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Outline of the Export Control (Animals) Rules 2021

Improved agricultural export legislation



Introduction

The Export Control (Animals) Rules 2021 (the Animals Rules) regulate the export of prescribed livestock, prescribed live animals and prescribed animal reproductive material. The Rules set out:

- which livestock, live animals or animal reproductive materials are regulated
- the prescribed export conditions that must be complied with

The Animals Rules replace the former animals export legislation, including the:

- *Export Control Act 1982*,
- Export Control (Animals) Order 2004,
- Export Control (Prescribed Goods—General) Order 2005,
- Relevant parts of the *Australian Meat and Live-Stock Industry Act 1997*, Regulations and Orders.

The regulatory controls and oversight in the previous legislation has been maintained.

The Animals Rules set out the rules for regulating the export of livestock, live animals or animal reproductive material from Australian territory, or from a part of Australian territory. The Animals Rules must be read with the *Export Control Act 2020* (the Act).

Key features of the Animals Rules

No significant changes to current export policy or regulatory approach will be made because of improvements to the legislative framework. It is intended to provide a more consistent and clearer framework that is flexible and responsive to emerging issues.

The Animals Rules:

- ensure Australian exported livestock, live animals and animal reproductive materials satisfy requirements to enable and maintain overseas market access
- include measures to ensure exported livestock, live animals and animal reproductive materials comply with relevant standards, are described accurately and are traceable
- include measures to ensure the integrity and welfare of livestock, live animals and animal reproductive materials exported from Australia.

The Animals Rules provide for approved arrangements for exporter supply chain assurance operations (ESCAO). These provisions allow for a third-party provider of assurance services to enter into an approved arrangement with the department. The purpose of these amendments is to provide exporters of slaughter or feeder livestock with an alternative pathway to meet their Exporter Supply Chain Assurance System (ESCAS) requirements. The holder of the ESCAO approved arrangement would certify supply chain participants, including exporters, importers, feedlots and abattoirs, and verify that these participants are meeting or exceeding ESCAS requirements.

The Animals Rules also provide for approved arrangements for export operations in relation to livestock. These approved arrangements for exporters cover activities undertaken prior to, during and after departure from a registered establishment, and up until livestock are unloaded at a port or landing place outside Australian territory.

The Act and the Animals Rules include grounds for the suspension or revocation of approved arrangements for the export of livestock, export licences and registrations of establishments.

Structure and content

Chapter 1 – Preliminary

Chapter 1 deals with formal and preliminary matters and sets out the meanings of words and phrases used in the Animals Rules. Unless the contrary intention appears, the Animals Rules apply the requirements in the Australian Standards for the Export of Livestock (ASEL).

Chapter 2 – Exporting goods

Chapter 2 deals with matters relating to exporting goods. This includes defining prescribed goods (prescribed livestock, live animals or animal reproductive materials). These are the goods that will be regulated under the new Animals Rules.

This chapter specifies conditions for the export of prescribed livestock, prescribed live animals and prescribed animal reproductive material from Australia territory. It also outlines when and how government certificates are issued.

In some cases, exporters can apply for an exemption from certain provisions in the Act and the Animals Rules. Chapter 2 details requirements for an exemption, including, applications for an exemption, conditions of exemption, and the period of effect of an exemption.

Chapter 3 – Accredited properties

Chapter 3 of the Act does not apply to livestock, live animals and animal reproductive materials. Therefore, there is no Chapter 3 in the Animals Rules.

Chapter 4 – Registered establishments

Chapter 4 deals with matters relating to registered establishments. These include:

- requirements relating to construction, equipment and facilities
- conditions of registration
- application, renewal, variation, suspension and revocation of registration
- obligations of occupiers of registered establishments.

Chapter 5 – Approved arrangements

Chapter 5 deals with matters relating to approved arrangements. This chapter sets out the requirements and conditions for approved arrangements for export operations to prepare prescribed livestock for export and approved arrangements for ESCAO. These include the:

- process to apply for an approved arrangement, or a variation of an approved arrangement
- requirements for approval and conditions on an approved arrangement
- circumstances in which an approved arrangement may be varied, suspended or revoked
- obligations of holders of approved arrangements.

Chapter 6 – Export licences

Chapter 6 deals with matters relating to livestock export licences. These include the:

- requirements for the grant of a livestock export licence
- conditions, including for exports to certain markets
- application, renewal, suspension, revocation and variation of a livestock export licence
- exporter supply chain assurance systems.

Chapter 7 – Export permits

Chapter 7 deals with matters relating to export permits. These include:

- requirements for the grant of an export permit
- conditions for the issue of an export permit
- application, variation, suspension and revocation of an export permit
- other matters, including when an export permit is no longer in force.

Chapter 8 – Other matters relating to export

Chapter 8 provides for other matters relating to export. This includes when an exporter gives notice of intention to export, they must meet certain requirements. These requirements include:

- when a notice of intention to export must be given, the person who must provide the notice, who the notice must be submitted to, and providing additional or corrected information
- matters relating to approvals of notices of intention to export for prescribed livestock and prescribed live animals
- the use, manufacture, possession and destruction of official marks and official marking devices.

Chapter 9 – Powers and officials

Chapter 9 deals with matters relating to powers, officials and accredited veterinarians. These include:

- provisions for the conduct of audits
- carrying out assessments
- approved export programs
- requirements for accreditation for accredited veterinarians
- application, renewal, variation, suspension or revocation of veterinarian accreditation
- records and reports
- fit and proper person tests.

Chapter 10 – Compliance and enforcement

Chapter 10 provides for compliance and enforcement in accordance with Chapter 10 of the Act. This includes where samples are taken, or a thing has been seized:

- the process that must be followed if a sample is taken for the purposes of monitoring or investigation compliance with the Act
- dealing with things seized in exercising investigation powers.

Chapter 11 – Miscellaneous

Chapter 11 deals with miscellaneous matters such as:

- application forms
- review of decisions in addition to those outlined in the Act
- general requirements for record-keeping
- storage requirements of samples
- matters relating to compensation for damaged or destroyed goods
- matters relating to relevant Commonwealth liabilities.

Further information

Email: exportlegislation@agriculture.gov.au

Web: agriculture.gov.au/market-access-trade/improving-export-legislation