make processes simpler for those in the export supply chain, and for departmental staff. Stay tuned as we roll out information products to assist with understanding the benefit of these changes and how they apply in practice.



### Stage 1

Commenced  
14 September 2023

### Stage 2

Planned for  
1 February 2024



### Stage 1

Minor and technical amendments to streamline processes and improve clarity, which commenced on 14 September 2023.



### Stage 2

Important changes to the way we can use and share information under the Act which are planned to commence on 1 February 2024.



In summary, the stage 1 changes:

- make amendments to allow the Secretary to impose or vary conditions at the same time as approving a variation to an approved arrangement, accredited property, registered establishment, or export licence  
and
- require fit and proper person assessments under the Act to take into consideration certain information received under the *Primary Industries Levies and Charges Collection Act 1991* (the PILCC Act)  
and
- make minor technical amendments in relation to the circumstances in which the Secretary can require an approved arrangement to be varied, suspended or revoked, to ensure the provision operates as intended.

Questions? Should you have any questions on **stage one changes** please send them to [ExportLegislation@aff.gov.au](mailto:ExportLegislation@aff.gov.au)

# Export Control Act 2020

## Stage 1 minor technical amendments

Current Export Control Act 2020	Amended Export Control Act	Example
<b>Accredited Properties Chapter 3</b>		
<p>The Secretary has existing power under section 90 of the Act to vary the conditions of an accreditation in certain circumstances.</p> <p>The Secretary does not have the power to vary the conditions or impose additional conditions of an accredited property when approving a variation.</p> <p>Under subsection 87(2) the Secretary must either decide to make the variation (or approve the variation) or refuse to make the variation (or give the approval).</p>	<p>Under new subsection 87(2)(ab), the Secretary has the power to make the variation or give approval for a variation, with additional conditions or variations of conditions.</p> <p>The new power to vary the existing condition or add new conditions of an accreditation at the time of approving a requested variation, includes the same restrictions and procedural fairness requirements as currently specified under section 90 of the Act.</p> <p>This is a reviewable decision under the Act.</p>	<p>Where a manager of an accredited property applies to the Secretary to vary the accreditation in relation to certain matters, the Secretary may now impose additional conditions or vary the conditions of the accredited property as part of the variation approval process.</p> <p>This change streamlines administrative processes to allow the Secretary to require relevant additional conditions at the same time as the variation. This eases administrative and time burden on officials and the applicant of the variation, as the applicant may otherwise have been refused the variation.</p>
<b>Registered Establishments Chapter 4</b>		
<p>The Secretary has existing power under section 123 of the Act to vary the conditions of the registration of an establishment in certain circumstances.</p> <p>The Secretary does not have the power to impose additional conditions or vary the conditions of the registration at the time of approving a variation of the registration or alteration of the establishment.</p> <p>Under subsection 120(2) the Secretary must either decide to make the variation (or approve the alteration) or refuse to make the variation (or approve the alteration).</p>	<p>Under new subsection 120(2)(ab) the Secretary has the power to make the variation, or approve the alteration, with additional conditions or variations of conditions.</p> <p>The new power to vary the existing conditions or add new conditions of a registration at the time of approving a requested variation, includes the same restrictions and procedural fairness requirements as currently specified under section 123 of the Act.</p> <p>This is a reviewable decision under the Act.</p>	<p>Where a manager of a registered establishment applies to the Secretary to vary the registration in relation to certain matters, the Secretary may now impose additional conditions or vary the conditions of the registered establishment as part of the variation approval process.</p> <p>This change streamlines administrative processes to allow the Secretary to require relevant additional conditions at the same time as the variation. This eases administrative and time burden on officials and the applicant of the variation, who may otherwise have been refused the variation.</p>



# Export Control Act 2020

## Stage 1 minor technical amendments

Current Export Control Act 2020	Amended Export Control Act	Example
<b>Approved arrangements Chapter 5</b>		
<p>The Secretary has the power under section 165 of the Act to vary the conditions of an approved arrangement in certain circumstances.</p> <p>The Secretary does not have the power to impose additional conditions or vary the conditions of the approved arrangement at the time of approving a variation.</p> <p>Under subsection 161(2) the Secretary must either decide to approve the variation or vary the conditions or refuse to approve the variation or vary the conditions.</p>	<p>Under new subsection 161(2)(ab) the Secretary has the power to approve the variation, or vary the conditions, with additional conditions or variations of conditions.</p> <p>The new power to vary the conditions or add new conditions of the arrangement at the time of approving a requested variation includes the same restrictions and procedural fairness requirements as currently specified under section 165.</p> <p>This is a reviewable decision under the Act.</p>	<p>Where the holder of an approved arrangement applies to the Secretary to vary the arrangement in relation to certain matters, the Secretary may now impose additional conditions or vary the conditions of the approved arrangement as part of the variation approving process.</p> <p>This change streamlines administrative processes to allow the Secretary to require relevant additional changes at the same time as the variation.</p>
<b>Technical amendment</b>		
<p>In subparagraphs 165(2)(e)(i), 171(1)(f)(i) and 179(1)(f)(i) in relation to approved arrangements, remove the word “and” and substitute the word “; or”.</p>	<p>An amendment has been made to replace the word and with the word or in subparagraphs 165(2)(e)(i), 171(1)(f)(i) and 179(1)(f)(i) of the Act. The purpose of the amendment is to clarify the Secretary’s power to require a variation to an approved arrangement, or to suspend or revoke an approved arrangement where it will no longer ensure compliance with the requirements of the Act or the importing country requirements (or both).</p>	<p>This technical amendment clarifies the ground for varying, suspending or revoking an approved arrangement in circumstances where the approved arrangement will no longer ensure compliance with the requirements of the Act or importing country requirements (or both).</p>
<b>Export licences Chapter 6</b>		
<p>Under subsection 199(1) of the Act, the holder of an export licence may apply to the Secretary to vary the licence in relation to certain matters, or to vary the conditions of the licence.</p> <p>The Secretary does not have the power to impose additional conditions or vary the conditions of the export licence as part of the process of approving a variation.</p> <p>If the Secretary receives such an application, the Secretary must decide under subsection 199(2) to either make the variation or refuse to make the variation.</p>	<p>Under new subsection 199(2)(ab) the Secretary can make the variation, with additional conditions or variations of conditions.</p> <p>The new power to vary the conditions or add new conditions of an export licence at the time of approving a requested variation, includes the same restrictions and procedural fairness requirements as currently specified under section 201 of the Act.</p> <p>This would be a reviewable decision under the Act.</p>	<p>Where an export licence holder applies to the Secretary to vary the export licence in relation to certain matters, the Secretary may now impose additional conditions or vary the conditions of the export licence as part of the variation approving process.</p> <p>This change streamlines administrative processes to allow the Secretary to require relevant additional changes at the same time as the variation.</p> <p>This eases administrative burden on officials and the applicant of the variation.</p>



# Export Control Act 2020

## Stage 1 minor technical amendments

### Current Export Control Act 2020

#### Fit and Proper Person Test

Information collected under the Primary Industries Levies and Charges Collection Act 1991 (the PILCC Act) is already required to be considered by the Secretary for the purposes of the fit and proper person test under section 4-1 of the Export Control (Miscellaneous) Rules 2021 (the Miscellaneous Rules).

### Amended Export Control Act

For administrative consistency and clarity, the provision will now reside in the Act.

### Example

The Secretary considers the same information as before for the purposes of the fit and proper person test.

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