



# Export Control (Animals) Order 2004

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I, WARREN ERROL TRUSS, Minister for Agriculture, Fisheries and Forestry, make this Order under regulation 3 of the *Export Control (Orders) Regulations 1982*.

Dated 25 November 2004

WARREN TRUSS  
Minister for Agriculture, Fisheries and Forestry

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## Reader's guide

This Order sets out the arrangements for the export of live animals (including live-stock) and animal reproductive material. It is made under regulation 3 of the *Export Control (Orders) Regulations 1982*.

2. This Readers' Guide is not part of this Order, but is provided to give a general guide only.
3. In this Order, 'live-stock' means cattle, sheep, goats, deer, buffalo and camelids (that is, camels, llamas, alpacas and vicuñas), including the young of each of those kinds of animal.
4. This Order deals separately with live-stock export (Part 2), the export of other live animals (Part 3), and animal reproductive material (Part 4). The remaining Parts (Parts 1, 5 and 6) deal respectively with introductory matters such as definitions (Part 1), audit of registered premises, accredited veterinarians and exporters (Part 5) and miscellaneous matters (Part 6).
5. This Order is not the whole of Australian law regarding the export of live animals and animal reproductive material. This Order is made under the *Export Control Act 1982* and the *Export Control (Orders) Regulations 1982*. In the case of live-stock, the *Australian Meat and Live-stock Industry Act 1997* requires an exporter of live-stock to hold a live-stock export licence, and instruments made under it may be relevant. In the case of a live native animal or animal reproductive material from a native animal, the *Environment Protection and Biodiversity Conservation Act 1999* and instruments made under it (including the *Environment Protection and Biodiversity Conservation Regulations 2000*) may be relevant.
6. It is also necessary to be familiar with some parts of the *Prescribed Goods (General) Orders 1985*, which are referred to a number of times in this Order.

## Export of live-stock

7. Briefly, the administrative steps in the process of an export of live-stock are as follows:
  - the exporter gives the Secretary a notice of intention to export (NOI) and a consignment risk management plan (CRMP) for the export
  - the Secretary approves the NOI and CRMP
  - the exporter sources the live-stock
  - the live-stock are treated and tested in accordance with the Australian Standards for the Export of Live-stock and the importing country's requirements
  - the live-stock are held in pre-export quarantine or isolation at registered premises in the way that, and for as long as, the importing country requires
  - before, during or after treatment and testing, the live-stock are assembled at registered premises (for how premises are registered, see Division 2.2)

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- after the live-stock are assembled at the registered premises, and before they leave, the exporter arranges for them to be inspected by an AQIS authorised officer (a health certificate is prepared for them, if required by the importing country, at this stage, but is not issued till an export permit is issued)
  - an AQIS officer then issues a permission to leave for loading, which authorises the exporter to take the live-stock from the registered premises and load them on board a ship or aircraft for export
  - the live-stock are loaded in accordance with the approved travel and loading plan, the health certificate is issued and an export permit issued.

8. Each step in the process is conditional on all the previous steps having been properly carried out. The export of live-stock is prohibited unless the export permit is issued (see section 2.02 of this Order and sections 7, 8 and 25 of the *Export Control Act 1982*).

### **Export of other live animals**

9. The process for export of a live animal that is not 'live-stock' is simpler because animals other than live-stock are normally exported in small numbers at a time, and the animals are often of high value individually, so that each animal can be looked after individually. Common examples are:

- companion animals such as cats and dogs
- racehorses being exported either for competition or breeding
- native animals being exported for zoological purposes.

10. Briefly, the administrative steps in the process of an export of a live animal that is not 'live-stock' are as follows:

- the exporter gives the Secretary a notice of intention to export (NOI) for the export (if the importing country requirements require the animal to be held at registered premises before export, the NOI also acts as a request to approve, as registered premises, the premises at which the animal will be prepared for export)
- the animal is treated and tested in accordance with the importing country's requirements
- the animal is held in pre-export quarantine or isolation at the premises in the way that, and for as long as, the importing country requires
- an AQIS authorised officer prepares a health certificate for the animal if the importing country requires one
- the animal is loaded and the health certificate and export permit are issued to the exporter.

11. Each step in the process is conditional on all the previous steps having been properly carried out. The export of live animals is prohibited unless the export permit is issued (see section 3.02 of this Order and sections 7, 8 and 25 of the *Export Control Act 1982*).

12. A permission may also be required under another Commonwealth law — for example, in the case of a native animal, a permit may be required under the *Environment Protection and Biodiversity Conservation Act 1999*.

## **Export of animal reproductive material**

13. *Animal reproductive material* includes embryos, eggs or ova, semen, and anything else from which a complete live animal could be produced. Briefly, the administrative steps in the process of an export of animal reproductive material are as follows:

- the material is collected in the way that the importing country requires (the requirements may include pre-export quarantine or isolation, treatment or testing of the animal from which the material is derived)
- the exporter arranges for it to be inspected by an AQIS authorised officer and a health certificate (if required) is issued for it
- an export permit is issued.

14. Each step in the process is conditional on all the previous steps having been properly carried out. The export of animal reproductive material is prohibited unless the export permit is issued (see section 4.01 of this Order and sections 7, 8 and 25 of the *Export Control Act 1982*). Note that this Order does not deal with the collection of the material, which is regulated under State and Territory law. An export permit will not be issued unless an authorised officer is satisfied that the material was collected in compliance with the applicable State or Territory law (see section 4.04).

15. As in the case of live animal exports, a permission may also be required under another Commonwealth law — for example, in the case of reproductive material derived from a native animal, a permit may be required under the *Environment Protection and Biodiversity Conservation Act 1999*.

## Part 1 Preliminary

### 1.01 Name of Order

This Order is the *Export Control (Animals) Order 2004*.

### 1.02 Commencement

This Order commences on 1 December 2004.

### 1.03 Revocation of previous Orders

The following Export Control Orders are revoked:

- No. 15 of 1987
- No. 13 of 1988
- No. 18 of 1988
- No. 2 of 1990
- No. 1 of 1999.

### 1.04 Live animals and animal reproductive material to be prescribed goods

For the purposes of the definition of *prescribed goods* in section 3 of the Act, the following are prescribed goods:

- (a) live animals;
- (b) animal reproductive material.

### 1.05 Definitions

(1) In this Order:

*animal reproductive material* means any part of an animal from which another animal can be produced, and includes an embryo, an egg or ovum, or semen.

*Australian Standards for the Export of Live-stock* means the document by that name published by the Department, as in effect on 1 December 2004.

*exporter*, in relation to an animal or animal reproductive material that is to be exported, means the person intending to export it.

*NOI* means notice of intention to export.

*PGGOs* means the *Prescribed Goods (General) Orders 1985*.

*voyage* includes a flight of an aircraft.

*Note The Act* means the *Export Control Act 1982* — see regulation 2 of the *Export Control (Orders) Regulations 1982*.

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- (2) A person's *basic details* are the following:
  - (a) the person's name;
  - (b) the person's business address;
  - (c) if the person is an individual, his or her telephone number, fax number (if any) and e-mail address (if any);
  - (d) the person's ABN, if any;
  - (e) if the person is a corporation:
    - (i) its business address and ACN; and
    - (ii) the name, telephone and fax numbers, and e-mail address (if any) of a contact person.
- (3) A reference to *importing country requirements* in relation to an export of live animals or animal reproductive material is a reference to:
  - (a) the requirements of the relevant importing country protocol; and
  - (b) the requirements or conditions of the relevant import permit (including any waiver or variation of a requirement of the importing country protocol).
- (4) For the purposes of this Order, a day is a *working day* for the purpose of doing something if it is not a Saturday, a Sunday, or a public holiday in the place where the thing is to be done.

### 1.06 Effect of State and Territory laws

- (1) Nothing in this Order affects the operation of a law of a State or Territory if:
  - (a) it is possible to comply with both this Order and the State or Territory law at once; or
  - (b) in particular, compliance with the State or Territory law will also constitute compliance with this Order.
- (2) Nothing in this Order, or in the Australian Standards for the Export of Live-stock, is taken to require the Commonwealth, the Secretary or an authorised officer to administer or enforce any law of a State or Territory or any code of practice or similar instrument having effect under the law of a State or Territory.

## Part 2 Export of live-stock

### Division 2.1 General

#### 2.01 Definitions for this Part

In this Part:

*AMLI Act* means the *Australian Meat and Live-stock Industry Act 1997*.

*CRMP* means consignment risk management plan.

*live-stock* means cattle, sheep, goats, deer, buffalo and camelids (that is, camels, llamas, alpacas and vicuñas), and includes the young of an animal of any of those kinds.

*registered premises* means premises registered under Division 2.2.

*sourcing* means specifically identifying animals to be exported in a particular consignment.

#### 2.02 Prohibition on export of live-stock

The export of live-stock is prohibited unless:

- (a) the exporter holds a live-stock export licence under the AMLI Act; and
- (b) subject to subsection 2.43 (2), before the exporter begins sourcing, transporting or preparing the live-stock for export, the Secretary has approved a NOI and a CRMP for the export; and
- (c) the live-stock are held before export, and assembled for export, in registered premises; and
- (d) before the live-stock leave the registered premises, the exporter has the live-stock and related documents inspected, and obtains a permission to leave for loading, in accordance with Division 2.4; and
- (e) the exporter complies with the approved NOI and CRMP; and
- (f) the exporter complies with any condition of the permission to leave for loading; and
- (g) the exporter has obtained an export permit for the export, and that permit is in force; and
- (h) the live-stock are exported to the place, and on the ship or aircraft, specified in the export permit; and
- (i) the exporter complies with any condition of the export permit.

*Note* For the offence of exporting prescribed goods contrary to a prohibition, see the Act, section 8. Live animals (including live-stock) are prescribed goods — see section 1.04 of this Order.

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**Division 2.2            Registration of premises for holding and assembling live-stock for export**

**2.03            Application of this Division**

This Division applies to the registration of premises to be used for holding and assembling live-stock for export.

**2.04            Application for registration**

- (1) A person may apply to the Secretary for the registration of premises under this Division.
- (2) The application must be in writing in the form approved by the Secretary for the purpose.
- (3) The application must include:
  - (a) the applicant's basic details; and
  - (b) an accurate map or plan clearly showing the location, boundaries and topography of the premises in relation to adjoining property; and
  - (c) detailed plans and specifications of the premises showing fences, water and feed troughs, shelters, drainage, food and water storage, isolation areas and entry and access points; and
  - (d) a copy of an operations manual in accordance with section 2.05.
- (4) The application must be accompanied by evidence that the applicant:
  - (a) has control of the day-to-day operation of the premises; and
  - (b) has obtained any approval or licence (whatever it is called) necessary to operate the premises from the responsible State or Territory authority.
- (5) The application must specify:
  - (a) the species, and class or classes, of live-stock that the applicant proposes to hold and assemble at the premises; and
  - (b) the greatest number of live-stock that the applicant proposes to hold and assemble at the premises at a time (and, if the live-stock will not all be of the same species, the greatest number of each species); and
  - (c) the types of operation that will be carried out at the premises.
- (6) The application must specify the months during which the premises are proposed to be used to hold and assemble live-stock for export, and must be accompanied by:
  - (a) meteorological evidence regarding the weather in the area of the premises during those months; and
  - (b) evidence that there is adequate shelter on the premises for live-stock during those months.

## 2.05 Operations manuals

The operations manual for premises to be registered must set out how the premises will operate, including processes or arrangements for the following matters:

- (a) management and control of operations at the premises;
- (b) receiving and identifying each animal received;
- (c) ensuring that each animal on the premises continues to be identifiable;
- (d) daily reconciliation of animals and animal movements;
- (e) daily monitoring and reporting of animals' health and mortality;
- (f) preventing unauthorised access to the premises;
- (g) supply of feed and water;
- (h) disposing of carcasses;
- (i) the management of animals rejected (including isolating and removing any animal suffering from inappetence);
- (j) a plan for managing a disease outbreak;
- (k) making and storing records of action taken in compliance with the manual.

## 2.06 Consideration of applications for registration of premises

- (1) For the purpose of considering an application for registration of premises, the Secretary may do either or both of the following:
  - (a) ask the applicant, in writing, to provide further information of a specified kind or about a specified matter, or to provide a specified document;
  - (b) ask the applicant, in writing, to permit an authorised officer nominated by the Secretary to inspect the premises and the facilities and equipment to be used in the operations, or watch a demonstration of the operations and procedures to be followed at the premises.

*Note* The services of an authorised officer for the purposes of paragraph (1) (b) are at the applicant's cost — see the *Export Control (Fees) Orders 2001*, Schedule 4, item 12.

- (2) If the Secretary makes a request under subsection (1), the Secretary need not consider the application until the applicant complies with the request.

## 2.07 Criteria for registration of premises

- (1) Subject to subsection (2), the criteria for registration of premises are:
  - (a) whether the applicant has the capacity to carry out the operations in accordance with the operations manual, and to comply with the conditions of registration; and
  - (b) whether the operations manual is adequate; and
  - (c) whether the location of the premises is appropriate, taking into account the species, class and maximum number of animals to be held at the premises and the types of operations proposed to be carried out; and

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- (d) whether there is adequate drainage to ensure that the premises are free-draining; and
  - (e) whether there is adequate shelter to protect the animals from adverse weather; and
  - (f) whether fences and arrangements for the separation of animals on the premises are adequate for the species and maximum number of animals to be held and the types of operations; and
  - (g) whether the water supply and the arrangements for storage and delivery of feed and water are adequate for the species and maximum number of animals to be held and the types of operations; and
  - (h) whether the security proposed is adequate; and
  - (i) whether the operations manual sets out the operations to occur at the premises, including supervision and record-keeping arrangements, in sufficient detail and with sufficient clarity to enable effective monitoring and audit of the operations.
- (2) The Secretary may take into account any other matters that may have adverse health or welfare outcomes for animals at the premises, or that make the premises unsuitable for the holding and assembling of animals for export.

**2.08 Notice of decision**

- (1) The Secretary must give written notice of his or her decision on an application to the applicant.
- (2) The notice must set out:
  - (a) if the decision was to approve the application — any condition to which the registration is subject; or
  - (b) if the decision was to refuse the application — the reasons for the decision.

**2.09 Registration — duration etc**

- (1) Registration has effect (unless sooner cancelled) for 1 year from the date of the notice of registration, or a shorter period specified in the notice of registration.
- (2) Approval of an application for registration is also approval of the operations manual included in the application.
- (3) Registration of premises ceases to have effect if:
  - (a) the premises are transferred to a new owner; or
  - (b) the operator ceases to have day-to-day control of the operations at the premises.

## **2.10 Registration — conditions**

- (1) The registration of premises is subject to the following conditions:
  - (a) that the operator must not accept an animal for holding and assembling for export except in accordance with the registration;
  - (b) that, subject to subsection (2), operations at the premises, and the maintenance of the premises, are carried out in accordance with the approved operations manual for the premises;
  - (c) that the operator must consent to entry (at a reasonable time and on reasonable notice) by an authorised officer, and must provide such assistance to an authorised officer as is reasonably necessary, to enable the officer to perform an audit at the premises or to exercise his or her powers or functions under the Act or this Order at the premises;
  - (d) that the operator must consent to entry by an accredited veterinarian, and must provide such assistance to such a veterinarian as is reasonably necessary, to enable the veterinarian to undertake veterinary work in accordance with an approved export program;
  - (e) that the operator must not accept live-stock for holding and assembling for export unless the operator is satisfied that the live-stock can be held and assembled at the premises in accordance with the information about the live-stock given to the operator under subsection 2.45 (3);
  - (f) that the operator must comply with the Australian Standards for the Export of Live-stock;
  - (g) that the operator must not cause live-stock to leave the premises for export unless a permission to leave for loading for the live-stock has been issued to the exporter concerned;
  - (h) that the operator must not, without the Secretary's written approval:
    - (i) alter the premises in any respect referred to in paragraph 2.04 (3) (b) or (c); or
    - (ii) change any aspect of the operation of the premises referred to in subsection 2.04 (5);
  - (i) that the operator must not alter the approved operations manual for the premises without the Secretary's written approval;
  - (j) that the operator must comply with any notice given by the Secretary under subsection 2.11 (4) within the time specified in the notice;
  - (k) that the operator must retain copies of all documents given to it in connection with a consignment of live-stock for at least 2 years after the consignment leaves the premises;
  - (l) that if the Secretary so requests in writing, the operator must produce to the Secretary any document referred to in paragraph (k) within a reasonable period after the request.
- (2) For the purposes of paragraph (1) (b), if a requirement of an approved NOI or CRMP is inconsistent with the approved operations manual for premises, the requirement of the NOI or CRMP prevails to the extent of the inconsistency.

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- (3) The Secretary may impose an additional condition or conditions on the registration of premises.
- (4) Without limiting subsection (3), a condition may relate to any or all of the following:
  - (a) the number of live-stock that may be held at the premises at a time;
  - (b) the kind of live-stock that may be held or assembled;
  - (c) the types of operation that may be carried out at the premises;
  - (d) the countries to which live-stock held or assembled at the premises may be exported;
  - (e) that live-stock may not be held or prepared at the premises during a specified month or months for export to a specified place or places;
  - (f) the frequency and intensity of audits for the premises.

### **2.11 Changes to operations manuals**

- (1) An application for approval to alter the approved operations manual for registered premises:
  - (a) must be in writing in the form approved by the Secretary for the purpose; and
  - (b) must set out the proposed change; and
  - (c) must include a statement of the reason for the change; and
  - (d) must include, or refer to, any necessary evidence supporting that reason.
- (2) The Secretary must give written notice of his or her decision on an application to the applicant.
- (3) If the decision was to refuse the application, the notice must set out the reasons for the decision.
- (4) The Secretary may direct the operator of registered premises, by notice in writing, to alter the approved operations manual for the premises in a specified way within a specified reasonable time.

### **2.12 Renewal of registration**

- (1) The operator of registered premises may re-apply for approval of the registration of the premises for a further period within a reasonable time before the registration expires.
- (2) Sections 2.04 to 2.08 apply to such an application, except that the operator need not give the Secretary information or a document that the Secretary already has.

### **2.13 Variation of registration**

- (1) The operator of registered premises may apply in writing to the Secretary for approval to:
  - (a) alter the premises in a respect referred to in paragraph 2.04 (3) (b) or (c); or
  - (b) change an aspect of the operation of the premises referred to in subsection 2.04 (5).
- (2) Sections 2.04 to 2.08 apply to such an application, except that the operator need not give the Secretary information or a document that the Secretary already has.
- (3) The Secretary must give written notice of his or her decision on an application to the applicant.
- (4) If the decision was to refuse the application, the notice must set out the reasons for the decision.
- (5) The Secretary may, by notice in writing, unilaterally vary the conditions of registration of registered premises if he or she is satisfied that the variation is necessary to:
  - (a) protect Australia's trading relationship with an importing country; or
  - (b) protect the health or welfare of animals to be exported.
- (6) A variation under subsection (5) has effect when notice of it is given to the operator of the premises.

### **2.14 Show-cause notices**

- (1) If there is reason to believe that grounds may exist for the cancellation of the registration of premises, the Secretary may give to the operator of the premises a show-cause notice in accordance with this section.

*Note* The grounds for cancellation are set out in section 2.15.
- (2) A show-cause notice must be in writing.
- (3) The notice must set out the facts and circumstances that appear to be grounds for the cancellation of the registration of the premises.
- (4) The notice must invite the operator to show cause in writing, within 14 days, why the registration should not be cancelled.
- (5) A show-cause notice may state that the registration is suspended, if it appears to the Secretary to be necessary or desirable to do so to:
  - (a) protect Australia's trading relationship with an importing country; or
  - (b) protect the health or welfare of animals to be exported.

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**2.15      Cancellation of registration**

- (1) The Secretary may cancel the registration of premises if:
  - (a) a condition of the registration of the premises has been contravened; or
  - (b) he or she is satisfied that cancellation of the registration is necessary to:
    - (i) protect Australia's trading relationship with an importing country; or
    - (ii) protect the health or welfare of animals to be exported; and
  - (c) the Secretary has given the operator of the premises a show-cause notice in accordance with section 2.14; and
  - (d) the period allowed by the notice for the operator to show cause why the registration should not be cancelled has ended.
- (2) Before cancelling the registration of premises, the Secretary must take into account any submissions that the operator makes within 14 days after service of the relevant show-cause notice.
- (3) If the operator has been charged with, but acquitted of, an offence, the Secretary is not obliged to find that the facts on which the charge was based have not been established.
- (4) If the Secretary has not decided whether or not to cancel the registration within 60 days after the end of the period allowed for submissions, the Secretary is taken to have decided, at the end of that period, not to cancel the registration.

**2.16      Notice of cancellation**

- (1) The Secretary must give written notice of cancellation of the registration of premises to the operator of the premises.
- (2) The notice must set out the reasons for the decision.
- (3) The cancellation has effect when the notice is given to the occupier.

**Division 2.3            Accreditation of veterinarians for live-stock export**

**2.17      Certain veterinarians taken to be accredited**

For section 9B of the Act, a veterinarian whose name is, on 1 December 2004, on the list of approved veterinarians held by the Australian Quarantine and Inspection Service, is taken to be an accredited veterinarian.

*Note 1* The list is available at <http://www.aqis.gov.au/accreditedveterinarians>.

*Note 2* Section numbers 2.18 to 2.38 reserved for possible future use.

### **2.39 Accredited veterinarians to keep certain records**

- (1) The accredited veterinarian nominated by an exporter to undertake an approved export program must keep records of the following in relation to the program:
  - (a) if the veterinarian administers or supervises any veterinary examination or treatment, or testing, in relation to the live-stock to be exported:
    - (i) what the examination, treatment or testing was; and
    - (ii) the date on which, and the place at which, it was administered or supervised;
  - (b) the dosage of any such treatment;
  - (c) the results of any such testing;
  - (d) pre-export quarantine or isolation of the live-stock, including the length and conditions of the quarantine or isolation;
  - (e) sufficient information to identify (either generally or specifically, as required by the relevant importing country protocol) the live-stock examined, treated, tested, or subjected to pre-export quarantine or isolation.

*Note* Failure to keep such a record is an offence — see the Act, subsection 9G (1).

- (2) The accreditation of a veterinarian is subject to the following conditions:
  - (a) that he or she must retain copies of all documents given to him or her in connection with a consignment of live-stock for at least 2 years after the consignment leaves the premises at which they are held and assembled for export;
  - (b) that if the Secretary so requests in writing, he or she must produce to the Secretary any document referred to in paragraph (a), and specified or described in the request, within a reasonable period after the request.

### **2.40 Reports by accredited veterinarians on voyages**

- (1) If the accredited veterinarian nominated by an exporter to undertake an approved export program travels with the live-stock on the export voyage, the veterinarian must make a written report to the Secretary, in the form approved by the Secretary for the purpose.

*Note* Failure to make such a report is an offence — see the Act, subsection 9G (1).

- (2) The veterinarian must make the report daily unless the Secretary directs the veterinarian in writing otherwise.
- (3) The approved form may require information about the following matters:
  - (a) the temperature on board the vessel or aircraft;
  - (b) the humidity on board the vessel or aircraft;
  - (c) the wet bulb readings;
  - (d) the deck or cargo hold conditions;
  - (e) the general conditions;
  - (f) the respiratory rate and character of the live-stock;

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- (g) whether and to what extent the live-stock show heat stress;
  - (h) the feed and water consumption of the live-stock;
  - (i) a hospital pen report;
  - (j) mortality rates;
  - (k) any other relevant matter.
- (4) Within 5 working days after the end of the voyage, the veterinarian must make a written report to the Secretary, in the form approved by the Secretary for the purpose, setting out:
- (a) the name of the exporter; and
  - (b) the month and year in which the loading of the live-stock was completed; and
  - (c) the port or ports at which the loading took place; and
  - (d) the port or ports at which the live-stock were discharged; and
  - (e) the month and year in which the live-stock were discharged at each port; and
  - (f) the duration of the voyage; and
  - (g) the type or types of live-stock; and
  - (h) the number of each type of live-stock loaded; and
  - (i) the total mortality for each type of live-stock; and
  - (j) the percentage mortality for each type of live-stock; and
  - (k) the health and welfare of the live-stock on the voyage; and
  - (l) any treatment given to the live-stock during the voyage; and
  - (m) anything else relevant to the live-stock during the voyage.

*Note* Failure to make such a report is an offence — see the Act, subsection 9G (1).

## **Division 2.4            Notice of intention to export and related matters**

### **2.41            Notices of intention to export (NOIs)**

- (1) An NOI must be in writing in the form approved by the Secretary for the purpose.
- (2) An NOI must set out:
  - (a) the exporter's basic details and AMLI licence number; and
  - (b) the following details of the proposed export:
    - (i) the name and address of the importer;
    - (ii) a description (including number, kind and class) of the live-stock to be exported;
    - (iii) the name and the registration number of the registered premises at which the live-stock are to be held and assembled for export;

- (iv) if an approved export program is required for the preparation of the live-stock for export, the name of the accredited veterinarian nominated by the exporter to undertake that program;
- (v) details of the proposed international transport, including the route of the export voyage and details of the vessel or flight to be used;
- (vi) details of the proposed transport in Australia including the method of transport;
- (vii) the area from which the live-stock are to be sourced;
- (viii) the expected dates of arrival at, and departure from, the registered premises to be used to hold and assemble the live-stock for export;
- (ix) the date the live-stock will leave Australia;
- (x) the port from which they will leave;
- (xi) the expected date of arrival in the importing country.

## **2.42 Consignment risk management plans (CRMPs)**

- (1) A CRMP must be in writing, in the form approved by the Secretary for the purpose.
- (2) A CRMP must set out the following:
  - (a) the importing country requirements relating to sourcing, pre-export quarantine, treatment and testing, and the exporter's plans to meet those requirements;
  - (b) the standards in the Australian Standards for the Export of Live-stock relevant to the export and the exporter's plans to meet those standards;
  - (c) the legislative requirements in orders under the AMLI Act relevant to the export and the exporter's plans to meet these requirements;
  - (d) a declaration that the exporter has risk-management plans for:
    - (i) mechanical breakdown, delay or unavailability of the vessel or aircraft to be used for the export voyage; and
    - (ii) a food or water shortage during the voyage; and
    - (iii) an outbreak of disease during the voyage; and
    - (iv) extreme weather during the voyage; and
    - (v) rejection of the consignment by the overseas market;
  - (e) a declaration that the exporter has reviewed and if necessary amended the plans referred to in paragraph (d) in the context of the export;
  - (f) any other risk management plan that the exporter considers necessary for the export.

## **2.43 Giving NOIs and CRMPs to Secretary**

- (1) The NOI and CRMP must be given to, and approved by, the Secretary before the exporter begins sourcing animals for export.

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- (2) Despite subsection (1), the Secretary may accept an NOI and a CRMP after the exporter has begun sourcing live-stock or preparing them for export if the Secretary thinks it reasonable to do so, having regard to the kind and number of live-stock to be exported and the importing country requirements.

### **2.44 Approval of NOIs and CRMPs**

- (1) The Secretary may by notice in writing:
  - (a) require further information about a proposed export; or
  - (b) direct that an NOI or a CRMP be amended in a specified way.
- (2) The criterion for approval of an NOI or a CRMP is whether the NOI or CRMP complies with the following:
  - (a) the requirements of this Order;
  - (b) the requirements of the AMLI Act and regulations under that Act;
  - (c) orders or directions under the AMLI Act;
  - (d) the conditions of the exporter's AMLI licence;
  - (e) the Australian Standards for the Export of Live-stock.
- (3) The Secretary must give written notice to the exporter of his or her decision whether or not to approve the NOI and CRMP, and if the decision is a refusal, of the reasons for the decision.
- (4) The Secretary may approve an NOI and a CRMP subject to a condition.

### **2.45 Effect of approval of NOIs and CRMPs**

- (1) Approval of an NOI and a CRMP is approval for the exporter to prepare to export the specified number and kind of live-stock from the specified port in Australia on the specified day on board the specified ship or flight to the specified country in compliance with the approved NOI and CRMP.
- (2) Approval of an NOI and a CRMP for a proposed export does not oblige the Secretary to grant an export permit for the export.
- (3) An exporter must give the operator of the registered premises at which the relevant animals are to be held and assembled for export the following information, as extracted from the NOI and CRMP:
  - (a) a description (including number, kind, class and condition) of the live-stock to be exported;
  - (b) the name and the registration number of the registered premises to be used to hold and assemble the live-stock for export;
  - (c) if the importing country requires the preparation to be supervised by an accredited veterinarian, the name of the veterinarian who will do so;
  - (d) details of the proposed international transport including the route of the export voyage and details of the vessel or aircraft to be used;
  - (e) details of the proposed transport in Australia including the method of transport;

- (f) the area from which the relevant live-stock are to be sourced;
- (g) the expected dates of arrival at, and departure from, the registered premises to be used to hold and assemble the live-stock for export;
- (h) the date the live-stock will leave Australia;
- (i) the port from which they will leave;
- (j) the importing country requirements relating to sourcing, pre-export quarantine or isolation, treatment and testing, and the exporter's plans to meet those requirements;
- (k) the standards in the Australian Standard for the Export of Live-stock relevant to the export, and the exporter's plans to meet those standards;
- (l) any applicable requirements in Orders made under the AMLI Act, and the exporter's plans to meet those requirements.

#### **2.46 What happens if circumstances change**

- (1) If there is a relevant change in any circumstance of the export, the exporter must inform the Secretary in writing before proceeding any further with the preparation of the live-stock for export.
- (2) If the Secretary has been informed by an exporter, or has otherwise become aware, of a change relevant to a proposed export, the Secretary may, by notice in writing to the exporter, do any 1 or more of the following:
  - (a) cancel any approval already granted of the NOI or CRMP for the proposed export;
  - (b) direct that the approved NOI or CRMP is to be varied in a specified manner;
  - (c) require the exporter to submit a new NOI or CRMP or both.

#### **2.47 Approved export programs for live-stock**

- (1) An approved export program for live-stock may include requirements about any 1 or more of the following matters:
  - (a) pre-export quarantine or isolation, treatment and testing of the live-stock, as required by the importing country requirements and the Australian Standards for the Export of Live-stock;
  - (b) obligations on an accredited veterinarian to report on the program, keep records and make declarations in relation to compliance with the program.
- (2) The Secretary may approve an export program for an export of live-stock based on the information contained in the relevant NOI and CRMP and any other information that the Secretary has regarding the importing country requirements and the Australian Standards for the Export of Live-stock.
- (3) The Secretary must give a copy of the approved export program to the exporter concerned and may give a copy to the accredited veterinarian nominated by the exporter.

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- (4) The exporter must give a copy of the approved export program to the accredited veterinarian nominated by the exporter.

**2.48    When live-stock to be accompanied by accredited veterinarian**

- (1) The Secretary may require, as a condition of the approval of an export program, that live-stock the subject of the export program are to be accompanied on their export voyage by an accredited veterinarian.

*Note* Failure to comply with such a requirement is an offence — see the Act, section 9J.

- (2) For the purpose of deciding whether or not to impose a requirement under subsection (1), the Secretary may take into account any relevant matter including:
- (a) the relevant importing country requirements; and
  - (b) the exporter's record as an exporter of live-stock; and
  - (c) the condition of the vessel or aircraft on which the live-stock are to travel; and
  - (d) the weather and time of year; and
  - (e) the kind of live-stock being exported; and
  - (f) market considerations.

**2.49    Variation of approved export programs for live-stock**

- (1) The Secretary may vary an approved export program if:
- (a) the importing country requirements relevantly change; or
  - (b) the standards of the Australian Standards for the Export of Live-stock relevantly change; or
  - (c) any other relevant circumstance changes; or
  - (d) the Secretary is of the opinion that the variation is necessary to maintain the health or welfare of the relevant live-stock; or
  - (e) the exporter or accredited veterinarian concerned so requests.
- (2) In considering whether to approve a variation requested by an exporter or accredited veterinarian, the Secretary must have regard to:
- (a) the importing country requirements; and
  - (b) the relevant standards of the Australian Standards for the Export of Live-stock; and
  - (c) the health and welfare of the live-stock concerned; and
  - (d) any other relevant circumstance.
- (3) If the Secretary varies an approved export program, he or she must give a copy of the approved export program, as so varied, to the exporter concerned, and may give a copy to the accredited veterinarian nominated by the exporter.
- (4) The exporter must give a copy of the approved export program, as so varied, to the accredited veterinarian nominated by the exporter.

## **2.50 Suspension or cancellation of approved export programs for live-stock**

- (1) The Secretary may suspend or cancel the approval of an export program if:
  - (a) the importing country requirements have relevantly changed; or
  - (b) the standards of the Australian Standards for the Export of Live-stock have relevantly changed; or
  - (c) any other relevant circumstance has changed; or
  - (d) the Secretary is of the opinion that the suspension or cancellation is necessary to maintain the health or welfare of the relevant live-stock.
- (2) If the Secretary suspends or cancels an approved export program, he or she must give written notice of the suspension or cancellation, including a statement of the reasons for doing so, to the exporter concerned, and may give a copy of the notice to the accredited veterinarian nominated by the exporter.
- (3) The exporter must give a copy of the notice to the accredited veterinarian nominated by the exporter.

## **2.51 Payment of costs of authorised officers etc**

- (1) An exporter must pay the reasonable costs of any activities undertaken by an authorised officer under section 9D or 9E of the Act in relation to an approved export program of the exporter.
- (2) For subsection (1):

*costs* includes the cost of the officer's salary, transport and accommodation.
- (3) An amount payable by an exporter under subsection (1) is a debt due to the Commonwealth.

## **Division 2.5 Inspection of live-stock before export and issue of export permit**

### **2.52 Application for pre-export inspection etc**

- (1) An exporter may apply to the Secretary for:
  - (a) a health certificate for live-stock to be exported; and
  - (b) a permission to leave for loading for the live-stock.
- (2) The application:
  - (a) must be in writing in the form approved by the Secretary for the purpose; and
  - (b) must include, or be accompanied by, travel and loading plans for the live-stock, describing how the live-stock will be transported to the place of loading, loaded, and carried on the export voyage, including:
    - (i) feed and water arrangements; and
    - (ii) space or crate requirements; and

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- (iii) ventilation; and
  - (iv) personnel required on the voyage; and
  - (c) must include:
    - (i) a declaration by the exporter in accordance with subsection (3); and
    - (ii) a declaration by an accredited veterinarian that the live-stock have been prepared for export in accordance with the relevant approved export program; and
  - (d) must be accompanied by evidence supporting those declarations.
- (3) The declaration by the exporter must state:
- (a) that the live-stock have been held and assembled in accordance with the approved NOI and CRMP and the Australian Standards for the Export of Live-stock, to the extent to which the exporter has become obliged to comply with them at or before the time of application for the certificate and permission; and
  - (b) that any requirements under any other Commonwealth law, or the law of a State or Territory, that the exporter has become obliged to comply with at or before that time been complied with; and
  - (c) that all importing country requirements relating to the consignment that the exporter has become obliged to comply with at or before that time have been complied with.
- (4) The Secretary may obtain evidence about the matters referred to in paragraphs (3) (a) and (b) directly from the Commonwealth, State or Territory authority concerned, and may for that purpose give a copy of the relevant declaration to the Commonwealth, State or Territory authority.

**2.53 Health certificates**

- (1) A health certificate in relation to live-stock is a certificate, issued by an authorised officer, that the live-stock meet the requirements of a specified importing country relating to the health of the live-stock.
- (2) Before issuing a health certificate for live-stock, an authorised officer:
- (a) must inspect the live-stock before they leave the registered premises at which they are held and assembled for export; and
  - (b) may consider any evidence (including the declarations mentioned in subparagraphs 2.52 (2) (c) (i) and (ii) and the evidence submitted in support of those declarations) provided by the exporter in relation to the health of the live-stock.
- (3) A health certificate:
- (a) must be in a form approved by the Secretary; and
  - (b) must be signed by the authorised officer who issues it; and
  - (c) must bear the identity number of the authorised officer who issues it; and
  - (d) must state its date of issue; and

- (e) must bear an official mark declared under Part 14 of the PGGOs; and
  - (f) may contain any information required by a competent authority of the importing country.
- (4) A health certificate for live-stock must be prepared by an authorised officer as soon as possible after the inspection required by paragraph (2) (a), but is not to be issued to the exporter of the live-stock until after the live-stock have been loaded for export but before an export permit is issued for the export.

## **2.54 Grant of permission to leave for loading**

- (1) A permission to leave for loading authorises the exporter to which it is issued to move the relevant live-stock from the registered premises at which they have been held and assembled and load them on board the ship or aircraft on which they are to be exported.
- (2) The grant of a permission to leave for loading is also approval of the travel and loading plan that accompanied the application for the permission.
- (3) If an authorised officer is satisfied that:
- (a) the exporter has given the Secretary an NOI, in accordance with section 2.41, and has provided with that NOI a CRMP in relation to the export, and the NOI and the CRMP have been approved; and
  - (b) the exporter has complied with the NOI and the CRMP; and
  - (c) the exporter holds a live-stock export licence under the AMLI Act; and
  - (d) the exporter has complied with the requirements of the AMLI Act and regulations, and any orders made or directions given under that Act; and
  - (e) the exporter has complied with any conditions of the live-stock export licence; and
  - (f) a health certificate can be issued for the live-stock if required; and
  - (g) each of the live-stock is fit to undertake the proposed export voyage without any significant impairment of its health; and
  - (h) the relevant travel and loading plans comply with the Australian Standards for the Export of Live-stock; and
  - (i) importing country requirements in relation to the export have been complied with;

the authorised officer may grant the exporter written permission to leave for loading.

*Note for paragraph (e)* It is a condition of a live-stock export licence that the holder complies with the Australian Standards for the Export of Live-stock — see regulation 18 of the *Australian Meat and Live-stock Industry (Export Licensing) Regulations 1998*.

- (4) The permission to leave for loading must be in writing in a form approved by the Secretary for the purpose.
- (5) An authorised officer may impose a condition on a permission to leave for loading.

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- (6) To assess whether the animals are fit to undertake a proposed export voyage without any significant impairment of their health, an authorised officer must have regard to the following matters:
  - (a) the animals' general condition;
  - (b) the risk of them being injured by the enclosures or ramps used for loading them onto the ship, aircraft, train or other vehicle on which they are to be carried to the place of export;
  - (c) the nature of the accommodation for them on the ship or aircraft on which they are to be transported overseas;
  - (d) the number, species, health and general condition of any other animal to be carried on the same ship or aircraft;
  - (e) the conditions that the animals are likely to encounter during the export voyage.
- (7) If the authorised officer refuses to grant a permission to leave for loading, the officer must notify the exporter in writing.
- (8) The notice must set out the reasons for refusal.

### **2.55    Variation of travel and loading plans**

- (1) An exporter may request an authorised officer to approve a variation to the approved travel and loading plans for an export of live-stock if there is a relevant change in circumstances relating to the travel or loading of the live-stock.
- (2) The request must be in writing and must set out:
  - (a) the change in circumstances; and
  - (b) the proposed variation.
- (3) In considering whether to approve the variation, the authorised officer must take into account:
  - (a) the importing country requirements; and
  - (b) the relevant standards of the Australian Standards for the Export of Live-stock; and
  - (c) the health and welfare of the live-stock concerned; and
  - (d) any other relevant circumstance.

### **2.56    Conditions of permission to leave for loading**

- (1) A permission to leave for loading is subject to the conditions that:
  - (a) the exporter complies with the relevant approved travel and loading plans; and
  - (b) the live-stock remain fit to travel.
- (2) A permission to leave for loading is valid for 5 days after the day it is issued.

- (3) The Secretary may extend the period of validity of a permission to leave for loading if he or she is satisfied that exceptional circumstances exist that justify the extension.
- (4) Before extending the period of validity of the permission, the Secretary may require the exporter to allow an authorised officer to inspect the animals.

### **2.57 Suspension or cancellation of permission to leave for loading**

- (1) If, after permission to leave for loading has been granted for a proposed export of live-stock, there are reasonable grounds to believe that there has been a relevant change in any circumstance relating to the export, the Secretary may suspend the permission.
- (2) If there is no reasonable possibility that the exporter will be able to continue the export in the changed circumstances, the Secretary may cancel the permission.

### **2.58 Application for export permit**

- (1) After the live-stock are loaded on board a ship or aircraft for export, the exporter may apply to the Secretary for an export permit for the live-stock.
- (2) The application must be in writing in the approved form and must include:
  - (a) a copy of the permission to leave for loading; and
  - (b) a declaration that the live-stock were transported to the port of loading and loaded in accordance with the relevant approved travel and loading plans; and
  - (c) a declaration that no relevant circumstances have changed since the live-stock were inspected for the purposes of the issue of the relevant health certificate; and
  - (d) a declaration that the exporter has complied with the relevant approved NOI and CRMP; and
  - (e) a declaration that the exporter has complied with importing country requirements in relation to the live-stock.

*Note* Before the permit is granted, the exporter must make the declaration mentioned in subsection 7 (3C) of the Act — see subsection 2.59 (4). That subsection is as follows:

- ‘(3C) The declaration is that the person has complied with:
- (a) any conditions to which a live-stock export licence under the *Australian Meat and Live-stock Industry Act 1997* was subject; and
  - (b) any requirements under that Act that otherwise relate to the export of live-stock.’

### **2.59 Grant of export permit**

- (1) The Secretary may issue an export permit for live-stock if:
  - (a) a permission to leave for loading is in effect that authorised them to be loaded on the ship or aircraft; and
  - (b) the exporter holds a live-stock export licence under the AMLI Act; and

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- (c) the Secretary is satisfied that:
    - (i) the live-stock were transported to the port of loading and loaded in accordance with the approved travel and loading plans; and
    - (ii) the exporter has complied with importing country requirements in relation to the live-stock; and
    - (iii) no relevant circumstances have changed since the live-stock were inspected for the purposes of the issue of the health certificate; and
    - (iv) the exporter has complied with the approved NOI and CRMP; and
  - (d) the relevant importing country requirements so require, a health certificate for the live-stock has been issued.
- (2) In deciding whether to issue an export permit to an exporter, the Secretary may take into account whether the exporter has complied with:
- (a) any conditions to which a live-stock export licence under the AMLI Act was subject; and
  - (b) any requirements under that Act that otherwise relate to the export of live-stock.
- (3) An export permit:
- (a) must be in a form approved by the Secretary; and
  - (b) must state the date of its issue; and
  - (c) must state the number, kind and class of live-stock authorised to be exported; and
  - (d) must specify the place to which the live-stock are authorised to be exported; and
  - (e) must specify the ship or flight on board which the live-stock are authorised to be exported; and
  - (f) must be signed by an authorised officer; and
  - (g) must bear the identity number of the authorised officer who signed it; and
  - (h) must bear an official mark declared under Part 14 of the PGGOs; and
  - (i) may contain any information required by the country to which the live-stock are to be exported.
- (4) The granting of an export permit is subject to the condition that, before the permit is granted, the applicant makes the declaration mentioned in subsection 7 (3C) of the Act.
- Note* That subsection is as follows:
- (3C) The declaration is that the person has complied with:
    - (a) any conditions to which a live-stock export licence under the *Australian Meat and Live-stock Industry Act 1997* was subject; and
    - (b) any requirements under that Act that otherwise relate to the export of live-stock.’.
- (5) A health certificate and an export permit may be combined in 1 document.

- (6) It is a condition of an export permit that the live-stock to which it applies must leave Australia within 72 hours after it is issued, unless the Secretary approves otherwise.
- (7) An export permit may be subject to such other conditions as the Secretary thinks fit.

## **2.60 Refusal to grant permit**

- (1) The Secretary may refuse to issue an export permit if the permit would, if granted, have allowed the live-stock concerned:
  - (a) to be carried on a ship or aircraft the condition of which there is reason to believe caused the health or condition of live-stock to deteriorate during an export voyage; or
  - (b) to be consigned to a person whose actions there is reason to believe have caused the health or condition of live-stock to deteriorate during export; or
  - (c) to be exported by a person whose actions there is reason to believe have caused the health or condition of live-stock to deteriorate during export.
- (2) The Secretary may refuse to issue the export permit if there is reason to believe that the intended country of destination will not permit the live-stock to enter.
- (3) If the Secretary refuses to issue an export permit, the Secretary must give the applicant written notice of the refusal.
- (4) The notice must set out the reasons for the refusal.

## **2.61 Revocation of export permits**

- (1) If there is reason to believe that a condition of an export permit has not been complied with, or that a relevant circumstance has changed, the Secretary may revoke the permit.
- (2) If there is reason to believe that, in relation to the export of live-stock to which an export permit applies, an exporter has not complied with:
  - (a) any conditions to which a live-stock export licence for the live-stock under the AMLI Act was subject; and
  - (b) any requirements under that Act that otherwise relate to the export of the live-stock;the Secretary may revoke the permit.
- (3) The Secretary must revoke an export permit if the holder requests the Secretary in writing to do so.
- (4) If the Secretary revokes an export permit otherwise than at the request of the holder, the Secretary must give the holder written notice of the revocation.

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- (5) The notice must set out the reasons for the revocation.
- (6) The Secretary may, but is not obliged to, grant another export permit subject to a different condition or an additional condition, or authorising export to a different destination.
- (7) If an export permit issued under subsection (6) is subject to a condition to which the revoked export permit was not subject, the Secretary must give the person to whom the new export permit is issued written notice of the reasons for imposing the new condition.

## Part 3 Export of other live animals

### 3.01 Definition — *live animal*

In this Part:

*live animal* does not include live-stock.

### 3.02 Prohibition on export of live animals

The export of a live animal is prohibited unless:

- (a) an export permit has been issued, and is in effect, for the export of the animal; and
- (b) the animal is exported to the place specified in the export permit; and
- (c) the exporter complies with any conditions of the export permit.

*Note* For the offence of exporting prescribed goods contrary to a prohibition, see the Act, section 8. Live animals are prescribed goods — see section 1.04 of this Order.

### 3.03 Giving notice of intention to export for live animal export

- (1) A person may give the Secretary an NOI to export a live animal.
- (2) The NOI:
  - (a) must be in writing in the form approved by the Secretary for the purpose; and
  - (b) must give the basic details of the exporter; and
  - (c) must give the following details of the export:
    - (i) the importing country;
    - (ii) the importer;
    - (iii) the relevant importing country requirements relating to pre-export quarantine or isolation, treatment and testing;
    - (iv) the name of the veterinarian who will prepare the animal or animals for export;
    - (v) how many animals are to be exported;
    - (vi) a description of the animal, or each animal, to be exported;
    - (vii) the travel arrangements, including details of the ship or flight, route, container specifications and feed and water arrangements;
    - (viii) the date the animal or animals will leave Australia;
    - (ix) the port from which it or they will leave;
    - (x) the expected date of arrival in the importing country;
    - (xi) the premises where the animal or animals is or are to be prepared for export;
    - (xii) the premises where the animals or animals can be inspected by an authorised officer.

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- (3) If the importing country requirements requires the animal or animals to be prepared for export at registered premises, the NOI has effect as an application for registration of the premises at which the animals are to be prepared.
- (4) The Secretary may, by notice in writing, ask the exporter to provide other specified information that is reasonably necessary to allow proper consideration of the NOI.
- (5) The NOI must be given to the Secretary no later than:
  - (a) if the importing country requirements require pre-export quarantine or isolation of the animal or animals — 10 working days before the quarantine or isolation begins; or
  - (b) otherwise — 10 working days before the proposed export.
- (6) Despite subsection (5), the Secretary may accept an NOI later than 10 working days before pre-export quarantine or isolation begins, or the proposed export, as the case requires, if the Secretary thinks it reasonable to do so, having regard to the kind and number of animals to be exported and any relevant requirements of their intended destination.
- (7) If the NOI is approved, and the importing country requirements require the animal or animals to be prepared for export at registered premises, the Secretary will (unless there is reason to believe that the premises are unsuitable for that purpose) register the premises at which the animals are to be prepared for export:
  - (a) in the name of the applicant as registered operator; and
  - (b) for the period, and subject to the conditions, that the Secretary determines.

### 3.04 Health certificates

- (1) A health certificate for an animal is a certificate, issued by an authorised officer, that the animal meets an importing country's requirements relating to the animal's health.
- (2) A health certificate:
  - (a) must be in a form approved by the Secretary; and
  - (b) must be signed by the authorised officer who issues it; and
  - (c) must bear the identity number of the authorised officer who issues it; and
  - (d) must state its date of issue; and
  - (e) must bear an official mark declared under Part 14 of the PGGOs; and
  - (f) may contain any information required by a competent authority of the importing country.

### **3.05 Grant of export permit for export of live animals**

- (1) If the Secretary is satisfied that:
- (a) the exporter has given the Secretary an NOI about the export in accordance with section 3.03; and
  - (b) if a health certificate for the animal is required, such a certificate has been issued; and
  - (c) any other importing country requirement has been met; and
  - (d) the animal is fit enough to undertake the proposed export voyage without any significant impairment of its health; and
  - (e) the travel arrangements are adequate for its health and welfare; and
  - (f) if another Commonwealth law requires the exporter to hold a licence or authorisation (whatever it is called) for the export, the exporter holds such a licence or authorisation;

the Secretary must grant an export permit for the proposed export.

*Note for paragraph (f)* Under the *Environment Protection and Biodiversity Conservation Act 1999*, a permit may be required for the export of a live Australian native animal.

- (2) For the purposes of deciding whether an animal is fit enough to undertake an export voyage without any significant impairment of its health, and whether the travel arrangements are adequate for its health and welfare, the matters that the Secretary may take into consideration include the following:
- (a) the animal's general condition;
  - (b) the nature of the accommodation, feed and water for it on the ship or aircraft on which it is to be transported overseas;
  - (c) if any other animal is to be transported with it, that animal's or those animals' species, health and general condition;
  - (d) the conditions that the animal will be likely to encounter during the export voyage.
- (3) An export permit:
- (a) must be in a form approved by the Secretary; and
  - (b) must state the date of its issue; and
  - (c) must state the number, kind and class of animals authorised to be exported; and
  - (d) must specify the place to which the animals are authorised to be exported; and
  - (e) must specify the ship or flight on board which the animals are authorised to be exported; and
  - (f) must be signed by an authorised officer; and
  - (g) must bear the identity number of the authorised officer who signed it; and
  - (h) must bear an official mark declared under Part 14 of the PGGOs; and
  - (i) may contain any information required by the country to which the animals are to be exported.

- (4) A health certificate and an export permit may be combined in 1 document.

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- (5) It is a condition of an export permit that the animal or animals to which it applies must leave Australia within 72 hours after it is issued, unless the Secretary approves otherwise.
- (6) An export permit may be subject to such other conditions as the Secretary thinks fit.

## Part 4 Export of animal reproductive material

### 4.01 Prohibition on export of animal reproductive material

The export of animal reproductive material is prohibited unless:

- (a) an export permit has been issued, and is in effect, for the export of the material; and
- (b) the material is exported to the place specified in the export permit; and
- (c) the exporter complies with any conditions of the export permit.

*Note* For the offence of exporting prescribed goods contrary to a prohibition, see the Act, section 8. Animal reproductive material is prescribed goods — see section 1.04 of this Order.

### 4.02 Giving notice of intention to export for export of animal reproductive material

- (1) An NOI in relation to the export of animal reproductive material:
  - (a) must be in writing in the form approved by the Secretary for the purpose; and
  - (b) must give the exporter's basic details; and
  - (c) must give the following details of the proposed export:
    - (i) a description of the material to be exported;
    - (ii) the travel arrangements;
    - (iii) the importer;
    - (iv) the importing country;
    - (v) the port from which it will leave;
    - (vi) where it will be collected and stored;
    - (vii) details of the relevant importing country requirements in relation to pre-export quarantine or isolation, treatment and testing.
- (2) The Secretary may, by notice in writing, ask the exporter to provide other specified information that is reasonably necessary to allow proper consideration of the NOI.
- (3) The NOI must be given to the Secretary no later than:
  - (a) if the importing country requirements require pre-export quarantine or isolation of the animal or animals from which the material is derived — 10 working days before the quarantine or isolation begins; or
  - (b) otherwise — 10 working days before the proposed export.
- (4) Despite subsection (3), the Secretary may accept an NOI later than 10 working days before the pre-export quarantine or isolation begins, or the date of the proposed export, as the case requires, if the Secretary thinks it reasonable to do so, having regard to the kind and amount of material to be exported and any relevant requirements of its intended destination.

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**4.03 Health certificates**

- (1) A health certificate for animal reproductive material is a certificate, issued by an authorised officer, that the material meets an importing country's requirements relating to its health or the health of the animal from which it was collected.
- (2) A health certificate:
  - (a) must be in a form approved by the Secretary; and
  - (b) must be signed by the authorised officer who issues it; and
  - (c) must bear the identity number of the authorised officer who issues it; and
  - (d) must state its date of issue; and
  - (e) must bear an official mark declared under Part 14 of the PGGOs; and
  - (f) may contain any information required by a competent authority of the importing country.

**4.04 Export permit for animal reproductive material**

- (1) If the Secretary is satisfied that:
  - (a) a person intending to export animal reproductive material has given an NOI to export the material in accordance with section 4.02; and
  - (b) the material has been collected and stored in accordance with the law of the State or Territory in which it was collected; and
  - (c) any health certificate required for the material has been issued; and
  - (d) if another Commonwealth law requires the exporter to hold a licence or authorisation (whatever it is called) for the export, the exporter holds such a licence or authorisation; and
  - (e) the primary container in which the material is packaged bears a trade description that clearly identifies the material; and
  - (f) a container that holds the primary container or containers in which the material is packaged has been sealed and an official mark declared under Part 14 of the PGGOs has been applied to the seal;the Secretary must grant an export permit for the material.

*Note for paragraph (d)* Under the *Environment Protection and Biodiversity Conservation Act 1999*, a permit may be required for the export of a specimen of an Australian native animal. 'Specimen' includes reproductive material.

- (2) An export permit:
  - (a) must be in a form approved by the Secretary; and
  - (b) must state the date of its issue; and
  - (c) must state the amount, kind and condition of animal reproductive material authorised to be exported; and
  - (d) must specify the place to which the material is authorised to be exported; and
  - (e) must specify the ship or flight on board which the material is authorised to be exported; and

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- (f) must be signed by an authorised officer; and
  - (g) must bear the identity number of the authorised officer who signed it; and
  - (h) must bear an official mark declared under Part 14 of the PGGOs; and
  - (i) may contain any information required by the country to which the material is to be exported.
- (3) A health certificate and an export permit may be combined in 1 document.
- (4) It is a condition of an export permit that the animal reproductive material to which it applies must leave Australia within 72 hours after the permit is issued, unless the Secretary approves otherwise.
- (5) An export permit may be subject to such other conditions as the Secretary thinks fit.

## Part 5                            Audit

### 5.01            Definition

In this Part:

*export instrument* means an approved NOI and CRMP, a permission to leave for loading or an export permit.

### 5.02            Purpose of audit

The purpose of an audit is to establish whether the requirements of the Act, this Order, the AMLI Act, or an approved export program, or the conditions of accreditation of a veterinarian, of registration of premises or of an export instrument are being complied with by:

- (a) the operator of registered premises; or
- (b) an exporter of animals or animal reproductive material; or
- (c) an accredited veterinarian.

### 5.03            Audit frequency and intensity

- (1) The operator of registered premises may ask for an audit of the premises in addition to the audit program set out in the conditions of registration of the premises.

*Note* The Secretary may impose a condition on the registration of premises regarding the frequency and intensity of audit.

- (2) An exporter may ask for an audit of the exporter's premises.
- (3) An accredited veterinarian may ask for an audit in addition to the audit program set out in the conditions of his or her accreditation.

### 5.04            Who is to carry out audits

An audit must be carried out by an authorised officer.

### 5.05            Operator etc to provide assistance

- (1) An operator of registered premises, accredited veterinarian or exporter being audited must provide such assistance to an auditor as is reasonably necessary to enable the auditor to perform the audit.
- (2) Without limiting subsection (1), the operator, veterinarian or exporter must:
  - (a) provide information to the auditor on request (including provide explanations and make documents and translations available) and operate equipment; and

- (b) allow an auditor to:
  - (i) observe and interview employees, agents or contractors of the operator, veterinarian or exporter; and
  - (ii) observe procedures; and
  - (iii) use equipment for the purpose of accessing, examining, testing, sampling, recording or reproducing any document or other thing; and
  - (iv) bring onto the premises equipment for a purpose referred to in subparagraph (iii).

### **5.06 Immediate notification of failures**

- (1) If an authorised officer, after auditing registered premises, an accredited veterinarian or an exporter, considers that there has been a failure to comply with a requirement of the Act or this Order, the AMLI Act, a condition of registration or accreditation or of an export instrument, the officer must tell the operator of the premises, the veterinarian or the exporter of the failure immediately after completing the audit.
- (2) The authorised officer may tell the operator, veterinarian or exporter orally.

### **5.07 Audit reports**

- (1) The authorised officer who carried out an audit must make a written report of the audit.
- (2) The report must include the following information:
  - (a) the name of the officer;
  - (b) the date the audit commenced, the date it ended and the duration of the audit;
  - (c) the name of the registered premises, accredited veterinarian or exporter audited;
  - (d) the nature and scope of the audit, including the activities audited.
- (3) The report must state:
  - (a) whether the audit was satisfactorily completed or was terminated before it was completed; and
  - (b) whether the officer considers that the requirements of the Act and this Order, and the conditions of registration or accreditation, as the case requires, and of any applicable export instrument, have been complied with; and
  - (c) the reasons for the officer's opinion.
- (4) The report must:
  - (a) describe any failure to comply with the requirements of the Act or this Order, or a condition of registration or accreditation, as the case requires, or of any applicable export instrument, discovered by the officer; and

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- (b) set out the officer's recommendations for corrective action.
- (5) Within 14 days after the authorised officer completes the audit, the officer must give copies of the report to:
  - (a) the Secretary; and
  - (b) the operator of registered premises, or the veterinarian or exporter, audited.

## Part 6 Miscellaneous

### 6.01 Use of official marks

Part 14 of the PGGOs applies in relation to live animals and animal reproductive material.

*Note* Part 14 of the PGGOs declares certain marks and seals to be official marks for the purposes of the Act, and makes provision for their use.

### 6.02 Samples

Part 15 of the PGGOs applies in relation to live animals and animal reproductive material.

*Note* Samples are required to be tagged, labelled or marked in a manner which allows them to be identified, held under conditions that will not affect the result of analysis and kept in the custody of an authorised officer until they are dispatched to an approved analyst.

### 6.03 Reconsideration and review of decisions

Part 20 of the PGGOs applies to a decision of the Secretary or an authorised officer under this Order.

*Note* Part 20 of the PGGOs provides that a person whose interests are affected by a decision made by the Secretary or a delegate of the Secretary may apply to the Secretary for reconsideration of the decision. The person is entitled to apply to the Administrative Appeals Tribunal for review of the Secretary's decision.

