

REGULATORY TOOLS IN THE EXPORT CONTROL FRAMEWORK: WHERE ARE THEY NOW?

This table sets out the regulatory tools applicable to each commodity under current export legislation. It also indicates where information about the operation of these tools can be found in the Export Control Bill 2017.

- The tools that apply to each commodity currently sit in the Export Control Orders under the *Export Control Act 1982*. Additional requirements sit in other legislation, such as the *Australian Meat and Live-stock Industry Act 1997*.
- As with current export legislation, the new framework will not apply all tools to every commodity. The Export Control Rules (currently under development) will identify the tools that apply to each commodity. These will be the same tools that apply under current export legislation (subject to consultation) as set out below. The Export Control Bill provides the framework that sets out the way these tools will operate.
- This table includes key information only. It does not include all matters supported by legislation.

COMMODITY		Eggs	Fish	Milk	Meat for humans	Poultry meat	Wild game meat	Rabbit/ratite meat	Plants	Livestock	Animals not livestock	Animal reproductive material	Animal food & pharma	Organic products	Hard wood chips	Unprocessed wood	Non-prescribed goods	LOCATION IN EXPORT CONTROL BILL	
MAIN SOURCE OF REGULATION ¹		<i>Export Control (Eggs and Egg Products) Orders 2005</i>	<i>Export Control (Fish and Fish Products) Orders 2005</i>	<i>Export Control (Milk and Milk Products) Orders 2005</i>	<i>Export Control (Meat and Meat Products) Orders 2005; Australian Meat and Live-stock Industry Act 1997</i>	<i>Export Control (Poultry Meat and Poultry Meat Products) Orders 2010</i>	<i>Export Control (Wild Game Meat and Wild Game Meat Products) Orders 2010</i>	<i>Export Control (Rabbit and Ratite Meat) Orders 1985</i>	<i>Export Control (Plants and Plant Products) Order 2011</i>	<i>Export Control (Animals) Order 2004; Australian Meat and Live-stock Industry Act 1997</i>	<i>Export Control (Animals) Order 2004</i>	<i>Export Control (Animals) Order 2004</i>	<i>Export Control (Prescribed Goods – General) Order 2005</i>	<i>Export Control (Organic Produce Certification) Orders</i>	<i>Export Control (Hardwood Wood Chips) Regulations 1996</i>	<i>Export Control (Unprocessed Wood) Regulations</i>	<i>Export Control (Prescribed Goods – General) Order 2005</i>		
REGULATORY TOOLS	Exemptions	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓				Chapter 2 Part 2: Exemptions	
	Certificates	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓				✓	Chapter 2 Part 3: Certificates
	Accredited properties (e.g. EUCAS)				✓				✓										Chapter 3: Accredited properties
	Registered establishments/registered premises	✓	✓	✓	✓	✓	✓	✓	✓	✓						✓	✓		Chapter 4: Registered establishment
	Approved arrangements	✓	✓	✓	✓	✓	✓			✓									Chapter 5: Approved arrangements
	Alternative regulatory arrangements ²	✓	✓	✓	✓	✓	✓												Chapter 5 Part 4: Variation of approved arrangement Chapter 2 Part 2: Exemptions
	Non-government bodies (for Halal certification etc.)				✓									✓					Chapter 5: Approved arrangements Chapter 2 Part 3: Certificates
	Licences				✓					✓						✓	✓		Chapter 6: Licences
	Permits	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓					Chapter 7: Export permits
	Notice of intention to export	✓	✓	✓		✓	✓		✓	✓	✓	✓	✓	✓					Chapter 8 Part 1: Notice of intention to export
	Trade descriptions ³	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Chapter 8 Part 2: Trade descriptions
	Official marks	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓					Chapter 8 Part 3: Official marks
	Audit	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓					Chapter 9 Part 1: Audit
	Assessment (including inspection, sampling and analysis)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓							Chapter 9 Part 2: Assessment Chapter 11 Division 2: Taking, testing and analysing samples
	Authorised officers	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Chapter 9 Part 4: Authorised officers
	Accredited veterinarian & approved export programs									✓									Chapter 9 Part 5: Accredited veterinarian and approved export program
Fit and proper person test	✓	✓	✓	✓	✓	✓	✓	✓					✓					Chapter 10 Part 11 Divisions 5: Fit and proper person test	
Compliance and enforcement	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Chapter 10: Compliance and enforcement	

¹ Additional sources of regulation include the *Export Control Act 1982*, the *Export Control (Prescribed Goods General) Order 2005* and regulations under the *Australian Meat and Live-stock Industry Act 1997*.

² 'Alternative regulatory arrangements' refer to provisions that authorise, with the Secretary's approval, a person to prepare goods for export using a different procedure or to a different standard to those set out in the relevant Export Control Orders. This could occur, for example, where importing country requirements are less demanding than Australian standards, or where a new or experimental procedure is being trialled.

³ Trade description requirements for commodities that are not prescribed under the *Export Control Act 1982* are set out in the *Commerce (Trade Descriptions) Act 1905*.