



Australian Meat and Live-stock Industry (Export Licensing) Regulations 1998

Statutory Rules No. 202, 1998

made under the

Australian Meat and Live-stock Industry Act 1997

Compilation No. 10

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About this compilation

This compilation

This is a compilation of the *Australian Meat and Live-stock Industry (Export Licensing) Regulations 1998* that shows the text of the law as amended and in force on 1 October 2016 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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Part 1—Preliminary

1 Name of Regulations

These regulations are the *Australian Meat and Live-stock Industry (Export Licensing) Regulations 1998*.

3 Meaning of expressions

- (1) In these regulations:

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

approved arrangement has the same meaning as in the *Export Control (Animals) Order 2004*.

person in management and control:

- (a) in relation to an existing meat or live-stock export business—means a person who is taken, under subsection 8 (1) of the Act, to participate in the management or control of the business; or
- (b) in relation to a proposed meat or live-stock export business—means a person who would be taken, under that subsection, to participate, in the management or control of the business.

standards body means a body responsible for setting standards for meat or live-stock for export.

Note: The standards bodies are:

- for meat export—AUS-MEAT Ltd; and
- for live-stock export—the Department of Agriculture, Fisheries and Forestry.

- (2) A reference to a relevant standards body is a reference:

- (a) in relation to a meat export business—to a body responsible for setting standards for meat for export; and
- (b) in relation to a live-stock export business—to a body responsible for setting standards for live-stock for export.

- (3) Expressions used in these Regulations and in Part 2 of the Act have, unless the contrary intention appears, the same meanings in these Regulations as in that Part.

3A Meaning of *live-stock*

For the definition of *live-stock* in section 3 of the Act, buffalo, camelids and deer are prescribed.

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Part 1Preliminary

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4 Meat unfit for human consumption

For paragraph 8 (2) (a) of the Act, the following kinds of meat are declared to be meat unfit for human consumption:

- (a) meat that is, or has been, in a container labelled or marked as containing:
 - (i) pet food; or
 - (ii) inedible meat; or
 - (iii) pharmaceutical material; or
- (b) meat that is stained in a way that identifies it as pet food or inedible meat.

5 Prescribed industry bodies (Act, s 9)

For section 9 of the Act, the following bodies are prescribed:

- (a) the Red Meat Advisory Council;
- (b) the Goat Industry Council of Australia;
- (c) the Australian Meat Industry Council;
- (e) the Australian Meat Processor Corporation Ltd;
- (f) the Cattle Council of Australia Inc.;
- (g) the Sheepmeat Council of Australia Inc.;
- (h) the Australian Lot Feeders' Association;
- (i) Meat and Livestock Australia Ltd.

Part 2—Meat export licences

5A Application of Part 2

This Part applies to a meat export licence.

6 Application for meat export licence

(1) For subsection 11 (1) of the Act, an application for a meat export licence must be in writing, and must set out:

- (a) the name, address and date of birth of the applicant; and
- (b) the name and address of each person in management and control; and

Note: For the meaning of *person in management and control*, see subregulation 3 (1) and section 8 of the Act.

- (d) whether the applicant, or any person in management and control in the meat export business or proposed meat export business, has been charged with an offence against a law of the Commonwealth or a State or Territory, for which the maximum penalty is a period of imprisonment or a fine of at least \$1,000; and
- (e) subject to Part VIIC of the *Crimes Act 1914*—whether the applicant, or any person in management and control in the meat export business or proposed meat export business, has been convicted (within the meaning given by subsection 85ZM (1) of that Act) of an offence against a law of the Commonwealth or a State or Territory, for which the maximum penalty is a period of imprisonment or a fine of at least \$1,000.

Note: Subsection 85ZM (1) of the *Crimes Act 1914* is as follows:

- (1) For the purposes of this Part, a person shall be taken to have been convicted of an offence if:
 - (a) the person has been convicted, whether summarily or on indictment, of the offence;
 - (b) the person has been charged with, and found guilty of, the offence but discharged without conviction; or
 - (c) the person has not been found guilty of the offence, but a court has taken it into account in passing sentence on the person for another offence.

(2) If the applicant is an individual, the application must also set out:

- (a) whether the applicant operates, or intends to operate, the business in partnership with another individual or a body corporate; and
- (b) if the applicant operates, or intends to operate, the business in partnership—the name and address of each partner or proposed partner.

(3) If the applicant is a corporation, the application must also set out:

- (a) its Australian Company Number; and
- (b) whether the applicant is a subsidiary of, or is under the direction or financial control of, a foreign corporation, authority or organisation that has direct or indirect control of the importation of meat into the country in which the foreign corporation, authority or organisation was incorporated

Regulation 7

or established and, if that is so, the name of the foreign corporation, authority or organisation.

- (4) An application must include a declaration, signed by the applicant (or, if the applicant is a corporation, a director of the corporation):
- (a) to the effect that the information in the application is true in every material detail; and
 - (b) that the person who signs the declaration knows that giving false information is an offence.

Note: See section 55 of the Act.

- (5) If the Secretary prepares an application form that asks for the information and declaration required by subregulations (1), (2), (3) and (4), and provides a copy of the form free to anybody who asks for it, an application that is not made on a copy of such a form is taken not to have been made.
- (6) An application must also be accompanied by:
- (a) a copy of the accreditation certificate issued to the applicant by the relevant standards body; and
 - (b) if the applicant is an individual who operates a meat export business, or intends to operate a proposed meat export business, in partnership—a copy of:
 - (i) the partnership agreement; and
 - (ii) the most recent audited balance sheet and profit and loss account of the partnership business; and
 - (c) if the applicant is an individual who does not operate, or intend to operate, a meat export business in partnership—a copy of an audited statement (for a period of 12 months ending within 3 months before the date of the application) of the assets and liabilities of the applicant.

7 Application fee (Act, s 11 (2))

The fee in respect of an application for a meat export licence is nil.

8 What the Secretary must have regard to (Act, s 12 (2))

For subsection 12 (2) of the Act, the Secretary must have regard to the following matters when satisfying himself or herself about a matter mentioned in subsection 12 (1) of the Act:

- (a) whether the applicant, or any person in management and control in relation to the meat export business or proposed meat export business to which the application relates, has ever been convicted of an offence against a law of the Commonwealth or a State or Territory, for which the maximum penalty is a period of imprisonment or a fine of at least \$1,000;
- (b) whether the applicant or a person in management and control of the business has been charged with an offence against a law of the Commonwealth or a State or Territory, for which the maximum penalty is a period of imprisonment or a fine of at least \$1,000;

- (c) if information in the application or in a document accompanying the application is false or misleading in a material detail—whether the applicant, or any person in management and control, knew, or should have known, that the information was false or misleading;
- (d) whether the applicant has been accredited by the relevant standards body;
- (e) if the applicant is an individual—the assets and liabilities of the applicant;
- (f) whether the applicant or any person in management and control of the business owes, or has ever owed, the Commonwealth any amount by way of a fee, charge or levy payable under a law of the Commonwealth, or by way of penalty for failing to pay such a fee, charge or levy;
- (g) whether the applicant or any person in management and control of the business has failed to comply with a condition of an export licence, or with an order made or direction given under the Act;
- (h) whether the applicant or any person in management and control of the business has failed to comply with a condition of a licence of any other kind issued by the Commonwealth, a State or a Territory, or an authority of the Commonwealth, a State or a Territory;
- (i) whether the applicant or any person in management and control of the business has ever been refused an export licence, and if so the reasons for the refusal;
- (j) whether the applicant or any person in management and control of the business has ever been refused a licence of any other kind by the Commonwealth, a State or a Territory, or an authority of the Commonwealth, a State or a Territory, and if so the reasons for the refusal;
- (k) any other relevant matter known to the Secretary.

9Further conditions to which licences are subject (Act, s 15)

- (1) A meat export licence is subject to the conditions that the holder must:
 - (a) permit a person appointed as an auditor by the relevant standards body to audit the holder's quality assurance system; and
 - (b) provide any assistance reasonably required by such an auditor; and
 - (c) produce to such an auditor any records or documents reasonably required by the auditor; and
 - (d) comply with any reasonable request by such an auditor, or the standards body, to take action to correct any deficiencies found by the auditor.
- (2) A meat export licence is subject to the condition that the holder must not export meat except in accordance with the quality assurance system accredited by the relevant standards body.
- (4) A meat export licence is subject to the condition that, if an event or circumstance of which the holder must inform the Secretary happens, the way in which the holder must inform the Secretary is by:
 - (a) completing the form supplied as an application form under subregulation 6 (5), as far as that form relates to the event or circumstance; and

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- (b) making the declaration required by subregulation 6 (4).

Note: See section 16 of the Act and subregulation 10 (2).

10 Events of which licence holder must inform Secretary (Act, s 16)

- (1) For section 16 of the Act, 7 days is prescribed.
- (2) For that section, the following events or circumstances in relation to a meat export licence are prescribed:
- (a) the licence holder ceases to carry on the meat export business to which the licence relates;
 - (b) the licence holder, or a person in management and control of the business, is convicted of an offence against a law of the Commonwealth, a State or a Territory, for which the maximum penalty is a period of imprisonment or a fine of at least \$1,000;
 - (c) a person who has been described to the Secretary, in the application for the licence, as a person in management and control of the business, ceases to be a person in management and control of the business;
 - (d) a person who has not been described to the Secretary, in the application for the licence, as a person in management and control of the business, begins to be a person in management and control of the business;
 - (e) the licence holder receives notice that the licence holder is no longer regarded as an approved supplier of meat by a foreign government importing authority, instrumentality or organisation;
 - (f) a change of the licence holder's name;
 - (g) a change in the scope of the licence holder's quality assurance system;
 - (h) a change in the status of the licence holder's quality assurance system (that is, the system becoming, or ceasing to be, accredited by the relevant standards body).
- (3) If the licence holder is a corporation, the following events or circumstances are also prescribed for that section:
- (a) a court orders that it be wound up;
 - (b) a resolution is passed that it be wound up voluntarily.
- (4) If the licence holder is an individual, the following events or circumstances are also prescribed for that section:
- (a) he or she becomes bankrupt;
 - (b) he or she executes a deed of arrangement or a deed of assignment under Part X of the *Bankruptcy Act 1966*;
 - (c) if he or she operates the meat export business to which the licence relates in partnership:
 - (i) the membership of the partnership is changed; or
 - (ii) the partnership is dissolved.

11Renewal of licence (Act, s 22)

- (1) For subsection 22 (3) of the Act, an application for renewal of a meat export licence must be made in the same way as an application for a new licence.
- (2) For subsection 22 (4) of the Act, the application fee for renewal of a licence is the same as if the licence were being applied for for the first time.

Note: For the application fee for a meat export licence, see regulation 7.

Part 3—Live-stock export licences

12 Application of Part 3

This Part applies to a live-stock export licence.

13 Definition for Part 3

In this Part:

Australian Standards for the Export of Live-stock means:

- (a) the document of that name published by the Department, as in force on 1 December 2004; or
- (b) if the Secretary makes an order, under section 17 of the Act, specifying standards that the holder of a live-stock export licence must export live-stock in accordance with—the standards specified in that order.

Note: A copy of the Australian Standards for the Export of Live-stock is available from the Department's website at <http://www.daff.gov.au/livestockexportstandards>.

14 Application for live-stock export licence

- (1) For subsection 11 (1) of the Act, an application for a live-stock export licence must be in writing, in a form approved by the Secretary, and must set out:

- (a) the name, address and date of birth of the applicant; and
- (b) the name, address and date of birth of each person in management and control; and

Note: For the meaning of *person in management and control*, see subregulation 3 (1) and section 8 of the Act.

- (c) the type of live-stock to be exported and the mode of transport to be used; and

Note: The Secretary may grant a live-stock export licence to export a particular type of live-stock only or to export live-stock using a particular mode of transport only—see subsection 33 (3A) of the *Acts Interpretation Act 1901*.

- (d) whether the applicant, or any person in management and control of the live-stock export business or proposed live-stock export business, has been charged with an offence against a law of the Commonwealth or a State or Territory, for which the maximum penalty is a period of imprisonment or a fine of at least \$1 000; and
- (e) subject to Part VIIC of the *Crimes Act 1914*—whether the applicant, or any person in management and control of the live-stock export business or proposed live-stock export business, has been convicted (within the meaning given by subsection 85ZM (1) of that Act) of an offence against a law of the Commonwealth or a State or Territory, for which the maximum penalty is a period of imprisonment or a fine of at least \$1 000; and

Note: Subsection 85ZM (1) of the *Crimes Act 1914* is as follows:

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- (1) For the purposes of this Part, a person shall be taken to have been convicted of an offence if:
 - (a) the person has been convicted, whether summarily or on indictment, of the offence;
 - (b) the person has been charged with, and found guilty of, the offence but discharged without conviction; or
 - (c) the person has not been found guilty of the offence, but a court has taken it into account in passing sentence on the person for another offence.
 - (f) whether the applicant (being an individual or a body corporate) operates, or intends to operate, the business in partnership with another individual or body corporate; and
 - (g) if the applicant operates, or intends to operate, the business in partnership—the name and address of each partner or proposed partner.
- (2) If the applicant is a body corporate, the application must also set out:
 - (a) its Australian Company Number (if applicable); and
 - (b) whether the applicant is a subsidiary of, or is under the direction or financial control of, a foreign corporation, authority or organisation that has direct or indirect control of the importation of live-stock into the country in which the foreign corporation, authority or organisation was incorporated or established and, if that is so, the name of the foreign corporation, authority or organisation.
 - (3) An application must include a declaration, signed by the applicant (or, if the applicant is a body corporate, a director of the body corporate):
 - (a) to the effect that the information in the application is true in every material detail; and
 - (b) that the person who signs the declaration knows that giving false or misleading information to the Secretary is an offence.
- Note: See section 55 of the Act.
- (4) An application must be accompanied by a copy of the following:
 - (a) if there is no approved arrangement for the applicant—an operations and governance manual for the live-stock export business, or proposed live-stock export business, that sets out how the business will operate and be governed, including information about the following aspects of the business:
 - (i) how the operations of the business will comply with the Australian Standards for the Export of Live-stock;
 - (ii) the organisational structure of the business;
 - (iii) people management and staff training;
 - (iv) risk management;
 - (v) records management;
 - (vi) compliance strategy and review;
 - (b) a criminal history check, from the Australian Federal Police, for the applicant (if an individual) and for each person in management and control of the live-stock export business or proposed live-stock export business;

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- (c) if the applicant (whether an individual or a body corporate) operates, or intends to operate, the live-stock export business in partnership:
 - (i) the partnership agreement; and
 - (ii) an audited statement of the assets and liabilities of the partnership business, and an audited statement of the profit and loss account of the partnership business, for the previous financial year;
 - (d) an audited statement of the applicant's assets and liabilities, and an audited statement of the applicant's profit and loss account, for the previous financial year.
- (5) An application for a live-stock export licence is taken not to have been made until the charge in relation to the application prescribed by item 7 in the table in section 15 of the *Export Charges (Imposition—General) Regulation 2015* or item 7 in the table in section 15 of the *Export Charges (Imposition—Customs) Regulation 2015* has been paid.

15 Application fee (Act s 11 (2))

The fee in respect of an application for a live-stock export licence is nil.

16 What the Secretary must have regard to (Act s 12 (2))

- (1) For subsection 12 (2) of the Act, the Secretary must have regard to the following matters when satisfying himself or herself about a matter mentioned in subsection 12 (1) of the Act:
- (a) whether the applicant, or any person in management and control of the live-stock export business or proposed live-stock export business to which the application relates, has ever been convicted of an offence against a law of the Commonwealth or a State or Territory, for which the maximum penalty is a period of imprisonment or a fine of at least \$1 000;
 - (b) whether the applicant or a person in management and control of the business has been charged with an offence against a law of the Commonwealth or a State or Territory, for which the maximum penalty is a period of imprisonment or a fine of at least \$1 000;
 - (c) if information in the application or in a document accompanying the application is false or misleading in a material detail—whether the applicant, or any person in management and control, knew, or should have known, that the information was false or misleading;
 - (d) the assets and liabilities, and financial performance, of the applicant in the previous financial year;
 - (e) whether the applicant or any person in management and control of the business owes, or has ever owed, the Commonwealth any amount by way of a fee, charge or levy payable under a law of the Commonwealth, or by way of penalty for failing to pay such a fee, charge or levy;
 - (f) whether the applicant or any person in management and control of the business has failed to comply with a condition of an export licence, or with an order made or direction given under the Act;

- (g) whether the applicant or any person in management and control of the business has failed to comply with a condition of a licence of any other kind issued by the Commonwealth, a State or a Territory, or an authority of the Commonwealth, a State or a Territory;
- (h) whether the applicant or any person in management and control of the business has ever been refused an export licence, and if so the reasons for the refusal;
- (i) whether the applicant or any person in management and control of the business has ever been refused a licence of any other kind by the Commonwealth, a State or a Territory, or an authority of the Commonwealth, a State or a Territory, and if so the reasons for the refusal;
- (j) whether the applicant has demonstrated, including in the operations and governance manual accompanying the application (if required), an ability to comply with the Australian Standards for the Export of Live-stock;
- (k) any assessment made by an external vetting agency (at the request of the Secretary) of the integrity of the applicant, the integrity of each person in management and control, and the financial standing of the applicant;
- (l) the results of any inspection, evaluation or demonstration of the operations of the applicant's business, as arranged by the Secretary and conducted or observed by an authorised officer or other appropriately qualified person nominated by the Secretary;
- (m) any other relevant matter known to the Secretary.

Note: When satisfying himself, or herself, about a matter mentioned in subsection 12 (1) of the Act in relation to an application for a live-stock export licence, the Secretary may also have regard to the extent to which the applicant has complied with any requirements of or under the *Export Control Act 1982*—see subsection 12 (3) of the Act.

- (2) When having regard to the matters mentioned in subregulation (1), the Secretary may:
 - (a) ask the applicant, by notice in writing, to provide further information or documents as specified in the notice; and
 - (b) give the following material (including any personal information, within the meaning of the *Privacy Act 1988*, contained in the material) to an external vetting agency for the purpose of assessing the integrity of the applicant, the integrity of each person in management and control, and the financial standing of the applicant:
 - (i) the application;
 - (ii) the documents accompanying the application;
 - (iii) any further information or documents provided by the applicant; and
 - (c) arrange for an authorised officer to inspect and evaluate the premises, facilities, equipment and transport vehicles to be used in the operations of the applicant's business; and
 - (d) arrange for an authorised officer to observe a demonstration of the operations, or part of the operations, of the applicant's business; and
 - (e) arrange for an appropriately qualified person, as nominated by the Secretary, to participate in any inspection, evaluation or demonstration.

Regulation 17

17 Approval of operations and governance manual

If a person is required under paragraph 14(4)(a) to submit an operations and governance manual with an application for a live-stock export licence, the grant of the licence to the person is approval of the operations and governance manual.

18 Further conditions to which licences are subject (Act s 15)

- (1) If there is no approved arrangement for the holder of a live-stock export licence, the live-stock export licence is subject to the conditions that the holder:
- (a) must have an approved operations and governance manual for the licence; and
 - (b) must update the operations and governance manual, by variation of the licence under regulation 19, if there is a change to how the operations of the live-stock export business, to which the licence relates, comply with the Australian Standards for the Export of Live-stock; and
 - (c) if the Secretary makes an order, under section 17 of the Act, specifying standards that the holder of a live-stock export licence must export live-stock in accordance with (the *Standards*)—must, within 2 months after the date that the order takes effect, make an application under regulation 19 for variation of the licence to update the operations and governance manual to take account of the Standards; and
 - (d) if the Secretary amends the order—must, within 2 months after the date that the amendment takes effect, make an application under regulation 19 for variation of the licence to update the operations and governance manual to take account of any change to the Standards resulting from the amendment.
- Note: A live-stock export licence is also subject to the condition that the holder must comply with orders made under section 17 of the Act (see subsection 17 (5) of the Act).
- (3) A live-stock export licence is subject to the conditions that the holder must:
- (a) permit an authorised officer, or other appropriately qualified person, nominated by the Secretary (the *auditor*) to audit the holder's operations and governance system; and
 - (b) provide any assistance reasonably required by such an auditor; and
 - (c) produce to such an auditor any records or documents reasonably required by the auditor; and
 - (d) comply with any reasonable request by such an auditor, or the Secretary, to take action to correct any deficiencies found by the auditor.
- (4) A live-stock export licence is subject to the condition that, if an event or circumstance of which the holder must inform the Secretary happens, the way in which the holder must inform the Secretary is by:
- (a) completing the form supplied as an application form under subregulation 14 (1), as far as that form relates to the event or circumstance; and
 - (b) making the declaration required by subregulation 14 (3).

Note: The events and circumstances are prescribed in subregulation 20 (2).

- (5) In this regulation, a reference to an approved operations and governance manual for a licence includes a reference to a manual to which a change has been made, and a manual which has replaced the quality assurance system for the licence, if the change or replacement has been approved by way of variation of the licence under regulation 19.

19 Variation of licence

- (1) The holder of a live-stock export licence must apply to the Secretary for approval of any variation of the licence, including a variation in any of the following ways:
- (a) the holder wishes to change:
 - (i) the approved operations and governance manual for the licence; or
 - (ii) the type of live-stock exported under the licence; or
 - (iii) the mode of transport used to export the live-stock;
 - (c) a person who has not been described to the Secretary, in the application for the licence, as a person in management and control of the live-stock export business to which the licence relates, is to begin being a person in management and control of the business;
 - (d) the holder proposes to operate the business in partnership with another individual or body corporate;
 - (e) the holder operates the business in partnership and the membership of the partnership is to change.
- (2) An application for variation must be made to the Secretary by:
- (a) completing the form supplied as an approved application form under subregulation 14 (1), as far as that form relates to the variation; and
 - (b) making the declaration required by subregulation 14 (3); and
 - (c) providing copies of any documents mentioned in subregulation 14 (4) that are relevant to the variation.
- (3) In deciding whether to approve a variation of a licence, the Secretary must satisfy himself or herself about, and have regard to, those matters relevant to the variation that the Secretary would be required to be satisfied about, and have regard to, if the variation had been part of the application for the licence.
- (5) If the Secretary refuses to approve a variation of a licence, the Secretary must notify the holder in writing of the refusal.
- (6) Application may be made to the Administrative Appeals Tribunal for review of a decision of the Secretary refusing to approve a variation of a licence.

20 Events of which licence holder must inform Secretary (Act s 16)

- (1) For section 16 of the Act, 7 days is prescribed.
- (2) For that section, the following events or circumstances in relation to a live-stock export licence are prescribed:

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Part 3Live-stock export licences

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Regulation 21

- (a) the licence holder ceases to carry on the live-stock export business to which the licence relates;
 - (b) the licence holder, or a person in management and control of the business, is convicted of an offence against a law of the Commonwealth, a State or a Territory, for which the maximum penalty is a period of imprisonment or a fine of at least \$1 000;
 - (c) the licence holder receives notice that the licence holder is no longer regarded as an approved supplier of live-stock by a foreign government importing authority, instrumentality or organisation;
 - (d) a change of the licence holder's name.
- (3) If the licence holder is a body corporate, the following events or circumstances are also prescribed for that section:
- (a) a court order that it be wound up;
 - (b) a resolution is passed that it be wound up voluntarily.
- (4) If the licence holder is an individual, the following events or circumstances are also prescribed for that section:
- (a) he or she becomes bankrupt;
 - (b) he or she executes a deed of arrangement or a deed of assignment under Part X of the *Bankruptcy Act 1966*;
 - (c) if he or she operates the live-stock export business to which the licence relates in partnership, the partnership is dissolved.

21 Renewal of licence (Act s 22)

- (1) For subsection 22 (3) of the Act, an application for renewal of a live-stock export licence must be made in the same way as an application for a new licence.
- (2) For subsection 22 (4) of the Act, the application fee for renewal of a licence is the same as if the licence were being applied for for the first time.

Note: For the application fee for a live-stock export licence, see regulation 15.

Part 4—Miscellaneous

25 How things seized or samples taken are to be dealt with (Act s 34 (5))

For subsection 34 (5) of the Act, a thing seized under paragraph 34 (2) (b) of the Act, or a sample taken under paragraph 34 (2) (c) of the Act:

- (a) must be labelled, tagged or marked in such a way as to make it identifiable; and
- (b) in the case of a sample—must be held under conditions that are unlikely to affect the result of any analysis of the sample; and
- (c) must be kept in the custody or control of an officer authorised by the Secretary for the purpose until it is despatched to an analyst appointed under subsection 53 (1) of the Act, or until it is destroyed or otherwise disposed of; and
- (d) may be analysed by an analyst appointed under subsection 53 (1) of the Act.

26 What must be in notice of appointment of nominee (Act s 52 (3))

For subsection 52 (3) of the Act, a notice under subsection 52 (2) of the Act appointing someone as a nominee must contain:

- (a) his or her full name and address; and
- (b) his or her date of birth; and
- (c) if he or she has not been described to the Secretary as a person in management and control of the business in the application for the relevant export licence:
 - (i) whether he or she has been charged with an offence against a law of the Commonwealth, a State or a Territory, for which the maximum penalty is a period of imprisonment or a fine of at least \$1 000; and
 - (ii) subject to Part VIIC of the *Crimes Act 1914*—whether he or she has been convicted (within the meaning given by subsection 85ZM (1) of that Act) of such an offence.

27 Who can authorise sale or disposal of meat or live-stock (Act s 57 (3))

For subsection 57 (3) of the Act, the Secretary is prescribed.

Endnotes

Endnote 1—About the endnotes

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnotes

Endnote 3—Legislation history

Endnote 3—Legislation history

Number and year	FRLI registration or gazettal	Commencement	Application, saving and transitional provisions
1998 No. 202	1 July 1998	1 July 1998	
1999 No. 177	1 Sept 1999	1 Sept 1999	—
2003 No. 235	18 Sept 2003	18 Sept 2003	—
2004 No. 286	7 Sept 2004	1 Dec 2004	—
2005 No. 119	20 June 2005 (F2005L01501)	1 July 2005 (s 2)	—
2009 No. 108	19 June 2009 (F2009L02110)	1 July 2009 (s 2) Note: disallowed by the Senate on 15 Sept 2009	—
2009 No. 342	17 Dec 2009 (F2009L04507)	18 Dec 2009 (s 2)	—
201, 2015	30 Nov 2015 (F2015L01867)	Sch 1 (items 1–6): 1 Dec 2015 (s 2(1) item 1)	—

Name	Registration	Commencement	Application, saving and transitional provisions
Australian Meat and Live-stock Industry (Export Licensing) Amendment (Approved Arrangements) Regulation 2016	30 Sept 2016 (F2016L01551)	1 Oct 2016 (s 2(1) item 1)	—

Endnote 4—Amendment history

Provision affected	How affected
Part 1	
Heading to Part 1	ad. 2004 No. 286
r. 2	rep LA s 48D
r. 3	am. 2004 No. 286; F2016L01551
r. 3A	ad. 2004 No. 286
r. 5	am. 2003 No. 235; 2004 No. 286
Part 2	
Part 2	ad. 2004 No. 286
r. 5A	ad. 2004 No. 286
r. 6	am. 1999 No. 177; 2004 No. 286; No 201, 2015
r. 7	am. 2004 No. 286; No 201, 2015
r. 8	am. 1999 No. 177; 2004 No. 286
r. 9	am. 2004 No. 286
r. 10	am. 1999 No. 177; 2004 No. 286
r. 11	am. 2004 No. 286
Part 3	
Part 3	ad. 2004 No. 286
r. 12	rs. 2004 No. 286
r. 13	am. 1999 No. 177
	rs. 2004 No. 286
	am. 2005 No. 119
r. 14	am. 1999 No. 177
	rs. 2004 No. 286
	am No 201, 2015; F2016L01551
r. 15	ad. 2004 No. 286
	am. 2009 No. 342; No 201, 2015
r. 16	ad. 2004 No. 286
	am F2016L01551
r. 17	ad. 2004 No. 286
	rs F2016L01551
r. 18	ad. 2004 No. 286
	am. 2005 No. 119; F2016L01551
r. 19	ad. 2004 No. 286
	am No 201, 2015; F2016L01551
r. 20	ad. 2004 No. 286
r. 21	ad. 2004 No. 286
Part 4	

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
Part 4	ad. 2004 No. 286
r. 25	ad. 2004 No. 286
r. 26	ad. 2004 No. 286
r. 27	ad. 2004 No. 286
Part 5	
Part 5	ad No 201, 2015 rep 1 July 2016 (r 29)
r 28	ad No 201, 2015 rep 1 July 2016 (r 29)
r 29	ad No 201, 2015 rep 1 July 2016 (r 29)
