



March
2021

Outline of the Export Control (Consequential Amendments and Transitional Provisions) Act 2020

Improved agricultural export legislation



The Export Control (Consequential Amendments and Transitional Provisions) Act 2020 (the C&T Act) makes consequential amendments and provides transitional provisions to support the commencement of the *Export Control Act 2020*. The C&T Act and the *Export Control Act 2020* commenced on 28 March 2021.

The *Export Control Act 2020* replaces the *Export Control Act 1982* and parts of the *Australian Meat and Live-stock Industry Act 1997* (AMLI Act) as the Commonwealth's primary legislation regulating the control of exports. Other pieces of primary legislation also require minor amendments to give effect to the *Export Control Act 2020*.

The C&T Act enables the transition to the *Export Control Act 2020* from the previous legislation to be properly managed to ensure:

- exports are appropriately regulated or controlled
- access to international trading markets for Australian goods is maintained
- Australia's global trading reputation as a reliable source of safe and high-quality goods is protected and not disrupted.

The C&T Act includes three schedules.

Schedule 1

This schedule repeals 17 spent or redundant Commonwealth Acts, including the *Export Control Act 1982*, to allow exports to be regulated under the *Export Control Act 2020*.

Schedule 2

This schedule makes consequential amendments to seven Commonwealth Acts. This includes repealing the parts of the AMLI Act that deal with the export of meat and livestock to allow those exports to be regulated under the *Export Control Act 2020*. This schedule also includes contingent amendments to two other Commonwealth Acts.

Schedule 3

This schedule sets out a number of application, saving and transitional provisions:

- The C&T Act uses the term ‘an old Export Control Law’, which is a catch-all concept to describe the previous export legislation.
- Applications that straddle the commencement time will be considered as applications under the *Export Control Act 2020*.
- Any consideration period that relates to applications made under the previous legislation will be taken into account in calculating the consideration period under the *Export Control Act 2020*.
- Section 7 of the *Acts Interpretation Act 1901* will apply to retain rights, privileges, obligations and liabilities accrued or incurred under one of the repealed Acts.
- Wherever possible, something that exists under the previous legislation will continue in force after commencement as if it was accredited, registered, approved, granted, issued or authorised under the *Export Control Act 2020*. This includes:
 - accredited properties
 - registered establishments
 - approved arrangements
 - export licences
 - export permits
 - trade descriptions and official marks.
- The previous legislation relating to review of decisions will continue to apply in relation to decisions made before the commencement time.
- A reference to a provision of the previous legislation will be taken to be a reference to the corresponding provision in the *Export Control Act 2020*.

- The compliance and enforcement provisions in the *Export Control Act 2020* will apply for the purposes of determining whether the C&T Act or the previous legislation has been complied with after the commencement time.
- A person who was an authorised officer under the previous legislation will be taken to be an authorised officer under the *Export Control Act 2020*.
- Information obtained under the previous legislation will be taken to be protected information under the *Export Control Act 2020*.

Further information

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