

COMMONWEALTH OF AUSTRALIA
EXPORT CONTROL (ORDERS) REGULATIONS

Export Control Orders No. 15 of 1987

Export Control (Animals) Orders
as amended

Citation

1. The Export Control (Animals) Orders as amended by these Orders and by other orders from time to time may be cited as the "Export Control (Animals) Orders as amended".

Commencement

2. These Orders shall come into operation on 1 October 1987.

Application

3. These Orders apply to-

- (a) live animals; and
- (b) animal reproductive material,

which are declared to be prescribed goods for the purposes of the Act.

Note: See section 3 of the Export Control Act 1982.

Interpretation

4.1 In these Orders, unless the contrary intention appears-
"animal reproductive material" means-

- (a) an embryo, an egg or sperm of an animal; or
- (b) any other part, or product, of an animal from which another animal could be produced,

which is intended to be exported to a country which requires certification as to any matter in relation to that animal reproductive material;

"consignment", in relation to live animals, means more than one live animal intended to be exported to one destination and may be described by reference to the exporter, the consignee, method of transport, kind of animals, the number of animals, the weight of the animals or any other characteristic of the animals, or combination of these characteristics;

"export permit" means a permit granted under order 8 or 9;

"General Orders" means the Prescribed Goods (General) Orders as amended;

"live animal" means-

- (a) a homoiothermic animal which is intended to be exported alive; and
- (b) any other animal which is intended to be exported alive to a country which requires certification as to any matter in relation to that animal;

"registered premises" means premises registered in accordance with order 7; and

"veterinary officer" means an authorized officer who is a veterinary officer employed by the Australian Public Service, a State or a Territory.

Note. For other definitions see section 3 of the Export Control Act.

4.2 In these Orders a reference to an export journey in relation to a live animal or a consignment of live animals shall be read as a reference to the journey undertaken, or to be undertaken, by that animal or that consignment, from the time it is loaded on a ship or an aircraft in Australia for shipment overseas, until that animal or all animals forming that consignment are unloaded at the port or place that is the place of entry into the country that is the final destination of the animal or animals.

Export to comply with conditions and restrictions

5.1 The export of a live animal or a consignment of live animals is prohibited unless an export permit has been granted in accordance with order 8 in respect of the animal or the consignment, as the case may be.

5.2 The export of animal reproductive material is prohibited unless an export permit has been granted in accordance with order 9 in respect of the animal reproductive material.

Note: Refer to section 7 of the Export Control Act.

Notice of intention to export

6.1 For the purposes of section 6 of the Act, notice of intention to export a live animal or a consignment of live animals or notice of intention to export animal reproductive material shall be given to an authorized officer by the person who intends to export the live animal or live animals or the animal reproductive material-

- (a) where isolation is not required not less than 7 clear working days prior to the date on which it is intended to export; or
- (b) where isolation is required not less than 7 clear working days prior to the commencement of the isolation period.

6.2 Notwithstanding suborder 6.1, the Secretary, having regard to the intended destination and the kind and number of animals or the amount of animal reproductive material, may, in a particular case, permit less than 7 clear working days' notice.

6.3 The notice of intention to export given in accordance with suborder 6.1 shall be-

- (a) in a form approved by the Secretary; and
- (b) completed by the exporter in a manner that will enable an authorized officer to identify the live animal or consignment of live animals or the animal reproductive material.

6.4 Where a person gives notice of intention to export a live animal or a consignment of live animals or notice of intention to export animal reproductive material in accordance with suborder 6.1, the person shall, where the information is available and in any case before the grant of an export permit, furnish such information as the Secretary may, in a particular case, reasonably require.

6.5 Without limiting the generality of suborder 6.4, the Secretary may require information in relation to the following matters:

- (a) the name and address of the person who intends to export the live animal or animals or the animal reproductive material;
- (b) the name and address of the consignee;

- (c) the intended port or airport of loading of the live animal or animals or animal reproductive material;
- (d) the intended ship and voyage number or airline flight number;
- (e) the intended date of departure of the ship or aircraft onto which the live animal is or live animals are or the animal reproductive material is to be loaded;
- (f) the foreign country of intended final destination of the live animal or animals or animal reproductive material;
- (g) the place where the live animal or animals or animal reproductive material can be inspected;
- (h) the number and kind of live animals or the number and kind of packages of animal reproductive material and the kind of animal reproductive material;
- (i) a true description of the live animal or animals or animal reproductive material;
- (j) the quantity of live animals or animal reproductive material available for inspection;
- (k) a declaration signed by the person giving notice that
 - (i) orders that apply to the live animal or animals or animal reproductive material have been complied with; and
 - (ii) the information contained in the notice is true and correct.

Note: See suborder 7.2 for notice of intention.

Registration of premises

7.1 Unless otherwise determined by the Secretary, a person intending to use premises for the holding of live animals prior to export of those animals shall apply to the Secretary for registration of the premises.

7.2 For the purposes of suborder 7.1 a notice of intention given in accordance with order 8 or 9 is deemed to be an application for registration.

7.3 On receipt of an application for registration of premises the Secretary shall register those premises in the name of the applicant unless the Chief Quarantine Officer (Animals), appointed under the *Quarantine Act 1908*, for the division of quarantine in which premises that are to be used for the holding of live animals prior to export are located has certified to the Secretary, or the Secretary has reason to believe, that the premises are not suitable for that purpose.

7.4 Each premises registered in accordance with suborder 7.3 shall be registered for such a period and subject to such conditions as the Secretary determines.

7.5 Registration may be suspended or revoked, either in whole or in respect of a particular operation, the conditions to which the registration is subject may be varied, or the registration may be made subject to additional conditions, if the Secretary is satisfied that the circumstances upon which the premises were registered have changed, or that the conditions determined in accordance with suborder 7.4 have not been met.

Export permit for live animals

8. Where, in relation to a live animal or a consignment of live animals, an authorized officer is satisfied that-

- (a) a person intending to export the animal or consignment has given notice of that person's intention to export that animal or consignment to an authorized officer in accordance with order 6;
- (b) any certificate in relation to the animal or consignment has been issued by the Secretary, in accordance with section 23 of the Act;
- (c) the animal or consignment is being held, or has been held at registered premises except where, in a particular case the Secretary having regard to the number and kind of animals intended to be exported has determined that this is not necessary;
- (d) a veterinary officer has determined that each animal is sufficiently fit to undertake the proposed export journey without any significant impairment of health;
- (e) the preparation of the animal or consignment for shipment overseas and travel arrangements of the animal or consignment are adequate for the health and welfare of the animal or consignment;
- (f) if another Commonwealth law requires the person intending to export the animal or consignment to hold a licence or permit (however described) for the export — that the person holds such a licence or permit;

Note Under the *Australian Meat and Live-stock Industry Act 1997* a live-animal export licence is required for live exports of live-stock; under the *Wildlife Protection (Regulation of Exports and Imports) Act 1982*, a permit is required for the export of live Australian native animals.

- (g) no person or authority (including the Secretary) has given an order or direction that prohibits the export; and

Note For example, an order by the Secretary under section 17 of the *Australian Meat and Live-stock Industry Act 1997*.

- (h) if a person or authority (including the Secretary) has given an order or direction imposing an obligation in relation to the export on the person intending to export the animal or consignment — the person has carried out the obligation,

Note For example, a direction by the Secretary under section 17 of the *Australian Meat and Live-stock Industry Act 1997*.

an authorized officer shall, unless the Secretary has directed otherwise under order 10 or order 10A, grant an export permit in respect of that animal or consignment.

Note on order 8: Paragraph (c) amended by 13/88 and order 8 further amended by 2/90. Notes on paragraphs 8 (d) and (e). In determining whether an animal is sufficiently fit to undertake an export journey without any significant impairment of health and whether the preparation of the animal for shipment overseas and the travel arrangements for the animal are adequate for the health and welfare of the animal a veterinary officer will have regard to the following matters-

- (1) *the general condition of the animal;*
- (2) *any disease from which the animal suffers;*
- (3) *the nature of the accommodation for the animal on the ship or aircraft on which it is to be transported overseas;*
- (4) *the number species, health and general condition of any other animals to be carried on the ship or aircraft on which the animal is to be transported;*
- (5) *the conditions that the animal would be likely to encounter during the export journey;*
- (6) *whether the animal has been handled in accordance with relevant current National Standards and Codes of Practice. as follows:*

- “National Standards for Feedlots which Prepare Sheep for Export by Sea”
 - “Model Code of Practice for the Welfare of Animals”
 - “Standards for Preparation and Carriage of Sheep by Sea”
 - “Standards for the Preparation and Carriage of Cattle by Sea”
 - “Standards for Carriage of Horses by Sea”
- (7) *the nature and equipment of the transport by which the animal is to be conveyed to the place of export and the number, species, health and general condition of any other animals to be transported with the animal;*
- (8) *the recommendations relating to the transportation of animals contained in the current “Model Code of Practice for the Welfare of Animals”*
- No. III Road Transport for Livestock
 - No. IV Rail Transport for Livestock
 - No. V Air Transport for Livestock
- (9) *the risk of the animal being injured by the enclosures or the ramps that are to be used for loading the animal for export onto the ship, aircraft, train or other vehicle on which the animal is to be conveyed to the place of export.*

Export permit for animal reproductive material

9. Where in relation to animal reproductive material, an authorized officer is satisfied that-

- (a) a person intending to export animal reproductive material has given notice of that person’s intention to export the animal reproductive material to an authorized officer in accordance with order 6;
- (b) the animal reproductive material has been collected in accordance with the requirements of the law of the State or Territory in which it was collected;
- (c) any certificate in relation to the animal reproductive material that is required by the country to which the material is intended to be exported has been issued by the Secretary in accordance with section 23 of the Act.
- (d) the primary container in which the animal reproductive material is packaged bears a trade description that clearly identifies the material; and
- (e) a container which holds the primary container or containers in which the animal reproductive material is packaged, has been sealed and a mark approved by the Secretary has been applied to the seal of the container,

an authorized officer shall grant an export permit in respect of the animal reproductive material.

Refusal to grant permit

10. The Secretary may direct that an export permit shall not be granted or shall be granted subject to such conditions as the Secretary thinks fit, in respect of a live animal or a consignment of live animals where the export permit would, if granted, have allowed-

- (a) the carriage of an animal or consignment of animals on a ship or aircraft the condition of which the Secretary has reason to believe caused the health or condition of any animal to deteriorate during a previous export journey;
- (b) an animal or consignment of animals to be consigned to a person whose actions the Secretary has reason to believe have caused the health or condition of any animal to deteriorate during a previous export journey; or
- (c) an animal or consignment of animals to be exported by a person whose actions the Secretary has reason to believe caused the health or condition of any animal to deteriorate during a previous export journey.

Refusal to grant permit to certain countries

10A. The Secretary may direct that an export permit not be granted, if the Secretary believes, on reasonable grounds, that the intended country of destination to which a live animal or a consignment is to be exported, will not permit entry of that live animal or consignment.

Note on order 10A Inserted by 2/90.

Export permit

11.1 An export permit granted in accordance with order 8 or 9 may be subject to such conditions as the Secretary thinks fit.

11.2 An export permit shall be in a form approved by the Secretary, shall be signed by an authorized officer and shall bear the number shown on the identity card of that officer and a mark approved by the Secretary.

11.3 An export permit shall remain in force until the time specified by an authorized officer on the permit but not more than 72 hours commencing at the time at which the animal, consignment or animal reproductive material to which the permit relates were inspected by an authorized officer for the purposes of order 8 or 9.

Revocation, suspension or surrender of export permit

12.1 Where the Secretary has reason to believe that any condition to which an export permit is subject has not been complied with, the Secretary may revoke or suspend the export permit.

12.2 Where the Secretary has reason to believe that any circumstance directly relevant to a matter specified in order 8 or 9 has changed since the export permit was granted, the Secretary may require the surrender of the export permit and may grant another export permit with different, additional or different and additional conditions.

Samples

13. Part 15 of the General Orders is applicable to live animals and animal reproductive material.

Note: Section 10 (4) of the Act requires that samples taken by an authorized officer for the purposes of section 10 (3) be treated as prescribed. Samples are required to be tagged, labelled or marked in a manner which allows them to be identified, held under conditions which will not affect the result of the analysis and kept in the custody of an authorized officer until they are dispatched to an approved analyst.

Delegations

14. Part 19 of the General Orders is applicable to live animals and animal reproductive material.

Note: Prescribed Goods (General) Orders order 109 provides that the Secretary may delegate the Secretary's powers under Orders.

Reconsideration of decisions

15. Part 20 of the Prescribed Goods (General) Orders as amended is applicable to live animals and animal reproductive material.

Note: Part 20 of the Prescribed Goods (General) Orders provides that a person whose interests are affected by a decision made by the Secretary (or the Secretary's delegate) 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.

Note on order 16: Repealed by 13/88.

Summary of Regulatory Requirements

(A) Live animals-

(1) Premises where animals are held prior to export must be registered unless the Secretary exempts (see order 7)

it is anticipated that premises being used for a single consignment will

- normally be exempted
- exemptions will be advised through Australian Quarantine and Inspection Service (AQIS) notices
- registration may be automatic in certain circumstances (see suborder 72).

- (2) Notice of intention to export must be given (see order 6).
- (3) An export permit must be held (see orders 8 and 11, and can be refused if there has been inadequate husbandry during a previous export journey) see order 10).
- (4) The export permit authorizes the export of the animals from Australia but may not guarantee entry rights to the country of destination. Any separate certification required by that country will generally be endorsed by AQIS if the matters to be certified can be ascertained. For further information contact the Chief Quarantine Officer (Animals) in your State.

(B) Animal reproductive material-

- (1) Notice of intention to export must be given (see order 6).
- (2) An export permit must be held (see orders 9 and 11) and can be revoked or additional and/or varied conditions applied as the Secretary may see fit (see order 12).
- (3) The export permit authorizes the export of the animal reproductive material from Australia but may not guarantee entry rights to the country of destination. Any separate certification required by that country will generally be endorsed by AQIS if the matters to be certified can be ascertained. For further information, contact the Chief Quarantine Officer (Animals) in your State.