



Export Control (Meat and Meat Products) Orders 2005

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

Dated 6 January 2005

WARREN TRUSS
Minister for Agriculture, Fisheries and Forestry

Export Control (Meat and Meat Products) Orders 2005

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Notes

Part 1 Preliminary

Division I General

1 Citation^[see Note 1]

These Orders may be cited as the *Export Control (Meat and Meat Products) Orders 2005*.

2 Commencement

These Orders commence on 1 May 2005.

3 Objectives of these Orders

3.1 The objectives of these Orders are to ensure that meat and meat products intended for export for food:

- (a) are wholesome or are identified for export for further processing for food; and
- (b) meet requirements to have an accurate trade description; and
- (c) meet the importing country requirements necessary to maintain market eligibility; and
- (d) are traceable, can be recalled if required and their integrity is assured.

Note For the meaning of *importing country requirement, integrity, meat, meat products* and *wholesome* see suborder 8.1. For the meaning of *these Orders* see order 11. For the meaning of *food* see section 3 of the Act.

3.2 The objectives of these Orders are also to ensure an accurate assessment can be made as to whether the following are met:

- (a) the objectives specified in suborder 3.1; and
- (b) the applicable requirements of the Act and these Orders.

3.3 These Orders also make provision for other matters generally necessary or convenient to be prescribed for carrying out or giving effect to the Act including:

- (a) inspections, decisions, dispositions, audit and other functions of authorized officers; and
- (b) the approval of approved arrangements, the giving of export permits, the issue of government certificates, the approval of

- auditors and the performance of other functions by the Secretary; and
- (c) official marks, specifications for electronic transmissions and other miscellaneous matters.

4 Outline of these Orders

4.1 The following is an outline of these Orders.

4.2 Part 1 of these Orders:

- (a) defines the interrelationship of these Orders and the *Prescribed Goods (General) Orders 1985*; and
- (b) explains the application of the Australian Meat Standard; and
- (c) gives the meaning of key words and expressions used; and
- (d) declares that meat and meat products to which these Orders apply are prescribed goods for the purposes of the application of the Act and these Orders.

Note The Act is the *Export Control Act 1982* see the meaning of *the Act* in suborder 8.1. The Act regulates the export of prescribed goods. For requirements and prohibitions applying to or in relation to the export of prescribed goods see Part II of the Act.

4.3 Part 2 of these Orders:

- (a) describes the meat and meat products to which these Orders apply; and
- (b) describes the small export consignments and the exports to New Zealand to which these Orders do not apply; and
- (c) provides a mechanism to expand the operation of these Orders to cover meat and meat products (including small consignments and exports to New Zealand) that would otherwise be outside the operation of these Orders but that require a government certificate; and
- (d) explains when these Orders apply to ships stores, imported meat and meat products held under bond, meat and meat products consigned to offshore installations and the like; and
- (e) provides that the Secretary may exempt a person from complying with these Orders in certain special circumstances.

4.4 Part 3 of these Orders identifies the obligations applying to a person who prepares meat or meat products for export for food.

4.5 Part 4 of these Orders identifies the conditions and restrictions on the export of meat and meat products for food. Failure to comply

with these conditions and restrictions may for example attract the high penalty provisions of the Act and preclude the grant of an export permit and the issue of a government certificate.

Note For the high penalty provisions see for example section 7A and subsections 8(3) and 8(4) of the Act.

- 4.6 Part 5 of these Orders identifies the additional obligations that apply to an exporter of meat or meat products that are not conditions and restrictions on export.
- 4.7 Part 6 of these Orders provides for audit.
- 4.8 Part 7 of these Orders describes the official marking devices and official marks and sets out the matters which give rise to the offence relating to official marks and marking devices in section 14 of the Act.
- 4.9 Part 8 of these Orders provides for functions of officers and directions given by authorized officers.
- 4.10 Part 9 of these Orders provides for regulatory arrangements.
- 4.11 Part 10 of these Orders provides for the reconsideration of decisions made by the Secretary, the availability of Administrative Appeals Tribunal review of these decisions and miscellaneous matters.

5 Incorporation with Prescribed Goods (General) Orders 1985

- 5.1 The following provisions of the *Prescribed Goods (General) Orders 1985* apply to meat and meat products for export for food:
 - (a) Part 1 (other than order 5);
 - (b) order 5 as it provides for the interpretation of the words and expressions used in the provisions of the *Prescribed Goods (General) Orders 1985* referred to in paragraphs 5.1(a) and 5.1(c) and suborder 5.2 of this order;
 - (c) Part 15.
- 5.2 Except as specified in suborder 5.1 and except to the extent specified in the following provisions of these Orders:
 - (a) orders 63 to 66;
 - (b) paragraph 5.1(b), clause 12 and paragraph 18.1(a) of Schedule 1;

- (c) paragraph 18.1(f) and subclause 20.1 of Schedule 5;
 - (d) clauses 11 to 14 and clause 17 of Schedule 6;
 - (e) paragraphs 19.2(a) and 22.1(g) of Schedule 7;
 - (f) paragraphs 5.1(a) and 11.1(a) of Schedule 9;
 - (g) paragraphs 2.1(d) of Schedule 10;
- the *Prescribed Goods (General) Orders 1985* have no application to meat and meat products for export for food.

Note The provisions specified in paragraph 5.2(a) to (g) call up provisions of the PGGOs in specified circumstances, for example the declaration of official marks, the fit and the proper person criteria and criteria for decisions on the allocation of services of officers.

6 The Australian Meat Standard

- 6.1 Unless the contrary intention appears Australian Meat Standard (other than clauses 3.1 to 3.10 and clauses 18 and 22 of that Standard) applies to meat and meat products to which these orders apply.

Note 1 For the meaning of *Australian Meat Standard* see suborder 8.1.

Note 2 Clauses 3.1 to 3.10 and 18 of the Australian Meat Standard are subsumed in Schedule 2 of these Orders.

Note 3 For examples of a contrary intention see the clauses of the Australian Meat Standard that are specified as not applying in Schedules 5 and 6 of these Orders.

- 6.2 Clauses 23 to 25 of the Australian Meat Standard apply only in relation to the transport of meat and meat products to and from an establishment engaged in the preparation of meat and meat products for export for food.

Note For how the Standard is enforced see for example orders 32, 39 and 41 to 46. Failure to comply with the conditions and restrictions in orders 39 and 41 to 46 may attract the high penalty provisions of the Act, see section 7A and subsection 8(3) and 8(4) of the Act. Failure to comply with the requirements of orders 39 and 41 to 46 will preclude the grant of an export permit and is also a ground of revocation of an export permit, see Division III of Part 1 Schedule 8. Failure to comply may also preclude the issue of a government certificate, see Part 2 of Schedule 8.

7 Contravention for purposes of the Regulations

If in these Orders the words '*Penal provision*' are set out at the foot of:

- (a) a provision of an order; or

(b) a provision of a clause made under these Orders;
the provision is taken to provide that it is a penal provision for the purposes of subregulation 4(1) of the *Export Control (Orders) Regulations 1982*.

Note A person who fails to comply with the provision is guilty of an offence against the Regulations, see subregulation 4(1) of the *Export Control (Orders) Regulations 1982*. The offence created by such a penal provision is one of strict liability, see subregulation 4(2) of the *Export Control (Orders) Regulations 1982*. For strict liability see section 6.1 of the *Criminal Code Act 1995*.

Division II Meaning of words and expressions

8 Interpretation

8.1 In these Orders unless the contrary intention appears:

an amount that is payable to the Department means an amount payable to the Department (including an amount that is owed to the Commonwealth and has not been paid to the Department) in respect of:

- (a) a fee for a service performed at, or in respect of, an establishment (or for the purposes of Schedule 7 a fee for a service performed in respect of an application for an approval of an arrangement of an Islamic Organisation); and
- (b) a charge or levy the liability for which was ascertained in relation to an establishment, certification operations or the approval of a person as an auditor, by reference to a matter prescribed by a law of the Commonwealth; and
- (c) a penalty in respect of a failure to discharge the liability to pay that charge or levy.

ancillary inspection services means meat inspection services other than slaughter floor meat inspection services.

approved means approved by the Secretary by instrument in writing.

approved arrangement means an arrangement approved under clause 5 of Schedule 1 or under subclause 22.1 of Schedule 7 and includes variation of such an arrangement in the circumstances specified in clause 17 of Schedule 1 or clause 27 of Schedule 7.

approved auditor means an auditor approved by the Secretary under subclause 5.1 of Schedule 9.

auditor means a person who under order 56 may conduct an audit.

Australian Meat Industry Classification System Manual 1 means the *Australian Meat Industry Classification System Manual 1* published by AUS-MEAT Limited.

Australian Meat Standard means AS 4696 *Australian Standard for the Hygienic Production and Transportation of Meat and Meat Products For Human Consumption*, 2002.

batch has the meaning given in the Australian Meat Standard.

beef means meat derived from:

- (a) a female bovine animal or a castrate male bovine animal; or
- (b) an entire male bovine animal showing no secondary sexual characteristics.

boar pork means meat derived from a castrated male or entire male porcine animal showing evidence of secondary sexual characteristics.

corporation means a legal person who is not an individual.

bull means meat derived from the carcass of:

- (a) an entire male bovine animal showing secondary sexual characteristics; or
- (b) a castrated male bovine animal showing secondary sexual characteristics.

carcass has the meaning given in the Australian Meat Standard.

carcass part has the meaning given in the Australian Meat Standard.

carton includes a case, crate or barrel.

casing means the submucosal layer of tissue of intestines that is:

- (a) intended for food; and
- (b) derived from animals from which meat is obtained.

container system unit means a container designed for use as a unit of cargo handling equipment in the transport of goods by aircraft or ship.

controlling authority means a State or Territory authority that is responsible for the enforcement of the Australian Meat Standard as it applies to meat or meat products that are prepared in that State or Territory.

convicted has the meaning given in subsection 85ZM(1) of the *Crimes Act 1914*.

critical control point has the meaning given in the Australian Meat Standard.

date of packaging means:

- (a) for further processed meat products (other than canned meat products)—the date on which the further process is completed; and
- (b) for canned meat products—the date on which the can is closed; and
- (c) in any other case—the date of first packaging.

disability has the meaning given by section 4 of the *Disability Discrimination Act 1992*.

dressings has the meaning given in the Australian Meat Standard.

dried meat does not include slow dried cured meat.

equipment has the meaning given in the Australian Meat Standard.

essential services has the meaning given in the Australian Meat Standard.

export permit means a permit for the export of meat or meat products given by the Secretary under clause 6 or clause 7 of Schedule 8.

facilities include hygiene and sanitation facilities.

Food Standards Code has the meaning given in the Australian Meat Standard.

further process has the meaning given in the Australian Meat Standard.

goat means meat derived from any caprine animal.

government certificate means a certificate issued by the Secretary under clause 14 of Schedule 8 of these Orders and includes a health certificate and a Halal certificate.

Note For the meaning of ***Halal certificate*** see clause 13 of Schedule 7.

HACCP has the meaning given in the Australian Meat Standard.

Halal meat means meat or meat products obtained from animals slaughtered in accordance with the requirements for their slaughter for Halal meat that are specified in the approved arrangement.

hazard has the meaning given in the Australian Meat Standard.

holder of an approved arrangement means a person to whom the Secretary under subclause 22.1 of Schedule 7 gives the written notice of the approval of an approved arrangement.

hot boning means the boning of a carcass before the temperature at the thermal centre of the carcass is reduced to 20°C.

importing country authority for meat or meat products imported or to be imported into a country from Australia means the authority in that country responsible for regulating the import of the meat or meat products into that country.

importing country requirement means a requirement that is required to be met before meat and meat products may be imported into a country from Australia.

Note 1 For guidance on importing country requirements see *Export Meat Manual Volume 2, Importing Country Requirements* published by the Department. This document is available at <http://www.daff.gov.au>.

Note 2 For when importing country requirements must be specified in the approved arrangement see paragraphs 11.1(c) and (d) of Schedule 2. See also orders 34 and 80.

inedible material means meat that is normally regarded as of a kind that is not fit for human consumption.

ingredient means any substance (including a food additive) that:

- (a) is a constituent of meat and meat products (including raw materials); or
- (b) is a processing aid for meat and meat products.

inspection services means slaughter floor and/or ancillary meat inspection services.

installed has the meaning given by the *Sea Installation Act 1987* (disregarding any reference to an adjacent area).

integrity when used in relation to meat and meat products means that the identity of the meat or meat products in regard to any condition, restriction or other description that may apply to them:

- (a) is readily ascertainable; and
- (b) is not lost or confused with that of any other meat or meat products.

Joint Petroleum Development Area has the meaning given in the *Petroleum (Timor Sea Treaty) Act 2003*.

lamb means meat derived from a female, castrated male or entire male ovine animal that:

- (a) shows no evidence of eruption of permanent incisor teeth; or
- (b) in the case of males—shows no evidence of secondary sexual characteristics.

loaded for export means:

- (a) placed for export into a container system unit at an establishment; or

- (b) if meat or meat products are to be stowed direct on board a ship or aircraft without first being placed into a container system unit—loaded onto the ship or aircraft for export.

meat means any part of a slaughtered animal.

Note Meat includes offal.

meat product means a product containing meat.

monitor when used in relation to the monitoring of a critical control point means conduct a planned sequence of observations or measurements to assess whether the critical control point is under control.

mutton means meat derived from a female or a castrated male ovine animal that:

- (a) has erupted one or more permanent incisor teeth; and
(b) in the case of males—shows no evidence of secondary sexual characteristics.

notice of intention means a written notice, made by or on behalf of the exporter of meat and meat products, of:

- (a) the exporter's intention to export the meat or meat products identified in the notice; and
(b) the place where the meat or meat products may be inspected.

notifiable disease has the meaning given in the Australian Meat Standard.

occupier:

- (a) in relation to a registered establishment means the individual, corporation or other legal entity (or any combination of these) in whose name the establishment is registered; and
(b) in relation to an unregistered establishment means the individual, corporation or other legal entity (or any combination of these) who:
(i) is the operator of the business preparing meat or meat products at the establishment; or
(ii) if that person cannot be ascertained—the person in charge of the operations for the preparation of meat or meat products at the establishment.

official mark has the meaning given in suborder 63.1.

official marking device has the meaning given in suborder 63.2.

person who manages or controls means:

- (a) a person who has or is to have authority to direct the operations or an important or substantial part of the operations; or
- (b) a person who has or is to have authority to direct a person who has or is to have authority of the kind referred to in paragraph (a) in the exercise of the authority referred to in paragraph (a).

pork means meat derived from:

- (a) a female porcine animal showing no evidence of milk secretion; or
- (b) a male porcine animal showing no evidence of secondary sexual characteristics.

primary bleeding means the initial and major part of bleeding that follows incisions made to initiate exsanguination and is characterised by a continuous flow of blood.

production means:

- (a) the admission of animals for slaughter for meat and meat products; and
- (b) the preparation of meat and meat products.

Note See clauses 11 and 12 of Schedule 2.

ram means meat derived from:

- (a) a male ovine animal showing secondary sexual characteristics; or
- (b) an entire male ovine animal that has erupted one or more permanent incisor teeth.

refrigeration index means the value obtained by using a recognised predictive model to calculate the potential growth of *E. coli* at the site of microbiological concern.

refrigeration index criteria means the criteria applied to the refrigeration indices to assess a chilling process.

registered means registered by the Secretary under clause 5 of Schedule 1.

resource industry structure means:

- (a) a resource industry fixed structure (within the meaning given by the *Sea Installation Act 1987*); or
- (b) a resource industry mobile unit (within the meaning given by that Act) that is not a vessel.

serious offence means 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 10 penalty units or more.

site of microbiological concern has the meaning given in the Australian Meat Standard.

slaughter has the meaning given in the Australian Meat Standard.

sow pork means meat derived from a female porcine animal showing evidence of milk secretion.

State or Territory inspection and audit arrangement means an arrangement that is:

- (a) for the inspection of meat and meat products for export for food and the audit of the establishments in which the meat and meat products are prepared; and
- (b) made between the Secretary and the relevant State or Territory controlling authority.

tallow means rendered fat or oil extracted from animal tissue.

tempering has the meaning given in the Australian Meat Standard.

thawing has the meaning given in the Australian Meat Standard.

the Act means the *Export Control Act 1982*.

thermal centre has the meaning given in the Australian Meat Standard.

validate has the meaning given in the Australian Meat Standard.

veal means meat derived from a female, castrated male or entire male bovine animal:

- (a) that shows no evidence of eruption of permanent incisor teeth; and
- (b) the carcase of which is not more than 150 kilograms by reference to hot dress carcase weight; and
- (c) that in the case of males shows no evidence of secondary sexual characteristics.

verify has the meaning given in the Australian Meat Standard.

veterinary officer means an authorized officer with veterinarian qualifications.

wholesome has the meaning given in the Australian Meat Standard.

working day means a day that is not a Saturday, a Sunday or a public holiday in the State or Territory in which the relevant operations are conducted.

Note Section 3 of the Act provides the meaning (unless the contrary intention appears) of a number of words and expressions used in these Orders. See for example the meaning given to the following in section 3: *animal, apply, authorized officer, document, enter for export, enter for export to a specified place, establishment, examine, food, occupier, official mark, official marking device, order, prescribed goods, premises, preparation, regulations, Secretary, ship, trade description.*

- 8.2 Unless the contrary intention appears a reference in these Orders and in the Australian Meat Standard to a **meat transport vehicle** means a vehicle, a ship, aircraft or other conveyance used to transport meat and meat products for export for food and includes the meat carrying compartment.

9 **Meat safety inspectors, authorized officers and veterinary officers**

- 9.1 Subject to suborder 9.2 a reference in the Australian Meat Standard to a **meat safety inspector** means a meat safety inspector (within the meaning given in the Australian Meat Standard) who is an authorized officer under the Act.

Note For the meaning of **authorized officer** see section 3 of the Act.

- 9.2 If a veterinary officer is located at a registered establishment a reference in these Orders to an **authorized officer** (or in the Australian Meat Standard to a **meat safety inspector**) when used in relation to the following:
- (a) information relating to animals required to be provided to an authorized officer (or to a meat safety inspector);
 - (b) animal inspections and decisions and dispositions required to be made;
 - (c) inspections, decisions and dispositions of restricted slaughter animals, their carcasses and carcase parts;
 - (d) implementation of procedures for notifiable diseases;
- means:
- (e) a veterinary officer; and
 - (f) in the case of paragraphs (a) to (c)—includes an authorized officer acting under the supervision of a veterinary officer.

Note For the meaning of **veterinary officer** see suborder 8.1.

10 Prescribed goods

- 10.1 Meat and meat products that are for export for food are declared to be prescribed goods for the purposes of the Act and these Orders.

Note 1 For the meaning of *meat* and *meat product* see suborder 8.1.

Note 2 For the meaning of *food* and *prescribed goods* see section 3 of the Act.

Note 3 This provision is necessary so that the relevant provisions of the Act (see for example Part II and Part IV of the Act) apply to these meat and meat products.

- 10.2 Despite suborder 10.1, the meat and meat products referred to in that suborder are declared to be prescribed goods only if, in accordance with Part 2, these Orders apply to the meat and meat products.

Note Suborder 10.2 prevents meat and meat products to which these Orders do not apply (for example ships stores) becoming prescribed goods.

11 These Orders

Unless the contrary intention appears a reference in these Orders to *these Orders* means the *Export Control (Meat and Meat Products) Orders 2005* and its Schedules.

Note Contrast a reference to *Orders made under the Act* which covers all Orders made under the Act. See for example order 17.1.

12 Notes

In these Orders, a note is not to be taken as part of these Orders. Notes are intended as guidance only.

Part 2 Application of these Orders

Division I Meat and meat products to which these Orders apply

13 Orders apply to meat and meat products

- 13.1 These Orders apply to and in relation to meat and meat products that are derived from an animal of the bovine, bubaline, camelidae, caprine, cervidae, ovine, porcine and soliped species killed other than in a wild state.

Note For example these Orders apply to meat and meat products derived from cattle and bison (bovine), Asian water buffalo (bubaline), camels (camelidae), goats (caprine), deer (cervidae), sheep (ovine), pigs (porcine), horses and donkeys (solipeds).

13.2 Despite suborder 13.1 these orders do not apply to the following meat products:

- (a) soup, soup powder, soup concentrate and meat extracts;
- (b) tallow;
- (c) gelatin;
- (d) regenerated collagen products;
- (e) meat products containing less than 5% mass of meat.

Note For the meaning of *tallow* see suborder 8.1.

14 Small consignments

Subject to Division II of this Part, these Orders do not apply to meat or meat products exported in a consignment of no more than 10 kilograms.

15 Meat and meat products exported to New Zealand

Subject to Division II of this Part, these Orders do not apply to meat or meat products that are exported to New Zealand.

Division II Expanded application of these Orders

16 Explanation of this Division

16.1 This Division provides the mechanism for bringing within the operation of these Orders meat and meat products that fall outside the scope of the application of these Orders because they are:

- (a) meat and meat products derived from animals of a species not referred to in suborder 13.1 and that are not otherwise regulated under Orders made under the Act; or
- (b) meat products of a kind to which these Orders do not apply under suborder 13.2; or
- (c) meat and meat products for export in consignments smaller than 10 kilograms; or
- (d) meat and meat products for export to New Zealand.

16.2 The aim of this Division is to facilitate the issue of government certificates by the Secretary for these meat and meat products.

16.3 This aim is achieved by enabling the exporter of these meat and meat products to obtain a notice from the Secretary declaring that these Orders apply to the preparation and export of the meat and meat products by persons identified in the notice.

17 Meat and meat products to which this Division applies

17.1 This Division applies to meat and meat products that are derived from animals of a species that is not referred to in suborder 13.1 and that are not otherwise regulated under Orders made under the Act.

17.2 This Division applies to meat products of the kind referred to in paragraphs 13.2(a) to 13.2(e).

17.3 This Division applies to meat and meat products for exported in consignments less than 10 kilograms.

17.4 This Division applies to meat and meat products for export to New Zealand.

18 Expanded application if government certificate required

18.1 A person who intends to apply to the Secretary for the issue of a government certificate in respect of the meat and meat products to which this Division applies must make a written application to the Secretary for a notice declaring that these Orders apply to the meat and meat products.

Note For the meaning of *government certificate* see suborder 8.1. For the issue of a government certificate see Part 2 of Schedule 8.

18.2 The application must:

- (a) describe the meat and meat products to be exported; and
- (b) identify the exporter of the meat and meat products; and
- (c) identify each establishment at which the meat and meat products are to be prepared; and
- (d) be signed by the exporter and the occupier of each such establishment; and
- (e) identify the country to which the meat and meat products are to be exported.

- 18.3 For the purposes of orders 19 to 21 *the persons concerned* means the persons referred to in paragraph 18.2(d) who sign the application.

19 Notice specifying that these Orders apply

- 19.1 If an application is given to the Secretary, the Secretary must give each of the persons concerned a written notice specifying the orders that apply to, and in relation to, the meat and meat products.
- 19.2 A notice need not be given under suborder 19.1 if the Secretary is not satisfied that:
- (a) the application complies with the requirements of suborder 18.2; or
 - (b) the information given to the Secretary in, or in connection with the application for the certificate is accurate and complete; or
 - (c) there is a sound basis for the information.
- 19.3 A notice need not be given under suborder 19.1 if:
- (a) an application is given to the Secretary in respect of meat and meat products that are derived from animals of a species that:
 - (i) is not referred to in suborder 13.1; and
 - (ii) is not otherwise regulated under Orders made under the Act; and
 - (b) the Secretary has reasonable grounds to believe that the issue of a government certificate for meat or meat of the kind to which the application relates could result in trade in the export from Australia of goods being adversely affected.
- 19.4 If a notice referred to in suborder 19.1 has effect the provisions of these Orders specified in the notice as applying to the meat and meat products apply to and in relation to:
- (a) the preparation of the meat and meat products by each occupier referred to in subclause 18.2 named in the notice; and
 - (b) the export of the meat and meat products by the exporter who signs the application.
- 19.5 The notice takes effect:
- (a) when written notice of it is given to the persons concerned; or
 - (b) on a later day specified in the notice.

20 Notice of decision not to specify that the Orders apply

- 20.1 If the Secretary decides not to give a notice under suborder 19.1, the Secretary must give each of the persons concerned written notice of that decision.
- 20.2 The Secretary must give each of the persons concerned written notice of:
- (a) the reasons for the decision; and
 - (b) the ability of a person whose interests are affected by the decision to apply for reconsideration of the decision.

Note For reconsideration of the Secretary's decision, see Divisions I and II of Part 10 of these Orders.

21 Amendment or revocation of notice

- 21.1 The Secretary may amend the notice as it specifies the orders that apply by giving a further written notice to each of the persons concerned.
- 21.2 The Secretary may revoke the notice by giving a further written notice to each of the persons concerned if the Secretary has reasonable grounds to believe that:
- (a) the information given to the Secretary in, or in connection with the application for the certificate is inaccurate or complete or does not have a sound basis; or
 - (b) if the notice relates to meat and meat products of the kind described in paragraph 19.3(a)—the issue of a government certificate for meat or meat products of the kind to which the application relates could result in trade in the export from Australia of goods being adversely affected.
- 21.3 The amendment or revocation takes effect:
- (a) when written notice of it is given to the persons concerned; or
 - (b) on a later day specified in the notice of the amendment or revocation.
- 21.4 The Secretary must give the persons concerned written notification of:
- (a) the reasons for the decision to revoke; and
 - (b) the ability of a person whose interests are affected by the decision to apply for reconsideration of the decision.

Note For reconsideration of the Secretary's decision, see Divisions I and II of Part 10 of these Orders.

22 When notice ceases to have effect

A notice given under suborder 19.1 ceases to have effect on the earlier of:

- (a) the day specified in the notice as the day the notice ceases to have effect; or
- (b) when it is revoked.

Division III Ships stores, imported meat and meat products held under bond etc

23 When these orders do not apply

23.1 These Orders do not apply to meat and meat products in the following circumstances:

- (a) the meat and meat products are:
 - (i) ship's stores for the use of passengers and crew or for the service of the ship on a voyage from Australia; or
 - (ii) aircraft stores for the use of passengers and crew or for the service of the aircraft on a flight from Australia; or
- (b) the meat or meat products are imported into Australia and held in bond at all times prior to export;
- (c) the meat or meat products are imported into Australia and then exported in the same covering and under the same trade description as the covering and trade description in and under which they were imported;
- (d) the meat or meat products are consigned to an external Territory for consumption within the Territory;
- (e) the meat or meat products are consigned to a resource industry structure that is installed within the Joint Petroleum Development Area, for consumption on the structure.

Note For the meaning of *Joint Petroleum Development Area, installed* and *resource industry structure* see suborder 8.1.

23.2 For paragraphs 23.1(a) and 23.1(e), a resource industry mobile unit (within the meaning given by the *Sea Installation Act 1987*) that is not installed is taken to be a ship.

Division IV Exemptions

24 When the Secretary may specify orders do not apply

- 24.1 A person who is:
- (a) the occupier of an establishment at which meat and meat products for export for food are prepared; or
 - (b) the exporter of meat or meat products;
- may apply to the Secretary for an instrument of exemption for meat and meat products to be exported to a country specified in the application:
- (c) as a commercial sample; or
 - (d) for experimental purposes; or
 - (e) in exceptional circumstances; or
 - (f) in special commercial circumstances.
- 24.2 If an application is made under suborder 24.1 the Secretary may give the applicant an instrument of exemption.
- 24.3 The instrument of exemption must specify which of the orders do not apply to meat and meat products of the kind described in the application that are prepared for export or exported by the applicant to a country specified in the application.

25 Exemption may be subject to conditions

- 25.1 The Secretary may:
- (a) give the instrument of exemption subject to conditions specified in the instrument of exemption; and
 - (b) by written notice given to the applicant impose new conditions or vary or revoke the conditions.
- 25.2 The conditions are to be for the purpose of ensuring the one or more of the objectives specified in suborders 3.1 and 3.2 is met by the applicant.

26 Orders specified in the instrument do not apply

- 26.1 If the instrument has effect the orders specified in the instrument of exemption as not applying do not apply to the meat and meat products of the kind described in the instrument of exemption that

are prepared for export or exported by the applicant to a country specified in instrument.

26.2 The instrument takes effect:

- (a) when it is given to the applicant; or
- (b) on a later day specified in the instrument.

27 When the instrument ceases to have effect

The instrument ceases to have effect on the earlier of the following:

- (a) the end of relevant period specified in the instrument;
- (b) the end of 12 months from the day the instrument is issued;
- (c) when it is revoked.

Note For revocation of an instrument see the *Acts Interpretation Act 1901* s33(3A) (see also section 13 of the *Legislative Instruments Act 2003*).

28 If instrument ceases to have effect the orders apply

If the instrument of exemption ceases to have effect the orders that are specified in the instrument as not applying, apply.

Part 3 Preparation of meat and meat products for export as food

Division I Registration and management practices

29 Requirement for registration

29.1 Meat and meat products for export for food must be prepared at an establishment that is registered in respect of the operations for the preparation of the meat and meat products of the kind undertaken.

Note 1 For the meaning of *registered* see suborder 8.1

Note 2 Establishment includes *premises*, see the meaning of *establishment* and *registered premises* in section 3 of the Act. *Premises* includes a building, ship, aircraft or vehicle, see section 3 of the Act.

Note 3 For the meaning of *preparation* see section 3 of the Act.

- 29.2 If meat or meat products for export for food are prepared at an establishment that is not registered in respect of the preparation of the meat and meat products of the kind undertaken the occupier of the establishment is guilty of an offence.

Level 5 penal provision

Note A level 5 penal provision means a person who is guilty of the relevant offence is punishable by a fine of 50 penalty units, see Regulation 4 of the *Export Control (Orders) Regulations 1982*.

30 Occupier must have approved arrangement

The occupier of an establishment engaged in the preparation of meat or meat products for export for food must have an approved arrangement for the preparation of meat and meat products undertaken.

Level 5 penal provision

Note 1 A level 5 penal provision means a person who is guilty of the relevant offence is punishable by a fine of 50 penalty units, see Regulation 4 of the *Export Control (Orders) Regulations 1982*.

Note 2 For the meaning of *approved arrangement* see suborder 8.1.

Note 3 If there is a failure to comply with the arrangement or its conditions the Secretary may suspend or revoke the arrangement, see paragraph 20.1(a) of Schedule 1. For audit of compliance with an approved arrangement and its conditions see Part 6 of these Orders.

31 Occupier must comply with requirements for management practices

The occupier of an establishment engaged in the preparation of meat or meat products for export for food must comply with the requirements of Schedule 2.

Note Schedule 2 contains penalties for failure to comply with certain of the requirements of Schedule 2.

Division II Export standards

32 Occupier must comply with Australian Meat Standard

- 32.1 The occupier of an establishment engaged in the preparation of meat or meat products for export for food must ensure the applicable requirements of the Australian Meat Standard (other

than the requirements of that Standard specified in Schedules 5 and 6 of these Orders as not applying) are complied with.

Level 5 penal provision

Note 1 A level 5 penal provision means a person who is guilty of the relevant offence is punishable by a fine of 50 penalty units, see Regulation 4 of the *Export Control (Orders) Regulations 1982*.

Note 2 For the applicable requirements of the Australian Meat Standard see order 6.

- 32.2 If the occupier of an establishment engaged in the preparation of meat or meat products for export for food:
- (a) is the transporter of meat or meat products prepared at the establishment; and
 - (b) is also the occupier of the establishment to which the meat or meat products are transported;
- the occupier must ensure that the requirements of clauses 23 and 24 of the Australian Meat Standard are complied with.

Level 5 penal provision

Note A level 5 penal provision means a person who is guilty of the relevant offence is punishable by a fine of 50 penalty units, see Regulation 4 of the *Export Control (Orders) Regulations 1982*.

33 Occupier must comply with export standards

- 33.1 The occupier of an establishment engaged in the preparation of meat or meat products for export for food must comply with the requirements of:
- (a) Schedule 3 (other than Part 2); and
 - (b) Schedule 4; and
 - (c) Schedule 5 (other than clause 19); and
 - (d) Schedule 6; and
 - (e) Parts 1 and 2 and Division II of Part 4 of Schedule 7.

Level 5 penal provision

Note A level 5 penal provision means a person who is guilty of the relevant offence is punishable by a fine of 50 penalty units, see Regulation 4 of the *Export Control (Orders) Regulations 1982*.

- 33.2 If the occupier of an establishment engaged in the preparation of meat or meat products for export for food:

- (a) is engaged in the transport of meat or meat products for export for food prepared at the establishment; and
 - (b) is also the occupier of the establishment to which the meat or meat products are transported;
- the occupier must comply with the requirements of Part 2 of Schedule 3.

Level 5 penal provision

Note A level 5 penal provision means a person who is guilty of the relevant offence is punishable by a fine of 50 penalty units, see Regulation 4 of the *Export Control (Orders) Regulations 1982*.

34 Importing country requirements

The occupier of an establishment must ensure that meat and meat products prepared for export for food by the occupier comply with importing country requirements.

Note 1 For the meaning of *importing country requirement* see suborder 8.1

Note 2 Enforcement of this requirement is achieved administratively. For example failure to comply with importing country requirements can lead to the suspension or revocation of an approved arrangement, see clause 20 of Schedule 1 (and see note 1 of that clause). Failure to comply also precludes the giving or issue of an export permit or government certificate, permit and can lead to the revocation of an export permit see Division III of Part 1 of Schedule 8 and Part 2 of Schedule 8.

Part 4 Conditions and restrictions on export

Division I Prohibitions on export

35 Prohibitions on export of meat and meat products

The export of meat and meat products for food from Australia is prohibited unless the requirements of this Part are complied with.

Note 1 For the meaning of *food* see section 3 of the Act.

Note 2 For requirements applying to meat and meat products that are for export for animal food or for pharmaceutical use that are at establishments engaged in the preparation of meat or meat products for export for food see Part 2 of Schedule 4 and clause 2 and 8 of Schedule 7.

36 Conditions and restrictions

For the purposes of subsection 8(3) of the Act the requirements specified in this Part are specified conditions and restrictions applicable to the export of meat and meat products for food.

Note Failure to comply with these conditions and restrictions may for example attract the high penalty provisions of the Act, see section 7A and subsections 8(3) and 8(4) of the Act. Failure to comply with these conditions and restrictions precludes the giving of an export permit and can lead to the revocation of an export permit, see Division III of Part 1 of Schedule 8. Failure to comply with these conditions and restrictions also precludes the issue of a government certificate, see Part 2 of Schedule 8.

Division II Export requirements

37 Requirement for registration

Meat and meat products for export for food must be prepared in an establishment that is registered in respect of the operations for the preparation of the meat and meat products of the kind undertaken.

Note For the meaning of *registered* see suborder 8.1.

38 Requirement for an approved arrangement

Meat or meat products for export for food must be prepared in an establishment where the occupier of the establishment has an approved arrangement for the preparation of meat and meat products undertaken.

39 Premises, equipment and vehicles

39.1 Meat and meat products for export for food must be prepared at an establishment where the premises, equipment, facilities and essential services comply with the requirements of:

- (a) the Australian Meat Standard; and
- (b) Schedule 3.

Note 1 For the meaning of *equipment* and *essential services* see suborder 8.1. For the meaning of *premises* see section 3 of the Act.

Note 2 See for example clauses 19, 20 and 21 of the Australian Meat Standard.

39.2 Meat and meat products for export for food must be transported to and from establishments engaged in their preparation using meat transport vehicles and equipment that comply with the requirements of:

- (a) the Australian Meat Standard; and
- (b) Schedule 3.

Note 1 For the meaning *meat transport vehicle* see suborder 8.2.

Note 2 See for example clause 25 of the Australian Meat Standard.

40 Premises used to prepare animal food etc

Meat and meat products for export for food must not be prepared in premises used to prepare:

- (a) meat and meat products for animal food; or
- (b) meat and meat products for pharmaceutical use; or
- (c) meat and meat products that are not for export; unless:
 - (d) the occupier's approved arrangement provides that the preparation of meat and meat products for animal food or pharmaceutical use or that are not for export (as the case may be) may take place at the premises used for the preparation of meat and meat products for export for food; and
 - (e) the wholesomeness and integrity of the meat and meat product for export for food is assured (including through controls for segregation, identification and security).

Note For requirements for meat and meat products for food that are downgraded to animal food and pharmaceutical use see for example Part 2 of Schedule 4 (see also see clause 17 of the Australian Meat Standard) and clause 2 and 8 of Schedule 7.

41 Operational hygiene

41.1 Meat and meat products for export for food must be prepared at an establishment that complies with the operational hygiene requirements of:

- (a) the Australian Meat Standard; and
- (b) Schedule 4.

Note See for example the operational hygiene requirements in clause 4 and 5 of the Australian Meat Standard.

41.2 The transport of meat and meat products for export for food to and from establishments engaged in their preparation must comply with the operational hygiene requirements of the Australian Meat Standard.

Note See for example the operational hygiene requirement in clause 23 of the Australian Meat Standard.

42 Preparation

Meat and meat products for export for food must be prepared in accordance with the requirements of:

- (a) the Australian Meat Standard (other than requirements of that Standard specified in Schedule 5 as not applying); and
- (b) Schedule 5.

Note 1 Preparation includes the slaughter of animals from which the meat and meat products are derived, see the meaning of *preparation* in section 3 of the Act. See also the meaning of *slaughter* in suborder 8.1.

Note 2 See for example clauses 6 to 15 of the Australian Meat Standard.

43 Transport

Meat and meat products for export for food must be transported to and from establishments engaged in their preparation in accordance with the requirements of:

- (a) the Australian Meat Standard (other than the requirements of that Standard specified in Schedule 5 as not applying); and
- (b) Schedule 5.

Note See for example clause 24 of the Australian Meat Standard. Clause 22 of the Australian Meat Standard does not apply, see order 6.

44 Trade descriptions

Meat and meat products for export for food must comply with the requirements of:

- (a) the Australian Meat Standard for a trade description (other than the requirements of that Standard specified in Schedule 6 as not applying); and
- (b) Part 1 of Schedule 6.

45 Official marks

Meat and meat products for export for food must comply with the requirements of Part 2 of Schedule 6.

46 Tracing systems, recall, integrity and transfer

Meat and meat products for export for food must be prepared at an establishment where the following are complied with:

- (a) the requirements for segregation, identification, security, tracing systems, integrity, recall and transfer specified in the Australian Meat Standard; and
- (b) the requirements of Parts 1 and 2 and Division II of Part 4 of Schedule 7.

Note 1 For the meaning of *integrity* see suborder 8.1.

Note 2 Clause 16 of the Australian Meat Standard contains requirements for the identification, traceability and recall of meat and meat products. Clause 17 of the Australian Meat Standard contains requirements for the identification, segregation and traceability of meat and meat products for use for animal food and for pharmaceutical use.

47 Export permits

- 47.1 Before meat or meat products are exported for food the exporter must have an export permit for the meat or meat products.

Note For the meaning of *export permit* see suborder 8.1.

- 47.2 At the time of export of the meat or meat products the export permit must have effect.

Note For when an export permit ceases to have effect see clauses 11 and 12 of Schedule 8.

Part 5 **Exporter's documentary obligations**

Division I **The exporter**

48 **Exporter identified in the application**

For the purposes of this Part *the exporter* means the person identified in the application for a permit to export meat or meat products as the exporter of the meat or meat products.

Division II **Information and documentary requirements**

49 **Security of export permits and government certificates**

The exporter must hold export permits and government certificates under conditions of security when not in use.

Level 5 penal provision

Note 1 A level 5 penal provision means a person who is guilty of the relevant offence is punishable by a fine of 50 penalty units, see Regulation 4 of the *Export Control (Orders) Regulations 1982*.

Note 2 For the meaning of *government certificate* see suborder 8.1.

50 **Return of export permits and government certificates**

If:

- (a) an export permit for meat or meat products is revoked; or
- (b) a government certificate for meat or meat products is cancelled; or
- (c) the intention to export meat or meat products is abandoned; the exporter must, within 3 working days after the day the revocation, cancellation or abandonment concerned occurs, return any export permit and government certificate for the meat or meat products given by the Secretary.

Level 2 penal provision

Note 1 A level 2 penal provision means a person who is guilty of the relevant offence is punishable by a fine of 20 penalty units, see Regulation 4 of the *Export Control (Orders) Regulations 1982*.

Note 2 For the meaning of *working day* see suborder 8.1.

51 Requirement to notify

If before the export of meat and meat products, the exporter suspects that:

- (a) the wholesomeness of the meat or meat products is jeopardised or their integrity is compromised; or
- (b) a requirement of Part 4 of these Orders applying to the export of the meat or meat products is not complied with; or
- (c) importing country requirements are not met in relation to meat and meat products;

the exporter must notify an authorized officer without delay.

Note For the meaning of *integrity* see suborder 8.1.

52 Effective measures to ensure accuracy and completeness

An exporter must have effective measures in place to ensure that:

- (a) information given to the Secretary in, or in connection with, a notice of intention, an application for an export permit or a government certificate for the meat or meat products is accurate and complete; and
- (b) there is a sound basis for the information.

Note 1 For the meaning of *notice of intention* see suborder 8.1.

Note 2 For criminal penalties applying to persons who make false or misleading statements to a Commonwealth entity see the *Criminal Code Act 1995* Part 7.4 (False or misleading statements).

53 Exporter to document compliance measures

The exporter must document the measures the exporter is to take to ensure compliance with the requirements of each of the provisions of this Part that apply to the exporter.

Note For audit of an exporter see Part 6 of these Orders.

54 Record keeping requirements

The exporter must retain:

- (a) a copy of each application for an export permit for all meat and meat products for export or exported by the exporter; and

- (b) each declaration referred to in paragraphs 8.1(h) and (i) of Schedule 7 that relates to the application; and
- (c) all other documents that:
 - (i) are made by the exporter or come into the possession of the exporter; and
 - (ii) are relevant to whether the exporter complies with requirements of the Act and these Orders applying to the exporter;

for a minimum period of two years from the day the document is made by the exporter or comes into the exporter's possession (as the case may be).

Level 5 penal provision

Note 1 A level 5 penal provision means a person who is guilty of the relevant offence is punishable by a fine of 50 penalty units, see Regulation 4 of the *Export Control (Orders) Regulations 1982*.

Note 2 The *Criminal Code Act 1995* Part 7.7 (Forgery and related offences) contains offences relating to forgery and the falsification of documents.

Note 3 For the requirement for the exporter to make documents available during an audit see order 59. For penal provisions applying to failures to give information or documents to an authorized officer or the Secretary see Part III, Division 7 of the Act.

Part 6 Audit

Division I Performance of the audit

55 Secretary may require audits

- 55.1 The Secretary may require the following operations to be audited:
- (a) operations for the preparation of meat and meat products for export for food;
 - (b) operations for the export of meat and meat products for food;
 - (c) operations for the certification of meat and meat products.

Note For an example of operations for the certification of meat see Halal certification of meat in Part 3 of Schedule 7.

- 55.2 The Secretary may require the audit to be for:
- (a) the audit of compliance with all of the requirements of the Act and these Orders for all aspects of the operations in relation to

all meat and meat products for export for food covered under operations; or

- (b) the audit of one or more of the following:
- (i) the aspects of operations specified by the Secretary;
 - (ii) the meat and meat products specified by the Secretary;
 - (iii) compliance with those requirements referred to in paragraph 55.2(a) specified by the Secretary.

56 Who may conduct the audit

An audit may be performed:

- (a) by an authorized officer; or
- (b) if so specified by the Secretary in writing, by an auditor approved by the Secretary under subclause 5.1 of Schedule 9.

57 Purpose of audit

The purpose of an audit of operations is to establish whether there is compliance with:

- (a) the applicable requirements of the Act and these Orders; and
- (b) the requirements of any approved arrangement applying to the operations and the conditions of any such arrangement.

Note It is a requirement of these Orders that importing country requirements be complied with, see order 34.

58 Audit frequency and intensity

58.1 The Secretary may by giving written notice to an occupier of an establishment, an exporter or holder of an approved arrangement for certification operations specify the frequency and intensity of audits of their operations.

Note For the meaning of *holder of an approved arrangement* see suborder 8.1 and for the certification of Halal meat see Part 3 of Schedule 7.

58.2 The Secretary may vary the notice by giving a further written notice to the person to whom the first notice is given.

58.3 Suborders 58.1 and 58.2 do not preclude the Secretary from specifying in the conditions of any applicable approved arrangement the frequency and intensity of audits required.

58.4 An audit may be unannounced.

59 Assistance to be provided

- 59.1 The occupier of an establishment, the exporter and the holder of an approved arrangement for certification operations must provide such assistance required by an auditor as is reasonably necessary to enable the auditor to perform the audit of their operations.
- 59.2 Without limiting the generality of suborder 59.1 the occupier, exporter or the holder must for the purpose of order 57:
- (a) provide information to the auditor on request (including provide explanations and make documents available) and operate any equipment; and
 - (b) allow an auditor to:
 - (i) observe and interview employees, agents or contractors; and
 - (ii) observe any procedures; and
 - (iii) use equipment for the purpose of accessing, examining, testing, sampling, recording or reproducing any documents or other thing; and
 - (iv) bring equipment onto the premises at which the audit is conducted for the purposes referred to in subparagraph 59.2(b)(iii).

Note 1 Failure by the occupier to provide assistance is a ground of suspension or revocation of an approved arrangement, see paragraph 20.1(f) of Schedule 1. Failure by the exporter to provide assistance or consent to entry may preclude the giving of an export permit or government certification see Division III of Part 1 of Schedule 8 and Part 2 of Schedule 8. Failure by the holder of an approved arrangement for the certification operations to provide assistance is a ground of suspension or revocation of the holder's approved arrangement, see paragraph 28.1(c) of Schedule 7.

Note 2 Contrast the enforcement powers in Part III of the Act.

Division II Failures to comply and audit reports

60 Notification and assessment of failures to comply

- 60.1 If as the result of an audit of the operations there is, in the auditor's opinion (based on an assessment of the facts) a failure to comply with an applicable requirement referred to in order 57 the auditor must:
- (a) notify the occupier, the exporter and the holder of an approved arrangement for certification operations concerned immediately on ending the audit of their operations; and

- (b) assess whether the failure is a critical non-compliance.
- 60.2 If in the auditor's opinion the failure (or a combination of the failures) amounts to a critical non-compliance, the auditor must notify the Secretary immediately on having formed the opinion.
- 60.3 A ***critical non-compliance*** when used in relation to the audit of operations means a failure (or a combination of the failures) to comply with any applicable requirement referred to in order 57 that:
- (a) results in or is likely to result in the preparation, export or certification (as the case may be) of meat or meat products that:
 - (i) are not fit for human consumption or their integrity is compromised; or
 - (ii) do not comply with the applicable importing country requirements; or
 - (b) prevents an accurate assessment being made as to whether the meat and meat products:
 - (i) are fit for human consumption and their integrity is assured; or
 - (ii) comply with the applicable the importing country requirements.

61 Audit reports

- 61.1 The auditor must make a written report of the audit.
- 61.2 The audit report must include the following information:
- (a) the name of the auditor;
 - (b) the date the audit commenced, the date it ended and the duration of the audit;
 - (c) the identity of the operations audited;
 - (d) the nature and scope of the audit, including the activities audited.
- 61.3 The audit report must state whether in the auditor's opinion (based on an assessment of the facts):
- (a) the audit was satisfactorily completed or was terminated prior to completion; and
 - (b) the applicable requirements referred to in order 57 are complied with; and

must give the reasons for the auditor's opinion.

61.4 The audit report must:

- (a) describe each failure to comply with any applicable requirement referred to in order 57 identified by the auditor; and
- (b) state whether in the auditor's opinion the failure (or a combination of the failures) is a critical non-compliance or has contributed to a critical non-compliance.

61.5 Without limiting the matters that the report may contain, the report may contain recommendations to take the following action:

- (a) action to address the fact a requirement is not complied with or is not likely to be complied with;
- (b) action designed to ensure that the failure to comply with the requirement or the likelihood it is not complied with does not recur;
- (c) action to assess the effectiveness of the action referred to in paragraphs 61.5(a) and 61.5(b).

62 Audit report must be given to Secretary

62.1 The auditor must give the audit report to the Secretary.

62.2 The auditor must give the occupier, exporter and holder of the approved arrangement for certification operations a copy of the report of the audit of their operations.

Part 7 Official marks and marking devices

Division I Declaration of official marks and marking devices

63 Declaration of official mark and official marking devices

63.1 For the purposes of these Orders each of the following marks declared under *Prescribed Goods (General) Orders 1985* is an official mark:

- (a) a mark in accordance with the design specified in paragraph 87(a) of the *Prescribed Goods (General) Orders 1985*;

- (b) a mark in accordance with the design specified in paragraph 87(c) of the *Prescribed Goods (General) Orders 1985*;
- (c) a mark in accordance with the design specified in paragraph 87(g) of the *Prescribed Goods (General) Orders 1985*;
- (d) a mark in accordance with the design specified in paragraph 87(i) of the *Prescribed Goods (General) Orders 1985*;
- (e) a seal in accordance with the design specified in paragraph 87(o) of the *Prescribed Goods (General) Orders 1985*;
- (f) a seal in accordance with the design specified in paragraph 87(p) of the *Prescribed Goods (General) Orders 1985*;
- (g) a mark in accordance with the design specified in paragraph 87(q) of the *Prescribed Goods (General) Orders 1985*;
- (h) a mark in accordance with the design specified in paragraph 87(s) of the *Prescribed Goods (General) Orders 1985*.

63.2 For the purposes of these Orders an **official marking device** is an official marking device declared under the *Prescribed Goods (General) Orders 1985* that is capable of being used to apply an official mark of the kind referred to in suborder 63.1.

Division II Requirements applying to official marks and marking devices

64 Manufacture and possession of official marks and official marking devices

- 64.1 For the purposes of section 14 of the Act a person must not manufacture an official marking device unless:
- (a) the person has approval to do so under order 89 of the *Prescribed Goods (General) Orders 1985*; or
 - (b) the person is an authorized officer, or is acting in accordance with a direction of an authorized officer.
- 64.2 For the purposes of section 14 of the Act a person must not:
- (a) have in his or her possession an official marking device; or an official mark; or
 - (b) manufacture an official mark;
- unless:
- (c) the person has approval to do so under order 89 of the *Prescribed Goods (General) Orders 1985*; or

- (d) the person is an authorized officer, or is acting in accordance with a direction of an authorized officer; or
- (e) the following circumstances exist:
 - (i) the official mark is to be applied to a carcass, carcass part or other thing referred to in Division I of Part 2 of Schedule 6 of these Orders at the establishment; and
 - (ii) the person is designated in the establishment's approved arrangement as a person who may do the act concerned referred to in paragraphs 64.2(a) or 64.2(b); and
 - (iii) the act concerned is done in accordance with the provisions of the approved arrangement.

64.3 For the purposes of section 14 of the Act a person must not do any of the following acts:

- (a) apply an official mark to meat or meat products or to any thing containing meat or meat products; or
- (b) alter or interfere with an official mark applied to meat and meat products;

unless:

- (c) the person is an authorized officer, or is acting in accordance with a direction of an authorized officer; or
- (d) the following circumstances exist:
 - (i) the person is designated in the approved arrangement applying to the meat or meat products as a person who may do the act concerned referred to in paragraphs 64.3(a) or 64.2(b); and
 - (ii) the act concerned is done in accordance with the provisions of the approved arrangement.

Note For the meaning of *apply* see section 3 of the Act.

64.4 For the purposes of paragraph 64.2(a) a person is not taken to have in his or her possession an official mark if the mark concerned is applied to a carcass, carcass part or any other thing referred to in Division I of Part 2 of Schedule 6 of these Orders.

65 When a mark must not be applied

For the purposes of section 14 of the Act a person must not apply an official mark to meat or meat products if any of the following circumstances exists:

- (a) the meat or meat products are no longer wholesome or have deteriorated;
- (b) for an official mark the design of which is specified in paragraph 87(g) of the *Prescribed Goods (General) Orders 1985*—the meat is not Halal meat or the integrity of the Halal meat is compromised;
- (c) for an official mark the design of which is specified in paragraph 87(i) of the *Prescribed Goods (General) Orders 1985*—the circumstances in which the importing country authority specifies the mark of that kind may be applied no longer exist.

Note 1 For the meaning of *Halal meat* see suborder 8.1.

Note 2 Section 14 of the Act creates an offence if this order is not complied with. For when an official mark must be removed or defaced see clause 17 of schedule 6.

Note 3 For when the Halal official mark must be applied to Halal meat see clause 13 of Schedule 6.

66 Resemblances

66.1 For the purposes of section 14 of the Act a person must not apply to meat or meat products or to any thing containing meat or meat products a mark resembling an official mark (including a resemblance of an official mark) or any thing apparently intended to resemble or pass for an official mark unless the following circumstances exist:

- (a) the person is designated in the approved arrangement for the meat or meat products as a person who may apply such a mark; and
- (b) the application of the mark is done in accordance with the provisions of the approved arrangement.

Note 1 Section 14 of the Act creates an offence if this order is not complied with.

Note 2 Importing country requirements for applying the resemblance need to be set out in the approved arrangement, see clause 11 of Schedule 2.

66.2 For the purposes of suborder 66.1:

a resemblance of an official mark means a design that is:

- (a) similar to that declared under the *Prescribed Goods (General) Orders 1985* for the official mark; and

- (b) differs materially from the design declared under the *Prescribed Goods (General)Orders 1985* for the official mark only in respect of its dimensions.

67 Official marking device that is damaged

The occupier of an establishment engaged in the preparation of meat and meat products for export for food must give an authorized officer each official marking device that:

- (a) is in the occupier's possession; and
(b) is damaged, worn or otherwise not fit for applying an official mark;

as soon as practicable after becoming aware that it is damaged, worn or otherwise unfit.

68 Security of official marks and marking devices

68.1 The occupier of an establishment engaged in the preparation of meat and meat products for export for food must keep official marks and marking devices under conditions of security when not in use.

68.2 The occupier must make a record of the occupier's:

- (a) receipt, use and return of official marking devices; and
(b) receipt or manufacture of official marks; and
(c) use and defacement of official marks.

Part 8 Functions and directions powers of authorized officers

Division I Functions of authorized officers

69 Functions referred to in the Australian Meat Standard

69.1 An authorized officer who is a meat safety inspector may perform all of the functions of a meat safety inspector that are specified in the Australian Meat Standard.

69.2 Despite suborder 69.1 an authorized officer may admit an animal that has been or there is a risk that it has been:

- (a) used for trials, experiments to evaluate drugs, chemicals, biological substances or processes of genetic manipulation; or
- (b) treated with or exposed to a new or unidentified drug chemical or biological substance;

under conditions specified by the authorized officer only if the Secretary gives the authorized officer written advice that the animal may be admitted under the conditions specified.

Note See clause 6.8(1) and paragraphs 6.8(2)(a) and 6.8(2)(b) of the Australian Meat Standard.

70 Inspections, dispositions and additional functions

70.1 In addition to the functions of an authorized officer that are specified in the Act and these Orders, an authorized officer may:

- (a) conduct inspections of animals, carcasses, carcasses parts, meat and meat products; and
- (b) apply a decision about their admission to animals or a disposition of the kind referred to in the Australian Meat Standard or these Orders to them;
- (c) apply a disposition:
 - (i) of the kind referred to in subparagraphs 5.2(a)(i) to 5.2(vii) of Schedule 5 to carcasses, carcass parts, meat and meat products; and
 - (ii) of the kind referred to in paragraph 5.2(b) of Schedule 5 to carcass parts; and
- (d) attach conditions and other requirements specified in the decision or disposition referred to in paragraphs 70.1(b) or 70.1(c); and
- (e) vary any such decision, disposition, condition or other requirement; and
- (f) perform any other functions that are necessary to ensure that the objectives specified in suborders 3.1 and 3.2 are met.

Note 1 For decisions that may be applied to animals see for example clauses 6.4 to 6.9 of the Australian Meat Standard. For examples of dispositions that may be applied to animals see for example clauses 8.8 to 8.19 of the Australian Meat Standard. For examples of dispositions that may be applied to carcasses and carcass parts see clauses 4 and 5 of Schedule 5.

Note 2 For example, an authorized officer may vary a disposition for example if after post mortem inspection meat and meat products deteriorate or further information is obtained about residue levels.

Note 3 For compliance with decisions and dispositions applied to animals, carcasses, carcase parts, meat and meat products clause 3 of Schedule 5.

70.2 Without limiting the generality of suborder 70.1 an authorized officer may, provided it is necessary in order to accurately perform inspection, decision or disposition functions referred to in suborder 70.1, stop the chain temporarily or control the rate of operations.

Note For the requirement to assist an authorized officer in the performance of the officer's functions see order 74.

70.3 In this order a reference to an *inspection, decision or disposition* is not limited to an inspection, decision or disposition performed or applied at the time of admission of animals or at the time of ante mortem or post mortem inspections.

70.4 The conditions and restrictions referred to in paragraph 70.1(d) must be for the purpose of ensuring that one or more of the objectives specified in suborders 3.1 and 3.2 is met.

71 Functions required to be performed by veterinary officers

If a veterinary officer is located at a registered establishment the following functions:

- (a) animal inspections and decisions and dispositions;
 - (b) inspections, decisions and dispositions of restricted slaughter animals, their carcasses and carcase parts;
 - (c) implementation of procedures for notifiable diseases;
- are to be performed by:
- (d) a veterinary officer; or
 - (e) if paragraphs (a) or (b) apply—an authorized officer acting under the supervision of a veterinary officer.

Note For the meaning of *veterinary officer* see suborder 8.1.

72 Retention for the purposes of inspection

72.1 An authorized officer may inspect and retain any of the following for the purposes of additional inspection, disposition or the performance of any other function under the Act and these Orders:

- (a) any thing located at premises used for the preparation transfer or loading of meat or meat products;

- (b) any area including any facilities, equipment or services at premises used for the preparation transfer or loading of meat or meat products.

Note For powers under the Act see the monitoring and offence related powers to check compliance with the Act and these Orders see Part III of the Act.

- 72.2 The identification of any thing or area as retained under suborder 72.1 must be done by using an identification tag or similar means of identification approved for the purposes of this order by the Secretary in writing.

Note For prohibitions on obstruction etc of Commonwealth public officials see Part 7.8 of the *Criminal Code Act 1995*.

73 Certificates of condemnation

An authorized officer may give a certificate of condemnation for an animal, carcase or carcase part if:

- (a) within 1 month after the day on which the animal, carcase or carcase part is condemned at an establishment the occupier of the establishment gives the authorized officer a written request for a certificate of condemnation; and
- (b) the authorized officer is satisfied that the occupier has a system of records that enables the authorized officer to verify the ownership of the animal, carcase or carcase part.

74 Assistance to authorized officers

The occupier of an establishment engaged in the preparation of meat and meat products for export for food must if requested by an authorized officer to do so, provide reasonable assistance to the authorized officer for the purpose of the exercise of a function by the authorized officer.

Note For the requirement to provide assistance to an authorized officer when exercising powers under Part III of the Act see section 13 of the Act.

75 Production not to commence if authorized officer not present

If under a requirement of these Orders, the applicable approved arrangement or a condition of an applicable approved arrangement, the presence of an authorized officer is required at an

establishment used for the production of meat and meat products for export for food:

- (a) the occupier must apply for the provision of the services of authorized officers in accordance with the requirements of Schedule 10; and
- (b) the production must not commence until an authorized officer is present.

Note 1 For the meaning of *production* see suborder 8.1.

Note 2 For the Secretary's decision on the provisions of the services of authorized officers see Schedule 10.

Division II Directions powers of authorized officers

76 Direction given to an exporter

76.1 In this order:

exporter means the person identified in the application for a permit to export meat or meat products as the exporter of the meat or meat products.

76.2 This order does not apply to meat and meat products for export for food that are located at an establishment engaged in the preparation of meat and meat products for export for food.

76.3 If an authorized officer has reasonable grounds to believe that, in relation to meat and meat products to be exported by an exporter:

- (a) the meat or meat products are not wholesome or have deteriorated; or
- (b) the meat or meat products are not eligible for export or not eligible for export to the country to which they intended; or
- (c) the integrity of meat or meat products is otherwise compromised;

the authorized officer may give the exporter a direction to take action.

77 Direction that may be given

77.1 A direction given under suborder 76.3 must be a direction to take action that is necessary to ensure the one or more of the objectives specified in suborders 3.1 and 3.2 is met.

- 77.2 The direction may require any of the following in relation to meat or meat products to be exported by the exporter:
- (a) the movement of the meat or meat products (including movement to specified premises);
 - (b) the retention, securing, identification, segregation, treatment, inspection, examination, sampling, condemnation, destruction, denaturing or other disposal of meat or meat products;
 - (c) that the meat or meat products not be loaded onto a ship or aircraft;
 - (d) that action be taken in relation to premises, equipment and vehicles used for the meat and meat products.

78 Obligation to comply with direction

- 78.1 An exporter to whom an authorized officer gives a written notice of a direction given under this Division must take the action specified in the notice within the period specified.

Level 5 penal provision

Note A level 5 penal provision means a person who is guilty of the relevant offence is punishable by a fine of 50 penalty units, see Regulation 4 of the *Export Control (Orders) Regulations 1982*.

- 78.2 The notice referred to in suborder 78.1 must:
- (a) specify the action that must be taken; and
 - (b) state that a failure to take the action within the time specified in the notice is an offence under suborder 78.1.
- 78.3 An authorized officer may amend or revoke the notice by giving a further written notice to the person to whom the notice was given

Note For when a notice is taken to be given to the exporter see order 92.

Part 9 Regulatory arrangements

Division I Alternative regulatory arrangements

79 Approved arrangement provides alternative procedures

- 79.1 The occupier of an establishment may make a written application to the Secretary for a notice stating that an alternative procedure, standard or other requirement specified in the application achieves

the purpose of a requirement of these Orders that is specified in the application.

- 79.2 If the Secretary is satisfied that the specified alternative procedure, standard or other requirement achieves the purpose of the specified requirement of these Orders the Secretary may, at the Secretary's discretion, give the occupier a written notice to this effect.
- 79.3 The Secretary may amend or revoke the notice by giving the occupier a further written notice.
- 79.4 If the notice has effect then compliance with the procedure, standard or other requirement specified in the notice given by the Secretary is taken to be compliance with the requirement of these Orders that is specified in the notice in the circumstances specified in the notice.
- 79.5 Suborder 79.4 applies only if a variation is made to the approved arrangement to include the procedure, standard or other requirement.
- 79.6 The notice takes effect:
- (a) when it is given to the applicant; or
 - (b) on a later day specified in the notice.
- 79.7 In this order:
- a requirement of these Orders* means a requirement of a document or of a provision of a Schedule that must under Division II of Part 3 of these Orders be complied with by the occupier.

80 Importing country does not require compliance

- 80.1 The occupier of an establishment may make a written application to the Secretary for a notice stating that a requirement of these Orders that is specified in the application does not apply to or in relation to meat and meat products prepared at the establishment to be exported to an importing country identified in the application.
- 80.2 If the Secretary is satisfied that the relevant importing country authority does not require the requirement of these Orders to be complied with the Secretary may, at the Secretary's discretion, give the occupier a written notice to this effect.

- 80.3 If the Secretary is satisfied that all of the following circumstances exist:
- (a) a relevant importing country requirement differs from the requirement of these Orders;
 - (b) compliance with the importing country requirement would not result in compliance the requirement of these Orders;
 - (c) the occupier's approved arrangement contains controls that achieve the importing country requirement;
- the Secretary may, at the Secretary's discretion, give the occupier a written notice to this effect.
- 80.4 A notice referred to in suborders 80.2 and 80.3 may specify that the requirement of these Orders specified in the notice does not apply to or in relation to the meat and meat products prepared at the establishment.
- 80.5 If a notice given by the Secretary has effect the requirement of these Orders specified as not applying does not apply to or in relation to the meat and meat products prepared at the establishment.
- 80.6 Suborder 80.5 applies only while the establishment's approved arrangement contains controls to achieve the importing country requirement.
- 80.7 The Secretary may amend or revoke the notice by giving the occupier a further written notice.
- 80.8 The notice takes effect:
- (a) when it is given to the applicant; or
 - (b) on a later day specified in the notice.
- 80.9 In this order:
- a requirement of these Orders*** means a requirement of a document or of a provision of a Schedule that must under Division II of Part 3 of these Orders be complied with by the occupier.
- Note For when importing country requirements must be specified in the approved arrangement see clause 11 of Schedule 2. Clause 11 applies to those importing country requirements where compliance with these Orders would not be sufficient to result in compliance with the importing country requirements.

Part 10 **Miscellaneous**

Division I **Reconsideration and review of decisions made by the Secretary**

81 **Meaning of initial decision**

In this Part:

decision has the meaning in the Administrative Appeals Tribunal Act 1975.

initial decision means a decision made under these Orders by the Secretary or a delegate of the Secretary other than a decision made under Division IV of Part 2, Part 9, order 83, Division III of Schedule 8 and Part 2 of Schedule 8.

Note Division IV of Part 2 provides for exemptions. Part 9 provides for regulatory arrangements. Order 83 provides for reconsideration of decisions. Division III of Schedule 8 provides for export permits. Part 2 of Schedule 8 provides for government certificates.

82 **Application for reconsideration**

82.1 A person whose interests are affected by an initial decision made under these Orders may make a written application to the Secretary to reconsider the decision.

82.2 The application must:

- (a) set out the reasons for the application; and
- (b) be given to the Secretary:
 - (i) within 28 days after the day on which the initial decision first comes to the notice of the applicant; or
 - (ii) within such further period as the Secretary allows.

83 **Reconsideration by the Secretary**

On receiving an application made in accordance with order 82 the Secretary must reconsider the initial decision and make any decision that the Secretary may have made in the first instance.

84 Initial decision cease to have effect

If the Secretary makes a decision under order 83 the initial decision ceases to have effect.

85 Secretary must advise of decision and give reasons

85.1 The Secretary must give the applicant written notice of the Secretary's decision within 45 days after the day on which an application received.

85.2 The notice must set out the reasons for the Secretary's decision.

Division II Administrative Appeals Tribunal Review

86 Application can be made to the Administrative Appeals Tribunal

An application for review of a decision made by the Secretary under order 83 may, subject to the *Administrative Appeals Tribunal Act 1975*, be made to the Administrative Appeals Tribunal by or on behalf of a person whose interests are affected by the decision.

Note This order does not provide for review of decisions that are not initial decisions. See the meaning of *decision* in order 81.

87 Secretary must advise that application may be made for review

87.1 The notice referred to in order 85 must contain a statement that subject to the *Administrative Appeals Tribunal Act 1975*, application may be made to the Administrative Appeals Tribunal.

87.2 A failure to include such a statement in the notice of a decision does not affect the validity of the decision.

Division III Documentary requirements

88 Accuracy, legibility etc of records

Records required to be made under these Orders must:

- (a) be accurate, legible, auditable, dated and in English; and

(b) be signed by the maker of the record.

Note For electronic records (including electronic signatures) see sections 9 and 10 of the *Electronic Transactions Act 1999*.

89 When a copy will suffice

The requirement under these Orders for a person to keep a document is satisfied if the person:

- (a) is required under a law of the Commonwealth or of a State or Territory or in accordance with ordinary commercial practice to give the document to another person; and
- (b) gives the document to that person as required; and
- (c) keeps instead a copy made with a device used for copying documents for the period that the original document is required to be kept.

90 Alterations must be kept

- 90.1 A document that must be kept under these Orders (including a copy referred to in paragraph 89(c)) must not be altered or defaced.
- 90.2 Nothing in suborder 90.1 prohibits the notation or marking of a document in accordance with ordinary practice.
- 90.3 If during the period a document (the original document) must be kept under these Orders it is altered or defaced then the person who under these Orders is required to keep the original document must also keep each document:
 - (a) that the person creates or that comes into the person's possession; and
 - (b) that tends to show how the original document was altered or defaced.
- 90.4 The document that shows how the original document was altered or defaced must be kept for the same period for which the original document must be kept.

91 Requirement to provide translations

- 91.1 If any part of the trade description or other information applied to meat or meat products for export for food appears in a language

other than English an authorized officer may give any of the following persons a written notice requesting a translation:

- (a) the occupier of the establishment at which the information is applied;
- (b) the occupier of the establishment in possession of the meat or meat products;
- (c) the exporter of the meat or meat products;
- (d) if the trade description or other information is applied to, or relates to, any certification of Halal meat—the holder of an approved arrangement for certification operations who made the certification of the Halal meat.

Note For approved arrangements for certification operations see Part 4 of Schedule 7.

91.2 The translation must be prepared by a person who:

- (a) has appropriate qualifications to make the translation; and
- (b) is independent of and not employed, by the person to whom the notice is given under subclause 91.1, in operations to prepare, export or make certifications for meat or meat products.

91.3 For the purpose of this clause a trade description is taken to be applied to meat or meat products if any of the circumstances specified in paragraphs 15(2)(a) to 15(2)(c) of the Act exist.

91.4 A person who is given a notice under suborder 91.1 must comply with the requirement to take the action specified in the notice within the period specified.

Level 1 penal provision

Note A level 1 penal provision means a person who is guilty of the relevant offence is punishable by a fine of 10 penalty units, see Regulation 4 of the *Export Control (Orders) Regulations 1982*.

Division IV Giving notices

92 Notices given to the occupier, exporter and certifier

A notice is taken to be given to the occupier of an establishment, an exporter or a holder of an approved arrangement for certification operations if it is given to:

- (a) the occupier, exporter or holder concerned; or

- (b) a person who is in charge or apparently in charge at the occupier's establishment, the exporter's business premises or the holder's business premises (as the case may be).

Note For when requirements to give notices in writing can be complied with by an electronic communication see section 9 of the *Electronic Transactions Act 1999*.

Division V Repeal and transitional

93 Repeal of the Export Meat Orders 1985

The following *Export Meat Orders 1985* made under the *Export Control (Orders) Regulations* are repealed:

- (a) No. 2 of 1985;
- (b) No. 4 of 1989;
- (c) No. 10 of 1989;
- (d) No. 3 of 1990;
- (e) No. 9 of 1990;
- (f) No. 4 of 1991;
- (g) No. 11 of 1992;
- (h) No. 2 of 1994;
- (i) No. 2 of 1995;
- (j) No. 3 of 1996;
- (k) No. 6 of 1996;
- (l) No. 7 of 1996;
- (m) No. 1 of 1998;
- (n) No. 1 of 1999;
- (o) No. 2 of 1999;
- (p) No. 1 of 2000.

94 Transitional arrangements—registration and undertakings

- 94.1 A registration of an establishment to which these Orders apply that:
- (a) is made by the Secretary under order 24 of the *Prescribed Goods (General) Orders 1985* (including a registration that is renewed, assigned or reinstated under orders 27, 35 or 46 of those Orders); and

- (b) has effect immediately prior to the commencement of these Orders;

continues to have effect for the purposes of these Orders as if it was made by the Secretary under clause 5 of Schedule 1 of these Orders.

Note For when a registration that is given under clause 5 of Schedule 1 ceases to have effect see clause 27 of Schedule 1.

- 94.2 A suspension of a registration that has effect under Division XII of Part 5 of the *Prescribed Goods (General) Orders 1985* immediately prior to the commencement of these Orders, continues to have effect for the purposes of these Orders for whichever is the shorter of:

- (a) the unexpired period for which, at the date of commencement of these Orders, the suspension had effect under Division XII of Part 5 of the *Prescribed Goods (General) Orders 1985*; or
(b) the expiration of a period of 12 months after the day the registration is suspended under Division XII of the *Prescribed Goods (General) Orders 1985*;

as if it was made by the Secretary under clause 18 of Schedule 1 of these Orders.

- 94.3 An undertaking that:

- (a) the Secretary has considered appropriate to accept under paragraph 19A.2(b) of the *Prescribed Goods (General) Orders 1985*; and
(b) has effect immediately prior to the commencement of these Orders;

continues to have effect for the purposes of these Orders as if it was accepted by the Secretary under paragraph 33.2(b) of Schedule 1 of these Orders.

95 Transitional arrangements—approved programs and quality assurance arrangements

- 95.1 An approval of an application for carbon dioxide gas stunning that:

- (a) is made by the Secretary under order 195B of the *Export Meat Orders 1985*; and
(b) has effect immediately prior to the commencement of these Orders;

continues to have effect for the purposes of these Orders as if it forms that part of the approval of an approved arrangement (given

by the Secretary under clause 5 of Schedule 1 of these Orders) that deals with the matters approved under the application that are required for the purposes of these Orders.

Note For stunning see orders 32, 33 and 42 of these Orders and clauses 7.9 and 7.10 of the Australian Meat Standard.

95.2 An approval of an application for ritual slaughter procedures without prior stunning procedures that:

- (a) is made by the Secretary under order 203B of the *Export Meat Orders 1985*; and
- (b) has effect immediately prior to the commencement of these Orders;

continues to have effect for the purposes of these Orders as if it forms that part of the approval of an approved arrangement (given by the Secretary under clause 5 of Schedule 1 of these Orders) that deals with the matters approved under the application that are required for the purposes of these Orders.

Note For ritual slaughter see for example clause 1 of Schedule 5 of these Orders. For requirements for ritual slaughter with prior stunning see clauses 7.10 and 7.12 of the Australian Meat Standard.

95.3 An approval of an approved programme that:

- (a) is approved by the Secretary under order 305 of the *Export Meat Orders 1985*; and
- (b) has effect immediately prior to the commencement of these Orders;

continues to have effect for the purposes of these Orders as if it forms that part of the approval of an approved arrangement (given by the Secretary under clause 5 of Schedule 1 of these Orders) that deals with matters approved under the programme that are required for the purposes of these Orders.

Note Programs approved under order 305 of the *Export Meat Orders 1985* include programmes for the entry of goods (eg goods not prepared in accordance with the orders, non export goods, entry of imported goods for boning, animal intestines for processing as export casings, goods for inedible rendering or incineration), the Australian Government Supervised Muslim Slaughter Program and thermal processes for meat products.

95.4 An approval of a quality assurance arrangement that:

- (a) is given by the Secretary in accordance with Part 32 the *Export Meat Orders 1985*; and
- (b) has effect immediately prior to the commencement of these Orders;

continues to have effect for the purposes of these Orders as if it is an approval of an approved arrangement that is given under clause 5 of Schedule 1 of these Orders.

Note For when an arrangement that is given under clause 5 of Schedule 1 ceases to have effect see clause 28 of Schedule 1.

- 95.5 A suspension of an approval referred to in suborders 95.1 to 95.4 that under the *Export Meat Orders 1985* has effect immediately prior to the commencement of these Orders, continues to have effect for the unexpired period for which, at the date of commencement of these Orders, the suspension had effect under the *Export Meat Orders 1985* as if the suspension is made by the Secretary under clause 20 of Schedule 1 of these Orders.

96 Transitional arrangements—accreditation of properties

An accreditation of a property that:

- (a) is made by the Secretary under order 141F of the *Export Meat Orders 1985*; and
- (b) has effect immediately prior to the commencement of these Orders;

continues to have effect for the purposes of these Orders for the unexpired period for which, at the date of commencement of these Orders, the accreditation had effect under the *Export Meat Orders 1985* as if it is made by the Secretary under subclause 51.1 of Schedule 7 of these Orders.

Note For when accreditation of a property that is accredited under subclause 51.1 of Schedule 7 ceases to have effect see clause 58 of Schedule 7.

97 Transitional arrangements—export permits

An export permit that:

- (a) is granted under order 75 of the *Prescribed Goods (General) Orders 1985*; and
- (b) has effect immediately prior to the commencement of these Orders;

continues to have effect for the purposes of these Orders for whichever is the shorter of:

- (a) the unexpired period for which, at the date of commencement of these Orders, the permit is valid under clause 77 of the *Prescribed Goods (General) Orders 1985*; or

(b) the period until the day the permit ceases to have effect under these Orders;

as if it was given under clauses 6 or 7 of Schedule 8 of these Orders.

Note For when an export permit ceases to have effect see clauses 11 and 12 Schedule 8 of these Orders.

98 Transitional approvals—provision of services of authorized officers

98.1 A determination that:

(a) is made by the Secretary in accordance with order 450B of the *Export Meat Orders 1985*; and

(b) has effect immediately prior to the commencement of these Orders;

continues to have effect for the purposes of these Orders as if it was made under subclause 2.1 of Schedule 10 of these Orders.

98.2 A determination that:

(a) is made by the Secretary in accordance with order 450F of the *Export Meat Orders 1985*; and

(b) has effect immediately prior to the commencement of these Orders;

continues to have effect for the purposes of these Orders as if it was made under clause 6 of Schedule 10 of these Orders.

98.3 A recommendation of a Committee that:

(a) is made by the Secretary in accordance with order 450J of the *Export Meat Orders 1985*; and

(b) has effect immediately prior to the commencement of these Orders;

continues to have effect for the purposes of these Orders as if it was made under subclause 10.2 of Schedule 10 of these Orders.

98.4 A determination that:

(a) is made by the Secretary in accordance with order 450K of the *Export Meat Orders 1985*; and

(b) has effect immediately prior to the commencement of these Orders;

continues to have effect for the purposes of these Orders as if it was made under subclause 11.1 of Schedule 10 of these Orders.

- 98.5 A revised allocation of inspection services that:
- (a) is made by the Secretary in accordance with order 450V of the *Export Meat Orders 1985*; and
 - (b) has effect immediately prior to the commencement of these Orders;
- continues to have effect for the purposes of these Orders as if it was made under clause 23 of Schedule 10 of these Orders.
- 98.6 A determination that:
- (a) is made by the Secretary in accordance with order 450W of the *Export Meat Orders 1985*; and
 - (b) has effect immediately prior to the commencement of these Orders;
- continues to have effect for the purposes of these Orders as if it was made under subclause 24.3 of Schedule 10 of these Orders.

Schedule 1 Registration and approved arrangements

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Part 1 Registration and approval of arrangement

Division I Application and assessment of application

Application for registration

1.1 The person who is to be the occupier of an establishment to be used for operations to prepare meat or meat products for export for human consumption may apply to the Secretary for registration of the establishment and approval of an arrangement in respect of the operations.

Note For the meaning of *occupier* see suborder 8.1.

1.2 The application must:

- (a) be made by completing the form approved for the purposes of this provision by the Secretary; and
- (b) contain the information specified in subclause 2.1; and
- (c) contain such other information as is specified in the Form.

Information to be contained in the application

2.1 The information is:

- (a) the name and business address in Australia of the occupier; and
- (b) if the occupier is a partnership—the names and addresses in Australia of the partners; and
- (c) the name and addresses in Australia of each person who is to manage or control the operations to be carried on at the establishment; and
- (d) if the occupier is an individual—subject to Part VIIC of the *Crimes Act 1914*, particulars of any serious offence of which he or she has been convicted; and
- (e) if the occupier is a corporation—subject to Part VIIC of the *Crimes Act 1914*, particulars of any serious offence of which any of the corporation has been convicted; and
- (f) if the occupier is a partnership—subject to Part VIIC of the *Crimes Act 1914*, particulars of any serious offence of which any of the partners has been convicted; and

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- (g) subject to Part VIIC of the *Crimes Act 1914*, particulars of any serious offence of which any person who is to manage or control the operations to be carried on at the establishment has been convicted.

Note For the meaning of *corporation*, *convicted*, *person who manages or controls* and *serious offence* see suborder 8.1.

- 2.2** The application must be given to the Secretary.
- 2.3** An arrangement for the preparation of meat and meat products to be undertaken at the establishment must:
- (a) accompany the application; or
 - (b) be made available for evaluation by the Secretary.

Assessment of application

- 3.1** For the purposes of assessing the application the Secretary may:
- (a) evaluate the arrangement in a desk audit; and
 - (b) take into account any guidelines to assist in the development of approved arrangements that are issued by the Secretary.
- 3.2** The Secretary may in order to consider the application request the applicant to provide any of the following that the Secretary reasonably requires:
- (a) further information or documents of the kind specified in the notice;
 - (b) the applicant's consent to an inspection and evaluation of the premises, facilities, equipment, meat transport vehicles and essential services to be used in the operations;
 - (c) a demonstration of the operations and the procedures to be followed at the establishment;
 - (d) the applicant's consent to the use (at the applicant's expense) of an appropriately qualified person nominated by the Secretary in any inspection, evaluation or demonstration.

Secretary's decision

- 4.1** If the Secretary has not made a decision on whether to register the establishment and approve the arrangement within 60 days after the day the application is given to the Secretary, the Secretary is taken to have refused the application.

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- 4.2 If the Secretary gives the applicant a written notice making a request in relation to any matter referred to in subclause 3.2, the period specified in subclause 4.1 does not include any period between giving the notice and the applicant meeting the request.

When the Secretary may register an establishment and approve an arrangement

- 5.1 If the Secretary is satisfied that:
- (a) the following persons will conduct operations for meat at the establishment in a way that ensures that the requirements of the Act and these Orders are met in relation to meat and meat products prepared at the establishment:
 - (i) the person in whose name the establishment is to be registered;
 - (ii) persons are to manage or control the operations to be carried on in the establishment;
 - (iii) the persons who are to be a member of a partnership in the name of which the establishment is to be registered;
 - (b) the persons referred to in paragraph 5.1(a) are fit and proper persons having regard to the matters specified in order 47 of the *Prescribed Goods (General) Orders 1985*; and
 - (c) any amount payable to the Department in respect of the establishment has been paid to the Department whether or not the amount was incurred by the applicant; and
 - (d) the applicant's arrangement for the preparation of meat and meat products to be undertaken at the establishment complies with clauses 11 and 12 of Schedule 2; and
 - (e) compliance with the controls specified in the arrangement will ensure that:
 - (i) the applicable requirements of the Act and Division II of Part 3 of these Orders will be complied with at the establishment; and
 - (ii) there is a sound basis for giving any export permit or any government certificate for meat and meat products prepared at the establishment;
- the Secretary must:
- (f) by giving the applicant a certificate of registration, register in the name of the occupier, the establishment as an establishment where operations for the preparation of meat

and meat products of the kind specified in the certificate may be conducted by the occupier; and

- (g) by giving the applicant written notice approve the arrangement.

Note 1 For the meaning of *Department* see the *Acts Interpretation Act 1901* subsection 19A(3). (See also section 13 of the *Legislative Instruments Act 2003*.)

Note 2 For the meaning of *amount payable to the Department* and *person who manages or controls* see suborder 8.1.

Note 3 For when an amount that is payable is taken to have been paid see subclause 33.2 of this Schedule.

Note 4 The person to whom this certificate is given is the occupier of the registered establishment: see the meaning of *occupier* in suborder 8.1.

Note 5 It is a requirement of Division II of Part 3 of these Orders that importing country requirements are met, see order 34.

Notice of decision not to register and approve arrangement

- 6.1** If the Secretary decides not to register the establishment and approve the arrangement under clause 5 the Secretary must give the applicant a written notice of the decision.
- 6.2** The notice must:
- (a) set out the reasons for the decision; and
 - (b) tell the applicant of his or her right to apply for reconsideration of the decision.

Note For reconsideration of the Secretary's decision see Divisions I and II of Part 10 of these Orders.

Division II Registration and approval of arrangement

Registration number and approval

- 7.1** On registration the Secretary must give the occupier of a registered establishment a registration number for the establishment.

Copy of registration certificate to be displayed.

- 8.1** The occupier of a registered establishment must prominently display at the establishment a copy of the current certificate of registration given by the Secretary under clause 5 of this Schedule.

Level 1 penal provision

Note A level 1 penal provision means a person who is guilty of the relevant offence is punishable by a fine of 10 penalty units, see Regulation 4 of the *Export Control (Orders) Regulations 1982*.

Registration may be subject to conditions

- 9.1** The Secretary may:
- (a) register an establishment subject to conditions specified in the certificate of registration; and
 - (b) by written notice given to the occupier of the establishment impose new conditions or vary or revoke the conditions.
- 9.2** The conditions must be for the purpose of ensuring that one or more of the objectives specified in suborders 3.1 and 3.2 is met by the occupier.

Note If there is a failure to comply with the conditions the Secretary may suspend or revoke the registration (see paragraph 18.1(b) of this Schedule).

Compliance with undertaking is a condition of registration

- 10.1** Without limiting subclause 9.1 compliance with the terms of an undertaking described in clause 33 of this Schedule (including any variation of the undertaking) given by the occupier of the registered establishment is a condition of registration.

Note For suspension or revocation if this condition is not complied with see clause 19 of this Schedule.

Secretary may approve arrangement subject to conditions

- 11.1** The Secretary may:
- (a) approve an arrangement subject to conditions specified in the notice of approval; and
 - (b) by written notice given to the holder of the approved arrangement impose new conditions or vary or revoke the conditions of the occupier's approved arrangement.
- 11.2** The conditions must be for the purpose of ensuring that one or more of the objectives specified in suborders 3.1 and 3.2 is met by the occupier.

Note For when is a failure to comply with the arrangement or its conditions the Secretary may result in the suspension or revocation of the arrangement, see clause 20 of this Schedule.

Events that must be notified

- 12.1** The requirements to notify, inform and give written particulars to the Secretary that are specified in Division V and VA of Part 5 of the *Prescribed Goods (General) Orders 1985* must be complied with.
- 12.2** If:
- (a) the Secretary is notified of a change in accordance with order 31 of the *Prescribed Goods (General) Orders 1985*; and
 - (b) the Secretary is satisfied the a person referred to in paragraph 31(d) the *Prescribed Goods (General) Orders 1985* is a fit and proper person having regard to the matters specified in order 47 of the *Prescribed Goods (General) Orders 1985*;
- the registration of the establishment continues to have effect.

Part 2 Variation of registration and approved arrangement**Division I Variation of registration****Occupier may request a variation of registration**

- 13.1** The occupier of a registered establishment may apply to the Secretary for an approval of a variation of the registration as it applies to one or more of following:
- (a) the operations for the preparation of meat and meat products for export; or
 - (b) the meat or meat products to be prepared at the establishment.
- Note The occupier of a registered establishment may also request that registration be terminated, see clause 25 of this Schedule.
- 13.2** If the Secretary approves the variation of the registration the Secretary must give the occupier of the registered establishment a new certificate of registration.

Division II Variation of approved arrangement**All variations must be recorded**

- 14.1** An occupier must ensure a record is made of each variation to the occupier's approved arrangement.

Level 2 penal provision

Note 1 A level 2 penal provision means a person who is guilty of the relevant offence is punishable by a fine of 20 penalty units, see Regulation 4 of the *Export Control (Orders) Regulations 1982*.

Note 2 For requirements to keep documents see clause 7 of Schedule 2.

Variations requiring approval before implementation

- 15.1** An occupier must ensure a proposed variation to an occupier's approved arrangement (or a proposed variation in combination with other variations) that has the potential to adversely affect:

- (a) the likelihood of compliance with the requirements of the Act and these Orders; or
- (b) the wholesomeness or integrity of meat and meat products at the establishment; or
- (c) an accurate assessment being made as to whether:
 - (i) there is compliance with requirements of the Act and these Orders; or
 - (ii) meat and meat at the establishment is wholesome and its integrity is assured;

is not implemented unless:

- (d) the occupier applies in writing to the Secretary for approval to vary the arrangement; and
- (e) the Secretary gives the occupier a written notice approving the variation.

Level 5 penal provision

Note A level 5 penal provision means a person who is guilty of the relevant offence is punishable by a fine of 50 penalty units, see Regulation 4 of the *Export Control (Orders) Regulations 1982*.

- 15.2** An occupier must ensure a proposed variation to an occupier's approved arrangement (or a proposed variation in combination with other variations) that:

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- (a) identifies persons who manage or control the operations or their functions (including as it designates persons who may make declarations or manufacture, possess, alter, interfere with or apply an official mark) under these Orders; or
 - (b) relates to any of the following:
 - (i) an alternative, procedure, standard or other requirement referred to in suborder 79.5 of these Orders;
 - (ii) a control referred to in suborder 80.6 of these Orders;is not implemented unless:
 - (c) the occupier of the establishment applies in writing to the Secretary for approval to vary the arrangement; and
 - (d) the Secretary gives the occupier a written notice approving the variation.

Level 5 penal provision

Note 1 A level 5 penal provision means a person who is guilty of the relevant offence is punishable by a fine of 50 penalty units, see Regulation 4 of the *Export Control (Orders) Regulations 1982*.

Note 2 Variations (including variations not covered by clause 15) need to be recorded (see clause 14 of this Schedule). Variations not covered by clause 15 are to be considered by the auditor at the time of audit.

Note 3 For the purposes of assessing variations, any guidelines issued by the Secretary are to be taken into account.

Variations required by the Secretary

- 16.1** The Secretary may give an occupier a written notice requiring the occupier to submit a variation of the occupier's approved arrangement if:
- (a) circumstances relating to the preparation of meat or meat products at the establishment change; or
 - (b) an importing country requirement changes; or
 - (c) the Secretary is not satisfied that compliance with the controls specified in the approved arrangement will ensure that the matters specified in subparagraphs 5.1(e)(i) and 5.1(e)(ii) of this Schedule are complied with.
- 16.2** The notice must:
- (a) specify the variation required; and
 - (b) specify the period within which the variation must be submitted to the Secretary.

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- 16.3** The Secretary may give the occupier a written notice approving the variation submitted.
- 16.4** An occupier who is given a notice under subclause 16.1 must ensure the action specified in the notice is taken within the period specified.

When an arrangement includes a variation

- 17.1** Subject to subclause 17.2 an approved arrangement includes a variation to the arrangement.
- 17.2** An approved arrangement includes a variation of a kind referred to in clause 15 and subclause 16.2 only if the Secretary gives the occupier a notice approving the variation in accordance with the requirements of paragraphs 15.1(d) or 15.2(d) or subclause 16.3 (as the case may be).

Part 3 Suspension and revocation of registration and approved arrangement

Division I Grounds of suspension and revocation of registration

When the Secretary may suspend or revoke a registration

- 18.1** The Secretary may, by written notice to the occupier of an establishment, suspend or revoke the registration of the establishment in whole or in part if the Secretary has reasonable grounds to believe that:
- (a) that any of the following persons is not or ceases to be a fit and proper person having regard to the matters specified in order 47 of the *Prescribed Goods (General) Orders 1985*:
 - (i) if the occupier of the establishment is a corporation—the corporation;
 - (ii) if the occupier is a partnership—a member of the partnership;
 - (iii) a person who manages or controls the operations carried out at the establishment;
 - (b) the occupier of the establishment has failed to comply with a condition of the registration (other than a condition to which clause 19 of this Schedule applies); or

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- (c) a person referred to in paragraph 18.1(a) has made a statement that is:
- (i) false, misleading, or incomplete; or
 - (ii) for which there is no sound basis for making the statement;
- in an application for registration or other document or information given to the Secretary in relation to the registration or a condition of the registration; or
- (d) the occupier has failed to make available to an authorized officer a document that, under a condition of the registration, the occupier is required to keep.

- 18.2** The Secretary may, by written notice to the occupier of an establishment, suspend or revoke the registration of the establishment if:
- (a) the occupier; or
 - (b) a person who manages or controls;
- is convicted of a serious offence.
- 18.3** The written notice referred to in subclauses 18.1 and 18.2 must specify that the approval of the approved arrangement is also suspended or revoked in whole or in respect to the part concerned (as the case may be).
- 18.4** The revocation or suspension of the registration and the approval of the approved arrangement has effect:
- (a) when notice of it is given to the occupier of the establishment; or
 - (b) on a later day specified in the notice.

Suspension and revocation of registration for non-payment of debts

- 19.1** If on the eighth day after a notice of payment due (referred to in order 32) is served on the occupier:
- (a) the amount payable has not been paid to the Department; and
 - (b) the occupier has not entered into an arrangement with the Secretary to pay it;
- the Secretary may, by written notice given to the occupier of a registered establishment, suspend the registration.

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- 19.2** If the amount payable has not been paid within 90 days after the day the suspension of the registration takes effect the Secretary may, by giving the occupier of a registered establishment written notice revoke the registration.
- Note For when the amount is taken to have been paid, see subclause 33.2 of this Schedule.
- 19.3** For the purposes of subclause 19.2 if the notice is served by posting it to the occupier of the establishment, the notice is taken to have been served on the occupier on the third working day after it was posted to the establishment.
- 19.4** The notice referred to in subclause 19.1 and 19.2 must specify that the approval of the approved arrangement is also suspended or revoked (as the case may be).
- 19.5** The revocation or suspension of the registration and the approval of the approved arrangement has effect:
- (a) when notice of it is given to the occupier of the establishment;
or
 - (b) on a later day specified in the notice.
- 19.6** The Secretary may revoke a registration that is suspended under this Division on grounds that are the same as or similar to the grounds for the suspension.

Division II Grounds of suspension and revocation of approved arrangement

When the Secretary may suspend or revoke approval

- 20.1** The Secretary may, by written notice to the occupier of an establishment, suspend or revoke the approval of an arrangement for the establishment given under clause 5 of this Schedule if the Secretary has reasonable grounds to believe that:
- (a) the occupier of the establishment has failed to comply with a requirement of the Act, these Orders, the occupier's approved arrangement or a condition of the approved arrangement; or
 - (b) compliance with the controls specified in the approved arrangement is unreliable or not effective in ensuring that the matters specified in subparagraphs 5.1(e)(i) and 5.1(e)(ii) of this Schedule are met; or

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- (c) the occupier of the establishment ceases operations to prepare meat and meat products for export for food for a period of 12 months; or
 - (d) a person referred to in paragraph 18.1(a) makes a statement that is:
 - (i) false, misleading, or incomplete; or
 - (ii) for which there is no sound basis for making the statement;in an application or other document or information given to the Secretary or required to be given under the Act, these Orders, the occupier's approved arrangement, or a condition of the approved arrangement; or
 - (e) the occupier has failed to make available to an authorized officer a document that, under the Act, these Orders, the occupier's approved arrangement, or a condition of the approved arrangement, the occupier is required to keep; or
 - (f) the occupier has failed to:
 - (i) consent to access to the occupier's establishment for the purpose of the performance of audit or other functions of a authorized officer under these Orders; or
 - (ii) provide the assistance referred to in orders 59 or 74; or
 - (g) an authorized officer is prevented, by use of force, obstruction or intimidation, from exercising his or her powers or functions under the Act or these Orders at the establishment

Note 1 It is a requirement of these Orders to comply an importing country requirement, see order 34.

Note 2 For penal provisions relating to requirements to give information or documents to an authorized officer or the Secretary see Part III, Division 7 of the Act.

20.2 The Secretary may revoke the approval of an arrangement that is suspended on grounds that are the same as or similar to the grounds for the suspension.

20.3 The revocation or suspension has effect:

- (a) when written notice of it is given to the occupier of the establishment; or
- (b) on a later day specified in the notice.

Division III General rules applying to suspension and revocation

Suspension and revocation may be in full or in part

- 21.1** The suspension or revocation of registration or of an approval of an arrangement may be:
- (a) in full; or
 - (b) in part, in respect of one or more of the following:
 - (i) any the meat or meat products prepared at the establishment;
 - (ii) any stages of preparation of the meat or meat products.

Notification of reasons, right to apply for reconsideration etc

- 22.1** If the Secretary suspends or revokes the registration of an establishment or the approval of an arrangement, the Secretary must give the occupier written notice of:
- (a) the reason for the suspension or revocation; and
 - (b) the occupier's right to apply for reconsideration of the decision to suspend or revoke.
- 22.2** If the Secretary suspends the registration of an establishment or the approval of an arrangement, the Secretary must give the occupier written notice of the period of suspension.
- 22.3** A period of suspension must not exceed 12 months and may be extended only if the total period does not exceed 12 months.

Note For reconsideration of the Secretary's decision, see Divisions I and II of Part 10 of these Orders.

If grounds for suspension no longer exist

- 23.1** If the grounds for which registration or the approval of an arrangement is suspended no longer exist the Secretary may at the Secretary's discretion by giving written notice to the occupier revoke the suspension.

Note For reinstatement of registration and approval of an arrangement see clause 30 of this Schedule.

Revocation during suspension

- 24.1** The Secretary may revoke:

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- (a) the registration of an establishment; or
 - (b) the approval of an arrangement;
- that is suspended despite the fact that the period of suspension has not expired.

Termination at occupier's request

- 25.1** The occupier of a registered establishment may terminate the registration of the occupier's establishment by giving the Secretary written notice of the termination.
- 25.2** If the registration is terminated under subclause 25.1 the occupier's approved arrangement is also terminated.
- 25.3** The occupier of a registered establishment may terminate the occupier's approved arrangement by giving the Secretary written notice of the termination.
- 25.4** The termination of the registration or approved arrangement may be
- (a) in full; or
 - (b) in part, in respect of one or more of the following:
 - (i) any the meat or meat products prepared at the establishment;
 - (ii) any stages of preparation of the meat or meat products; specified in the notice.
- 25.5** The termination takes effect:
- (a) 7 days after the notice is given to the Secretary; or
 - (b) on a later day specified in the notice.

When registration and approved arrangement lapse

- 26.1** If the person in whose name the establishment is registered ceases to be the person who carries on the operations to prepare meat at meat products for export for food for which the establishment is registered, the registration and the approval of the arrangement lapse on the earlier of:
- (a) if the person gives the Secretary written notice within 7 days after ceasing to be the person who carries on the operations—the day on which the notice is given to the Secretary; or
 - (b) the end of the period of 7 days after the day on which the person ceases to be the person who carries on the operations.

When registration ceases to have effect

- 27.1** The registration of an establishment ceases to have effect:
- (a) if the registration of an establishment is revoked, lapses or is terminated; or
 - (b) at the end of the period of 12 months after the day the approval of the approved arrangement for the establishment ceases to have effect; or
- whichever first occurs.

Note For when revocation or suspension of registration has effect see subclauses 18.4 and 19.5 of this Schedule. For when revocation or suspension of the approved arrangement has effect see subclause 20.3 of this Schedule.

- 27.2** The registration of an establishment ceases to have effect in part if a circumstance referred to in paragraphs 27.1(a) or 27.1(b) occurs in respect of that part.

Note Operations to prepare meat and meat products for export for food may not take place if the registration ceases have effect. For the requirement to be registered see order 29.

- 27.3** The registration of an establishment:
- (a) ceases to have effect for the period of its suspension; or
 - (b) if it is suspended in part—ceases to have effect in respect of that part for the period of its suspension.

When approval of an arrangement ceases to have effect

- 28.1** The approval of an arrangement at an establishment ceases to have effect if the approval is revoked, lapses or is terminated.

- 28.2** The approval of an arrangement ceases to have effect in part if a circumstance referred to in subclause 28.1 occurs in respect of that part.

Note For when revocation or suspension of the approved arrangement has effect see subclause 18.4, 19.5 and 20.3 of this Schedule. For termination see clause 25 of this Schedule.

- 28.3** The approval of an arrangement:
- (a) ceases to have effect for the period of its suspension; and
 - (b) if it is suspended in part—ceases to have effect in respect of that part for the period of its suspension.

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- 28.4** The approval of the arrangement for an establishment ceases to have effect for the period of the suspension of registration of the establishment.

When Secretary must amend the certificate of registration

- 29.1** The Secretary must give the occupier of the registered establishment a new certificate of registration if:
- (a) the Secretary revokes the registration in part; or
 - (b) the registration is terminated in part; or
 - (c) the registration ceases to have effect in part under paragraph 27.1(b); or
 - (d) the Secretary reinstates the registration in full or in part.

Reinstatement

- 30.1** If the grounds on which the registration of an establishment is revoked in full or in part no longer exist, the Secretary may at the Secretary's discretion by giving written notice to the occupier reinstate the registration.
- 30.2** If the grounds on which the approval of an arrangement is revoked no longer exist, the Secretary may at the Secretary's discretion by giving written notice to the occupier reinstate the approval of the arrangement.

Secretary may require the occupier to take action

- 31.1** If the registration of an establishment or the approval of an arrangement ceases to have effect the Secretary may, by giving the occupier a written notice, require the occupier to take action within the period specified in the notice in respect of any of the following:
- (a) animals for slaughter for meat and meat products and carcasses, carcase parts, meat and meat products at the establishment;
 - (b) anything used in, or in relation to, the preparation at the establishment of meat and meat products;
 - (c) the recall of carcasses, carcase parts, meat and meat products prepared at the establishment;
 - (d) any official marks that are held by the occupier;

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- (e) any export permits or government certificates the Secretary has issued or given to the occupier and that are held by the occupier.

31.2 The action specified in the notice must be action that is necessary to ensure that one or more of the objectives specified in suborders 3.1 and 3.2 is met.

31.3 An occupier who is given a notice under subclause 31.1 must take the action specified in the notice within the period specified.

Level 5 penal provision

Note A level 5 penal provision means a person who is guilty of the relevant offence is punishable by a fine of 50 penalty units, see Regulation 4 of the *Export Control (Orders) Regulations 1982*.

Part 4 Payment of debts

Notice of non-payment of debts

32.1 If an amount that is payable to the Department in respect of a registered establishment is not paid to the Department within 30 days after the day that it was due for payment, the Secretary may give the occupier of the establishment a notice stating that the amount is due for payment (notice of payment due).

Note 1 For when the registration of a registered establishment may be suspended or revoked if the amount is not paid see clause 19 of this Schedule.

Note 2 For meaning of *an amount that is payable to the Department in respect of an establishment* see suborder 8.1.

Undertaking for payment of debts

33.1 This order applies if:

- (a) an application is made for the registration of an establishment; and
- (b) an amount that is payable to the Department in respect of the establishment (whether or not the amount was incurred by the applicant) has not been paid (the *amount outstanding*).

33.2 For paragraph 33.1(b) the amount outstanding is taken to have been paid if:

- (a) the person who is to be the occupier of the operations at the establishment (the *proposed occupier*) gives a written

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- undertaking to the Secretary to pay the amount outstanding to the Department on terms agreed with the Secretary; and
- (b) the Secretary accepts an undertaking in the proposed occupier's circumstances.

Note Compliance with this undertaking is a condition of registration see clause 10 of this Schedule.

What the undertaking must include

- 34.1** The undertaking must include a term that the amount outstanding payable by the proposed occupier is to be reduced by any amounts paid by, or on behalf of, the person who incurred the fee, charge, levy or penalty to which the amount outstanding relates (the *original debtor*).

What the Secretary must take into account

- 35.1** In considering whether to accept an undertaking in the proposed occupier's circumstances the Secretary must take into account:
- (a) the financial position of the proposed occupier; and
- (b) the nature and likely cost of the operations proposed to be carried on at the establishment; and
- (c) whether the proposed occupier will be able to meet the undertaking and the cost of the operations; and
- (d) any other relevant considerations.

When the undertaking may be varied

- 36.1** An undertaking may be varied at any time by agreement between the Secretary and the proposed occupier.
- 36.2** The Secretary may agree to a variation of the undertaking if:
- (a) taking into account the matters mentioned in clause 35, the Secretary considers that it is appropriate to agree to the variation of the undertaking in the proposed occupier's circumstances; and
- (b) the variation does not reduce the proposed occupier's liability to pay the amount outstanding.

Recovery of amount payable

- 37.1** An amount payable under an undertaking (including any variation of the undertaking) for a period during which the establishment to

which the undertaking relates is registered in the name of the proposed occupier:

- (a) is a debt due to the Commonwealth; and
- (b) may be recovered in a court of summary jurisdiction.

How payments must be applied

- 38.1** A payment by the proposed occupier under the undertaking:
- (a) must be applied by the Department to reduce the amount outstanding; and
 - (b) for the purposes of paragraphs 5.1(b) and 5.1(c) of this Schedule is taken to reduce by the amount of the payment, the amount payable to the Department.
- 38.2** If the amount outstanding comprises 2 or more amounts of a kind mentioned in subclause 33.2 of this Schedule, the Secretary may decide the order in which payments under the undertaking are to be applied by the Department against the amounts.

When excess amounts paid must be refunded

- 39.1** If the sum of payments made in respect of the amount outstanding under the undertaking by, or on behalf of, the original debtor, exceeds the amount outstanding, the excess amount paid must be refunded to the proposed occupier.

Liability of the original debtor

- 40.1** The liability of the original debtor to pay the full amount of the amount outstanding is not affected by an undertaking under this order or by payments made under the undertaking.

Schedule 2 Management of the preparation of meat

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Part 1 Management

Division I General requirement

Occupier's commitment

- 1.1 The occupier's commitment to:
- (a) the objectives specified in suborders 3.1 and 3.2; and
 - (b) compliance with the applicable requirements of the Act and these Orders;
- must be documented.

Note 1 For the meaning of *occupier* see suborder 8.1.

Note 2 The occupier must ensure that the requirements of this Schedule are complied with, see order 31.

Management practices, organisational structure, resources and skills

- 2.1 The management practices, organisational structure, provision of resources and the provision of personnel and their training must:
- (a) be documented; and
 - (b) be appropriate to ensure each of the applicable requirements the Act and these Orders are complied with.

Note For making electronic records see subsection 12(1) of the *Electronic Transactions Act 1999*.

Division II Verification, corrective action, review and record keeping

Verification

- 3.1 Whether the applicable requirements of the Act, order 31 and Division II of Part 3 of these Orders are complied with must be verified and a written record made of:
- (a) the methods, procedures, tests, monitoring and other evaluations used to verify compliance; and
 - (b) the results of the verification.

Note 1 For the meaning of *verify* see suborder 8.1. Verification could for example include sampling procedures.

Corrective action

- 4.1** If a requirement of the Act, order 31 and Division II of Part 3 of these Orders is not complied or is not likely to be complied with:
- (a) action must be taken:
 - (i) to address the fact the requirement is not complied with or is not likely to be complied with; and
 - (ii) to ensure that the failure to comply with the requirement, or the likelihood that it is not complied with, does not recur; and
 - (b) the effectiveness of the action taken must be assessed.
- 4.2** A written record must be made of the action referred to in paragraph 4.1(a) of this Schedule that is taken and the assessment of the effectiveness of the action taken.

Internal audit and management review

- 5.1** Internal audits and management reviews of the effectiveness of the management practices at the establishment in meeting the requirements of the Act, order 31 and Division II of Part 3 of these Orders must be conducted.
- Note For external audits see Part 4 of these Orders.
- 5.2** A record must be made of the following:
- (a) the internal audits and managements reviews conducted;
 - (b) the results of the audits and reviews;
 - (c) the decision to take action as a result of the audits and reviews;
 - (d) the action taken.
- 5.3** For an establishment employing less than three people subclause 5.1 is taken to be satisfied if a management review is conducted.

Inventory controls

- 6.1** Comprehensive, auditable and documented inventory controls that are necessary to verify that the requirements of order 31 and

Division II of Part 3 of these Orders are complied with must be maintained.

Note For the meaning of *verify* see suborder 8.1. Verification could for example include sampling procedures.

6.2 Without limiting subclause 6.1 the controls referred to in subclause 6.1 must include:

- (a) a record of:
 - (i) the numbers of animals of different species slaughtered at the establishment, their origin and lot; and
 - (ii) meat and meat products received (including their description and the quantities received of each description), their origin and location within the establishment; and
 - (iii) meat and meat products prepared (including their description and the quantities prepared of each description) item, lot, origin and location within the establishment; and
 - (iv) meat and meat products removed (including their description and the quantities removed of each description), production details and their destination; and
- (b) a reconciliation of animals, meat and meat products and records referred to in paragraph 6.2(a).

6.3 Without limiting subclause 6.1 the controls referred to in subclause 6.1 must include:

- (a) a record of quantities of nitrite received, quantities used in the preparation of meat products and quantities despatched or destroyed; and
- (b) a weekly reconciliation of quantities referred to in paragraph 6.3(a).

Requirements to keep documents

7.1 Each document that:

- (a) is made by the occupier of an establishment or that comes into the possession of the occupier of an establishment used for the preparation of meat and meat products; and
- (b) is relevant to whether the occupier complies with the applicable requirements of the Act, these Orders, the

occupier's approved arrangement and the condition of the occupier's approved arrangement;

must be retained for a period of not less than two years from the time the document concerned is made by the occupier or comes into the occupier's possession.

Note 1 For retaining records electronically see subsection 12(2) of the *Electronic Transactions Act 1999*.

Note 2 For general requirements for keeping these records see Division III of Part 10 of these Orders.

- 7.2** If the occupier fails to comply with a requirement of subclause 7.1 the occupier is guilty of an offence.

Level 5 penal provision

Note 1 A level 5 penal provision means a person who is guilty of the relevant offence is punishable by a fine of 50 penalty units, see Regulation 4 of the *Export Control (Orders) Regulations 1982*.

Note 2 For suspension or revocation of an approved arrangement if the occupier fails to make available to an authorized officer documents the occupier is required to keep see paragraph 20.1(e) of Schedule 1.

Division III Surveillance, sampling and monitoring programs and notifiable diseases

Surveillance, sampling and monitoring

- 8.1** Establishments engaged in the preparation of meat and meat products must comply with the requirements for surveillance, sampling and monitoring specified in the Australian Meat Standard.

Note See clauses 3.12 and 3.13 of the Australian Meat Standard.

Notifiable diseases

- 9.1** The requirements specified in clause 3.14 of the Australian Meat Standard to advise of notifiable diseases must be met.

Note For the meaning of *notifiable disease* see suborder 8.1.

- 9.2** If the occupier fails to comply with subclause 9.1 the occupier is guilty of an offence.

Level 5 penal provision

Note A level 5 penal provision means a person who is guilty of the relevant offence is punishable by a fine of 50 penalty units, see Regulation 4 of the *Export Control (Orders) Regulations 1982*.

- 9.3** The requirements for controlling the spread of a notifiable disease specified in clause 3.15 of the Australian Meat Standard must be met.

Division IV Notification

Requirement to notify

- 10.1** The occupier of an establishment must notify an authorized officer as soon as practicable if the occupier has reasonable grounds to believe that:
- (a) meat or meat products at the establishment are unwholesome, have deteriorated or their identification, traceability and integrity is compromised; or
 - (b) there is a failure of a procedure or other circumstance occurs at the establishment that has affected or could affect the wholesomeness, or integrity of meat or meat products (including meat or meat products be derived from animals for slaughter at the establishment) or has caused or could cause them to deteriorate; or
 - (c) meat and meat products are received by an establishment engaged in the preparation of meat or meat products; and
 - (i) the establishment does not receive the information referred to in clause 8 of Schedule 7 or the information does not accompany the meat or meat products; or
 - (ii) the information referred to in clause 8 of Schedule 7 received by the establishment or accompanying the meat and meat products is inaccurate or incomplete.

Note 1 Meat and meat products may have deteriorated but still be wholesome if for example refrigeration requirements are not met.

Note 2 For requirements to notify if animals suspected of having a disease or defect that could affect their fitness for slaughter are admitted to an establishment see clause 6.4 of the Australian Meat Standard.

Part 2 Approved arrangements

Division I Requirements for approved arrangements

Minimum requirements for approved arrangement

- 11.1** An arrangement for the preparation of meat or meat products at an establishment that is required for the purposes of order 30 of these Orders must:
- (a) cover each stage of the production of meat and meat products undertaken at the establishment; and
 - (b) document the system of controls used to ensure that the requirements Division II of Part 3 of these Orders are complied with at the establishment; and
 - (c) identify the applicable importing country requirements for which a government certificate is to be sought; and
 - (d) document the system of controls used to ensure compliance with the importing country requirements referred to in subparagraph 11.1(c); and
 - (e) document any other controls necessary to ensure there is a sound basis for giving any export permit or issuing any government certificate for meat prepared at the establishment.

Note 1 For the meaning of *export permit*, *government certificate*, *importing country requirement* and *production* see suborder 8.1.

Note 2 For the requirement to have an approved arrangement see order 30. For the issue of a government certificate where importing country requirements are specified see Part 2 of Schedule 8.

- 11.2** Paragraphs 11.1(c) and 11.1(d) apply only to each importing country requirement for which compliance with the Act and these Orders would not be sufficient to result in compliance with the importing country requirement.

Note 1 For example subclause 11.2 refers to importing country requirements that are in addition to or more stringent than the requirements of the Act and these Orders.

Note 2 For where compliance with an importing country requirement would not result in compliance with these Orders see order 80.

Note 3 For approval, variation, suspension and revocation of an approved arrangement see Schedule 1.

HACCP

12.1 An arrangement for the preparation of meat and meat products at an establishment that is required for the purposes of order 30 of these Orders must provide for the implementation of a HACCP plan for each stage of the production of meat and meat products at the establishment.

Note For the meaning of *HACCP* and *production* see suborder 8.1.

12.2 The HACCP plan must meet the requirements for HACCP plans specified in the Australian Meat Standard.

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8. Laboratory facility
9. Secure storage area

PART 2—MEAT TRANSPORT VEHICLES AND EQUIPMENT

10. Provision of meat transport vehicles and equipment
11. Measuring devices

Part 1 Premises, equipment, facilities and essential services

Division I General requirement

Provision of premises, equipment, facilities and essential services

- 1.1** Establishments must have the premises, equipment, facilities and essential services that are necessary to ensure operations for the preparation of the meat and meat products are conducted in accordance with the requirements of these Orders.

Note 1 For the meaning of *establishment*, *premises* and *preparation* see section 3 of the Act. For the meaning of *equipment*, *essential services* and *facilities* see suborder 8.1.

Note 2 For importing country requirements that additional to those required in these Orders see clause 11 of Schedule 2.

Measuring devices

- 2.1** Establishments must have accurate measuring devices to assess whether the requirements of these Orders are complied with.

Note For guidance on Australian legal units of measurements and tolerances, reference may be had to the *National Measurement Act 1960*. For the application of the *National Measurement Act 1960* in relation to contracts, dealings or transactions made or entered into in connection with the exportation of goods, see section 13 of that Act.

Division II Facilities for authorized officers

Amenities at slaughter establishments or where authorized officers are permanently located

- 3.1.** Establishments:
- (a) engaged in the slaughter of animals; or
 - (b) at which two or more authorized officers are permanently located;
- must provide authorized officers with the following amenities:
- (c) an office; and

-
- (d) a dining room; and
 - (e) a change room; and
 - (f) a shower room; and
 - (g) a toilet room; and
 - (h) a rest room where amenities are provided for female authorized officers.

3.2 The amenities must be:

- (a) separate from, but may be in the same building as, amenities provided for employees; and
- (b) suitable, and suitably and conveniently located; and
- (c) for the exclusive use of authorized officers.

Amenities at other establishments

4.1 Establishments other than those referred to in subclause 3.1 must provide authorized officers with:

- (a) an office for the exclusive use of authorized officers when at the establishment; and
- (b) access to toilet facilities;
that are appropriate for the authorized officers performing functions at the establishment.

Office accommodation

5.1 An office referred to in subclause 3.1 must be equipped with:

- (a) a telephone, a connection to a computer terminal and a lockable metal cabinet; and
- (b) for each authorized officer requiring the use of the office—a desk, chair and locker; and
- (c) hand washing and drying facilities if these are not conveniently located nearby.

Work areas

6.1 The area within which an authorized officer performs post mortem inspection must not be encroached upon by equipment or personnel.

Meat examination facility

- 7.1** Access must be provided to a meat examination facility that:
- (a) is located within a refrigerated area; and
 - (b) is maintained at a temperature of not warmer than 10°C during operations; and
 - (c) is capable of being secured.
- 7.2** The meat examination facility need not be for the exclusive use of authorized officers provided they can perform their functions unimpeded while in the facility.

Laboratory facility

- 8.1** Slaughter establishments must have a laboratory facility that:
- (a) is suitably equipped; and
 - (b) is capable of being secured; and
 - (c) is located in a separate room; and
 - (d) has ready access to a telephone.
- 8.2** Authorized officers must have the access necessary to ensure that they can perform their functions unimpeded while in the laboratory.

Secure storage area

- 9.1** Establishments at which meat is loaded for export must have a separate and secure storage area for the storage of all meat and meat products required to be retained or held under security.
- 9.2** The construction and use of the area referred to in subclause 9.1 must not jeopardise the integrity and security of meat and meat products held in the area.

Part 2 Meat transport vehicles and equipment**Provision of meat transport vehicles and equipment**

- 10.1** The meat transport vehicles and equipment that are necessary to enable the transport of meat and meat products to and from establishments engaged in the preparation of meat and meat

products for export for food in accordance with the requirements of these Orders must be provided.

Note For the meaning of *meat transport vehicle* see suborder 8.2.

Measuring devices

11.1 Meat transport vehicles and container unit systems used to transport meat and meat products to and from establishments engaged in the preparation of meat and meat products for export for food must have accurate measuring devices to assess whether the requirements of the these Orders are complied with during transport and loading.

Note For the meaning of *container unit system* see suborder 8.1.

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3. Animal food
4. Pharmaceutical material

Part 1 Requirements for water

Requirements for potable water

- 1.1** Water that under the Australian Meat Standard is specified as being potable must be:
- (a) acceptable for human consumption; and
 - (b) clear, colourless and well aerated; and
 - (c) free from suspended matter, harmful substances and pathogenic organisms.
- 1.2** The approved arrangement must specify the treatment and testing regime used to verify that paragraph 1.1(c) is met.

Note 1 For verification requirements see clause 3 of Schedule 2. See also the HACCP requirements of the Australian Meat Standard that are mandated under subclause 12.2 of Schedule 2.

Note 2 For guidance see the *Australian Drinking Water Guidelines 1996* jointly published by the National Health and Medical Research Council and the Agriculture and Resource Management Council of Australia and New Zealand. For these guidelines see the NHMRC website <http://www.health.gov.au/nhmrc>.

Protection of the potable water supply

- 2.1** The water supply (including storage tanks) for water that under the Australian Meat Standard is required to be potable must be protected from contamination.

Part 2 Animal food and pharmaceutical material

Animal food

- 3.1** Animal food must comply with the applicable requirements of the Australian Meat Standard (other than paragraph 17.1(b)).
- Note See for example clause 5.3 and clause 17 of the Australian Meat Standard.
- 3.2** Animal food must be packaged, stored, handled and loaded in a way (included segregated if necessary) that ensures that meat and meat products for export for food are not contaminated.

Note For integrity and transfer requirements for meat and meat products for animal food see paragraph 2.1(f) of Schedule 7 and subclause 8.2 of Schedule 7.

Pharmaceutical material

4.1 Meat and meat products for pharmaceutical use must comply with the applicable requirements of the Australian Meat Standard.

Note 1 See for example clause 5.3 and clause 17 of the Australian Meat Standard.

Note 2 For integrity and transfer requirements for meat and meat products for pharmaceutical use see paragraph 2.1(g) of Schedule 7 and subclause 8.2 of Schedule 7.

Schedule 5 The preparation and transport of meat

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Part 1 Preparation and transport

Division I Slaughter and dressing

Halal meat

- 1.1** This clause applies to the occupier of an establishment preparing Halal meat if the exporter of the meat requires a Halal certificate for the meat.
- 1.2** The occupier's approved arrangement must identify:
- (a) the Muslim slaughterman for the Halal meat; and
 - (b) the Islamic Organisation that is to certify the Halal meat (being an Islamic Organisation that has an arrangement that is approved under clause 22 of Schedule 7).
- 1.3** In this clause *Halal certificate*, *Halal meat* and *Islamic Organisation* have the meaning given in clause 13 of Schedule 7.

Note 1 A government certificate is given by the Secretary. A government includes a Halal certificate, see the meaning of *government certificate* in suborder 8.1. For Halal certification by an Islamic Organisation see Part 3 of Schedule 7.

Note 2 The approved arrangement must also demonstrate how the occupier is to comply with the requirements of these Orders for Halal meat, see clause 11 of Schedule 2. These include the following. The Halal official mark must not be applied to the meat unless it is Halal meat, see order 65. For when the Halal official mark must be applied or defaced see clause 13 and subclause 17.3 of Schedule 6. For maintaining the integrity of Halal meat see clause 4 of Schedule 7.

Note 3 The occupier's approved arrangement must also set out any additional importing country requirements for Halal meat (including for the slaughter of animals from which the meat is derived) see clause 11 of schedule 2.

Note 4 For requirements for ritual slaughter with prior stunning see clause 7.10 of the Australian Meat Standard.

Dressing

- 2.1** Animals must be unconscious and primary bleeding completed before dressing commences.

Note For the meaning of *dressing* and *primary bleeding* see suborder 8.1.

Division II Dispositions

Compliance with decisions and dispositions

3.1 A decision or disposition and the conditions and other requirements specified in such a decision or disposition applied by an authorized officer to animals, carcasses, carcase parts, meat and meat products must be complied with.

Note See orders 69 to 71 for decisions and dispositions that may be applied by an authorized officer. See also clause 5 of this Schedule.

3.2 In this clause *a decision or a disposition* means:

- (a) any decision about the admission or animals or any other disposition that may be applied by an authorized officer under these Orders; and
- (b) a variation of such a decision or disposition, its conditions and requirements.

Aggregation of carcasses parts

4.1 If a carcase part of an animal is aggregated with a part derived from another animal then the disposition applied to all the aggregated parts must be the most restrictive of the dispositions applied to the following:

- (a) any of the carcasses from which the aggregated parts are derived;
- (b) any of the carcase parts forming part of the aggregation.

Post mortem dispositions applied to carcasses and carcase parts

5.1 Clauses 10.12 and 10.14 of the Australian Meat Standard do not apply.

5.2 One of the following dispositions must be applied at post mortem inspection:

- (a) for carcasses and carcase parts:
 - (i) passed for human consumption;
 - (ii) passed for human consumption and unsuitable for export;

- (iii) passed for human consumption unsuitable for export to a specified country;
 - (iv) retained for final disposition;
 - (v) unfit for human consumption and may be recovered for animal food;
 - (vi) unfit for human consumption and may be recovered for pharmaceutical material;
 - (vii) condemned; and
- (b) for carcase parts—derived from an animal the carcase of which is passed for human consumption and the carcase parts require further treatment to be fit for human consumption.

Note 1 For dispositions that may be applied to animals see for example clause 8.8 to 8.19 of the Australia Meat Standard, see also clauses 6.4 to 6.9 of that Standard.

Note 2 In addition to dispositions applied at ante mortem inspection and at post mortem inspection an authorized officer may apply a disposition to carcasses, carcase parts, meat and meat products at any other time, see suborder 70.3. An authorized officer may vary a disposition (see paragraph 70.1(e)) for example if after post mortem inspection meat and meat products deteriorate or further information is obtained about residue levels.

Carcase parts requiring further treatment

- 6.1** If a carcase part is derived from an animal the carcase of which is passed for human consumption and the carcase part requires further treatment, the carcase part must be handled under conditions of security specified in the approved arrangement until the further treatment is completed.

Animal fat for human consumption

- 7.1** Edible fat for food must be derived only from carcasses and carcase parts passed for human consumption.

Division III Chilling, freezing, thawing and tempering

Chilling and freezing

- 8.1** The refrigeration for the chilling and freezing applied to carcasses and carcase parts is taken to comply with paragraph 11.6(a) or 11.6(b) of the Australian Meat Standard only if the chilling is achieved within the refrigeration index criteria.

Note 1 For the meaning of *refrigeration index criteria* see suborder 8.1. For how to achieve the refrigeration index criteria see further clause 11 of this Schedule.

Note 2 Carcase parts include offal. See the meaning of *carcase parts* in suborder 8.1 which adopts the definition in the Australian Meat Standard.

- 8.2** The refrigeration for freezing applied to carcasses and carcase parts must ensure that they:
- (a) are hard frozen without delay after compliance with paragraphs 11.6(a) or 11.6(b) of the Australian Meat Standard; and
 - (b) achieve the time and temperature controls for freezing that are specified in the approved arrangement; and
 - (c) achieve the refrigeration index criteria.
- 8.3** The refrigeration applied to carcasses and carcase parts that are modified atmosphere packaged or vacuum packaged must achieve:
- (a) the time and temperature controls for the modified atmosphere packaging or the vacuum packaging concerned that are specified in the approved arrangement; and
 - (b) the refrigeration index criteria.

Hot boning

- 9.1** Carcasses and carcase parts for hot boning must:
- (a) be hot boned in accordance with the requirements for hot boning specified in the approved arrangement; and
 - (b) achieve chilling within the refrigeration index criteria.

Controls required after processing raw meat

- 10.1** After the processing of raw meat is completed the meat:
- (a) must undergo a further process without delay; or
 - (b) must:
 - (i) be placed under refrigeration without delay; and
 - (ii) be rapidly chilled until it reaches a temperature of no warmer than 7°C at the site of microbiological concern; and
 - (iii) achieve the refrigeration index criteria; or
 - (c) must:

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- (i) achieve the alternative time and temperature controls for chilling the meat that are specified in the approved arrangement; and
 - (ii) achieve the refrigeration index criteria; or
- (d) must:
- (i) be hard frozen without delay after compliance with paragraphs 10.1(b) or 10.1(c); and
 - (ii) achieve the time and temperature controls for freezing that are specified in the approved arrangement; and
 - (iii) achieve the refrigeration index criteria; or
- (e) must:
- (i) be modified atmosphere packaged or vacuum packaged, after compliance with paragraphs 10.1(b) or 10.1(c); and
 - (ii) achieve the time and temperature controls for the modified atmosphere packaging or the vacuum packaging concerned that are specified in the approved arrangement; and
 - (iii) achieve the refrigeration index criteria.

Note 1 For the meaning of *further process* see suborder 8.1.

Note 2 For the meaning of *processing* see clause 13 of this Schedule.

Achieving the refrigeration index criteria

11.1 To achieve the refrigeration index criteria:

- (a) the refrigeration index average is to be no more than 1.5; and
- (b) 80% of refrigeration indices are to be no more than 2.0; and
- (c) no refrigeration index is to be more than 2.5.

Note For the meaning of *refrigeration index* see suborder 8.1.

Thawing and tempering

12.1 Clauses 12.8 and 12.9 of the Australian Meat Standard do not apply.

12.2 The thawing and tempering of meat must be undertaken under refrigerated conditions.

Note See also the requirements for thawing in clauses 12.10 and 12.11 of the Australian Meat Standard.

Meaning of *processing*

13.1 In this Division *processing* has the meaning in clause 12.1(2) of the Australian Meat Standard.

Note Processing as defined in clause 12.1(2) of the Australian Meat Standard includes boning.

Division IV Further processing

Dried meat

14.1 The drying of dried meat must achieve a water activity of no more than 0.85.

Note For the meaning of *dried meat* see suborder 8.1.

Division V Storage and handling

Receipt of meat and meat products

15.1 If meat and meat products are received by an establishment engaged in the preparation of meat or meat products and:

- (a) the establishment does not receive the information referred to in clause 8 of Schedule 7 or the information does not accompany the meat or meat products; or
- (b) the information referred to in clause 8 of Schedule 7 received by the establishment or accompanying the meat and meat products is inaccurate or incomplete;

the meat or meat products must:

- (c) be held at the establishment under conditions of security and not dealt with further for export for human consumption unless an authorized officer gives the occupier of the establishment written approval for the meat or meat products to be dealt with further; or
- (d) be identified as not for export for human consumption and segregated so that they do not contaminate meat and meat products for export for human consumption.

Part 2 Loading for export

Inspection prior to loading

- 16.1** Meat and meat products must be loaded for export for food under the supervision or direction of:
- (a) an authorized officer; or
 - (b) a person designated in the approved arrangement as a person who may supervise and direct the loading for export of meat and meat products at the establishment.

- 16.2** Paragraph 16.1(b) applies only if the approved arrangement provides for export inspection procedures at loading for export to be performed by persons engaged by the establishment.

Note If it is an importing country requirement that inspection arrangements be undertaken by authorized officers this needs to be specified in the approved arrangement, see clause 11 of schedule 2.

Prohibitions on loading for export

- 17.1** Meat and meat products must, at the time of loading for export be packaged to effectively protect them from contamination and deterioration in the conditions under which they are loaded, stored and transported from Australia.

- 17.2** Meat and meat products that are not wholesome must not be loaded for export.

Note For requirements applying to packaging see clause 14 of the Australian Meat Standard.

Container system units and equipment for loading ships and aircraft

- 18.1** Meat and meat products must not be loaded for export unless the container system unit or the area into which the goods are to be loaded on the ship or aircraft:
- (a) is not a source of contamination of the meat and meat products; and
 - (b) is clean; and
 - (c) is free of odours and materials that are capable of contaminating meat or meat products or their packaging; and

- (d) where necessary, is equipped or provided with an appropriate and adequate means of refrigeration; and
- (e) is maintained in a good state of repair and working order having regard to its use; and
- (f) for container system units intended for sea freight and the area into which the goods are to be loaded on a ship—is capable of being secured by seal that is an official mark the design of which is specified in paragraph 87(p) of the *Prescribed Goods (General) Orders 1985*.

Note For the meaning of *container system unit* see suborder 8.1.

- 18.2** Meat and meat products must not be loaded for export unless the equipment used for their loading meets the requirements specified for equipment in the Australian Meat Standard.

Stowage

- 19.1** Meat and meat products must be stowed in a container system unit or area into which they are to be loaded on a ship or aircraft in a manner that ensures their condition and their packaging is not likely to be adversely affected during the course of the voyage or flight.

When an official seal must be applied

- 20.1** A seal that is an official mark the design of which is specified in paragraph 87(p) of the *Prescribed Goods (General) Orders 1985* must be applied to the container system unit (other than a unit intended for transport by air) when export eligible meat and meat products are loaded for export.

- 20.2** Subclause 20.1 is not taken to be complied with unless the seal is applied by a person who may, under suborder 64.3 of these Orders, apply an official mark of that kind.

Note For an offence of interfering with etc or removing the official seal see section 14 of the Act and see further Part 7 of these Orders.

Schedule 6 Trade descriptions and official marks

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PART 1—TRADE DESCRIPTIONS

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Part 1 Trade descriptions

Division I Requirement to have a trade description

Meat and meat products must have a trade description

- 1.1** Meat and meat products for export for food must have a trade description containing the information specified in subclause 1.2 applied to them no later than at the time they are packaged.

Note 1 For the meaning of *applied to* see order 9 of this Schedule. For the meaning of *trade description* see section 3 of the Act. For the meaning of *apply* see section 3 of the Act.

Note 2 For alternative requirements for meat for further processing see clause 3 of this Schedule.

- 1.2** The trade description must contain the following information:
- (a) the species of animal from which the meat or meat products were derived;
 - (b) for meat derived from an bovine, ovine, porcine or caprine animal—one of the following descriptions as applicable:
 - (i) beef;
 - (ii) bull;
 - (iii) veal;
 - (iv) lamb;
 - (v) mutton;
 - (vi) ram;
 - (vii) pork;
 - (viii) sow pork;
 - (ix) boar pork;
 - (x) goat;
 - (c) the net weight of the meat and meat products;
 - (d) the country of origin of the meat or meat products;
 - (e) the registration number of the establishment at which the meat or meat products are last packed before export;
 - (f) the name and address of:
 - (i) the occupier of the establishment referred to in paragraph 1.2 (e), or

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- (ii) the exporter or consignee of the meat and meat products;
 - (g) the date or dates of packaging;
 - (h) for meat and meat products containing more than 1 ingredient—a list of ingredients (excluding any processing aids) in descending order of ingoing weight;
 - (i) the identity of the batch;
 - (j) for meat and meat products (other than shelf stable meat products)—a statement indicating whether they should be kept chilled or frozen;
 - (k) for cans:
 - (i) the number allocated to the registered establishment preceded by the letters EX;
 - (ii) the date or dates on which the can is closed in code or in clear;
 - (iii) the description of the contents in the can in code or in clear.

Note 1 For the meaning of *batch*, *beef*, *boar pork*, *bull*, *date of packaging*, *goat*, *ingredient*, *lamb*, *mutton*, *pork*, *ram*, *sow pork* and *veal* see suborder 8.1.

Note 2 For the requirement for the trade description to be accurate see clause 4 of this Schedule. See also section 15 of the Act for offences in relation to false trade descriptions.

Note 3 The *Trade Practices Act 1974* contains prohibitions on engaging in conduct that is misleading or deceptive or is likely to mislead or deceive (eg see section 52) and prohibitions on making false or misleading representations, including about the country of origin (for example see section 53 and section 75AZC).

Note 4 Part V, Division 1AA of *Trade Practices Act 1974* provides defences that certain country of origin representations do not contravene section 52, paragraph 53(a), paragraph 53(eb) or subparagraph 75AZC(1)(a) or (i) of the *Trade Practices Act 1974*. See further sections 65AA to 65AN of the *Trade Practices Act 1974*. For further guidance on correctly describing the country of origin see the ACCC website <http://www.accc.gov.au/>.

Note 5 If the importing country authority specifies that it does not require a trade description requirement to be met, the Secretary may give the occupier a notice specifying that the trade description requirement does not apply, see order 80.

1.3 If the meat or meat products are packaged on behalf of a person who is not the occupier of the registered establishment at which

the meat or meat products are prepared, the trade description must contain the identity of:

- (a) the person who packed the meat or meat products; and
- (b) the person on whose behalf the meat and meat products were packed.

- 1.4** Meat products for export for food must comply with each of the applicable requirements for the labelling and naming of ingredients and compound ingredients that are specified in Standard 1.2.4 of the Food Standards Code.

Note For example if the importing country authority specifies that it does not require a trade description requirement of this Schedule to be complied with (or specifies a less stringent requirement), the Secretary may give the occupier a notice specifying that the requirement of this Schedule does not apply, see order 80.

- 1.5** Clause 16.7 of the Australian Meat Standard does not apply.

Note Subclause 1.2 of this Schedule requires a trade description for export meat that is more detailed than, and replaces that, in clause 16.7 of the Australian Meat Standard.

Application of trade description to cartons and cans

- 2.1** For cartons containing meat and meat products for export for food the trade description must be applied to any one end panel of the carton.

Note For the meaning of *carton* see the suborder 8.1.

- 2.2** The information specified in paragraph 1.2(k) must be embossed on cans containing meat or meat products for export for food or indelibly applied directly to the cans.

Meat for further processing

- 3.1** Despite subclause 1.1 of this Schedule, the occupier of the establishment at which meat and meat products are originally prepared may elect to apply a trade description containing only the following information to meat and meat products being transported between registered establishments:

- (a) the species of animal from which the meat or meat products were derived;
- (b) for packaged meat and meat products—the date of packaging;

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- (c) the words “FOR FURTHER PROCESSING BEFORE EXPORT”.

3.2 If the election is made, then before the meat and meat products are loaded for export:

- (a) a trade description containing all of the information referred to in subclause 1.2 must be applied to the meat and meat products; and
- (b) the words “FOR FURTHER PROCESSING BEFORE EXPORT” must not appear.

Note For the requirement to apply an official mark to these meat and meat products see for example clauses 10 to 12 of this Schedule.

Division II Miscellaneous

Trade description must be accurate

4.1 Information applied to meat or meat products for export for food, (being information required under Division I of this Schedule to be contained in the trade description) must be accurate.

Note 1 Non compliance with this requirement may preclude the giving of an export permit, see clauses 6 and 7 of Schedule 8. See also section 15 of the Act for offences in relation to false trade descriptions.

Note 2 For guidance see further the *Australian Meat Industry Classification System Manual 1* as defined in suborder 8.1.

Additional information applied to a trade description

5.1 Additional information or pictures applied to the meat and meat products for export for food must not be inconsistent with information required under Division I of this Schedule to be contained in the trade description.

Trade descriptions in a language other than English

6.1 Any part of a trade description applied to meat or meat products that appears in a language other than English must not be inconsistent with any part of the trade description in the English language.

Note For requirements to provide a translation of information applied to meat or meat products see order 91.

Trade description must be legible, conspicuous and secure

- 7.1** Information required under Division I of this Schedule to be contained in the trade description must be applied to meat and meat products so that it is:
- (a) legible; and
 - (b) prominent, conspicuous and not obscured in any way; and
 - (c) securely applied; and
 - (d) to the extent practicable, is tamper evident.

Trade description must not be altered or interfered with

- 8.1** Information applied to meat or meat products or to a carton containing meat or meat products that is required to be applied to the meat or meat products under Division I of this Schedule must not be altered or interfered with by a person unless:
- (a) the Secretary gives the person written approval for the alteration or interference; or
 - (b) the approved arrangement provides for the alteration and interference in the circumstances in which the alteration or interference is made.

Meaning of *applied to*

- 9.1** In this Part unless the contrary intention applies, a trade description is taken to be *applied to* meat or meat products if it is:
- (a) applied directly to the meat or meat products;
 - (b) applied to any label, tag or seal attached to the meat or meat products;
 - (c) applied to the covering or packaging of the meat or meat products;
 - (d) inserted into any thing in which the meat or meat products are packaged.

Note See also the meaning of *apply* see section 3 of the Act.

Part 2 Official marks

Note This Part sets out those requirements to apply an official mark that are conditions and restrictions on the export of meat and meat products. For the conditions and restrictions relating to official seals see clause 20 of Schedule

5. For other requirements relating to official marks and making devices see Part 7 of these Orders.

Division I Requirement to apply an official mark

Requirement to apply official mark to carcasses and carcass parts

10.1 Unless the approved arrangement expressly specifies that this subclause does not apply, an official mark must be applied to carcasses and carcass parts that are passed by a authorized officer as fit for human consumption.

10.2 The official mark must be applied as soon as practical after the carcass and carcass parts are dressed and before they are removed from the premises at which they are dressed.

Note For the meaning of *dressing* see suborder 8.1.

10.3 The official mark must be applied to a conspicuous part of the carcass or carcass parts, its label, tag or packaging so that it is visible during handling.

Note 1 For alternative compliance see order 79. For alternative importing country requirements see order 80 and see also clause 11 of Schedule 2.

Note 2 For the additional requirement to apply an official mark to a carton see clause 12 of this Schedule.

Official marks for carcasses and carcass parts

11.1 The official mark that must be applied under subclause 10.1 is:

- (a) for lamb—the official mark the design of which is specified in paragraph 87(c) of the *Prescribed Goods (General) Orders 1985*; and
- (b) in any other case—the official mark the design of which is specified in paragraph 87(a) of the *Prescribed Goods (General) Orders 1985*.

Note See further clause 14 of this Schedule.

Requirement to apply official mark to cartons

12.1 An official mark the design of which is specified in paragraph 87(a) of the *Prescribed Goods (General) Orders 1985* must be applied to the carton in which meat and meat products passed for human

consumption are packed as soon as practicable after the carton is packed and before it is removed from the establishment at which it is packed.

Note For the meaning of *carton* see suborder 8.1.

- 12.2** The mark must be:
- (a) applied to the same one end panel of the carton as the trade description required to be applied under subclause 2.1 of this Schedule; and
 - (b) conspicuous during handling.
- 12.3** This requirement is in addition to the requirement to apply an official mark to carcasses and carcase parts specified under clause 10 of this Schedule.

Halal meat

- 13.1** An official mark the design of which is specified in paragraph 87(g) of the *Prescribed Goods (General) Orders 1985* must be applied to Halal meat.
- 13.2** The mark must be applied to the Halal meat before it is removed from the registered establishment at which the animal from which it is derived is slaughtered.
- 13.3** This requirement is in addition to the requirement to apply an official mark under clauses 10 and 12 of this Schedule.
- 13.4** The official mark must be applied to a conspicuous part of the Halal meat, its label, tag or packaging so that it is visible during handling.

Note 1 The Halal official mark must not be applied to the meat unless it is Halal meat see order 65 and see the meaning of *Halal meat* in suborder 8.1.

Note 2 For maintaining the integrity of Halal meat see clause 4 of Schedule 7.

Official marks for State and Territory inspection and audit arrangements

- 14.1** Despite clause 11 and subclause 12.1:
- (a) the official mark referred to in paragraph 11.1(a) is the official mark the design of which is specified in paragraph 87(s) of the *Prescribed Goods (General) Orders 1985*; and

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- (b) the official mark referred to in paragraph 11.1(b) and subclause 12.1 is the official mark the design of which is specified in paragraph 87(q) of the *Prescribed Goods (General) Orders 1985*;

if all of the following circumstances exist:

- (c) the carcasses and carcase parts are passed for human consumption by a State or Territory meat safety inspector;
- (d) the approved arrangement for the carcasses and carcase parts provides for the preparation of meat and meat products for export under State and Territory inspection and audit arrangements;
- (e) the meat and meat products derived from the carcasses and carcase parts are for export to a country and the importing country authority specifies that the official mark the design of which is specified in paragraphs 87(q) or 87(s) (as the case may be) of the *Prescribed Goods (General) Orders 1985* may be applied to them.

Note 1 For the meaning of *State and Territory inspection and audit arrangement* see suborder 8.1.

Note 2 A government certificate may not be given for meat and meat products prepared under State and Territory inspection and audit arrangements unless the importing country specifies it will accept meat and meat products prepared under such arrangements see subclause 15.2 of Schedule 8.

Who may apply the mark

- 15.1** The requirements of this Schedule to apply an official mark are not taken to be complied with unless the mark is applied by a person who may, under suborder 64.3 of these Orders, apply the official mark.

Division II General requirements for official marks

Official marks must be legible and secure

- 16.1** Official marks applied to meat or meat products, cartons containing meat or meat products or their covering must be:
- (a) legible; and
- (b) securely applied.

When an official mark must be defaced

17.1 An official mark (other than an official mark the design of which is specified in paragraph 87(g) of the *Prescribed Goods (General) Orders 1985*) applied to meat or meat products must be removed or defaced if:

- (a) the meat or meat products are no longer wholesome or have deteriorated; or
- (b) for an official mark the design of which is specified in paragraph 87(i) of the *Prescribed Goods (General) Orders 1985*—the circumstances in which the importing country authority specifies the mark of that kind may be applied no longer exists.

Note 1 For when an official mark must not be applied to meat and meat products see order 65.

Note 2 Paragraph 17.1(b) of this provision is in addition to any importing country requirements to deface an official mark. For guidance see the Export Meat Manual Volume 2.

17.2 An official mark (other than an official mark the design of which is specified in paragraphs 87(g), 87(q) and 87(s) of the *Prescribed Goods (General) Orders 1985*) applied to the carton containing meat or meat products are packed must be defaced if:

- (a) the intention to export the meat or meat products is abandoned; or
- (b) the carton to which the official mark is applied is no longer to be used for the export of the meat or meat products.

17.3 An official mark the design of which is specified in paragraph 87(g) of the *Prescribed Goods (General) Orders 1985* applied to the Halal meat and to any thing in which the Halal meat is packed must be removed or defaced if the meat is not Halal meat or the integrity of the Halal meat is compromised.

Use of State or Territory classification marks prohibited

18.1 Meat and meat products for export for food must not bear a mark indicating a classification of the meat or meat products in accordance with a law of a State or Territory.

Schedule 7 Integrity, transfer, Halal certification and EU

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Part 1 Segregation, identification, security and integrity

Segregation, identification and security

- 1.1** To the extent necessary to ensure that one or more of the objectives specified in suborders 3.1 and 3.2 is met:
- (a) animals and meat and meat products meeting a particular description must:
 - (i) be identified and segregated during preparation and transport from other animals, meat and meat products not meeting that description; and
 - (ii) not be confused with other animals, meat and meat products not meeting that description; and
 - (iii) be prepared and transported under conditions of security; and
 - (b) inventory controls and tracing systems must be maintained.

Note 1 For example the separate identification and segregation of inedible product would be required.

Note 2 For requirements for inventory controls see clause 6 of Schedule 2.

Note 3 For tracing systems for recall purposes see clause 16 of the Australian Meat Standard.

Note 4 For segregation, identification and security requirements for meat and meat products for animal food and for pharmaceutical use see clause 17 of the Australian Meat Standard.

Integrity

- 2.1** The integrity of meat and meat products for export for food must not be compromised by the presence of the following:
- (a) meat and meat products (including animal intestines for further processing) that were previously not prepared at a registered establishment (including imported meat and meat products);
 - (b) meat and meat products that are not for export or that have left the export system;

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- (c) any parts of an animal that are inedible, (including any parts of an animal received for the purpose of inedible rendering or disposal by incineration);
 - (d) meat and meat products that are brought onto an establishment but are not removed or unloaded at the establishment from the means of transport on which they were conveyed to the establishment;
 - (e) animals, meat and meat products that are retained for further inspection, test or treatment;
 - (f) meat and meat products for animal food;
 - (g) meat and meat products for pharmaceutical use.

Note For the meaning of *integrity* see suborder 8.1.

2.2 Meat and meat products referred to in paragraphs 2.1(a) and 2.1(b) must be readily distinguishable from export meat during concurrent boning.

2.3 Meat and meat products referred to in paragraphs 2.1(a) and 2.1(b) (other than casings prepared in premises that are not registered) must be segregated from export meat and meat products at all times.

Note For the meaning of *casings* see suborder 8.1.

2.4 The identity of meat and meat products as complying with a condition or restriction on export specified in Part 4 of these Orders must:

- (a) be readily ascertainable; and
- (b) not be lost or confused with that of any other meat or meat products that do not comply with the condition or restriction.

Species identification

3.1 Meat and meat products for export for food must be derived from the species of animals they are purported to be derived from.

3.2 Meat and meat products are not of the species they are purported to be derived from if meat or meat products derived from another species are substituted wholly or partly for them.

Halal meat

- 4.1** The presence of non-Halal meat and meat products must not compromise the integrity of the Halal meat for export.
- 4.2** In addition to the requirements of subclause 4.1 Halal meat must be:
- (a) identified as Halal meat; and
 - (b) kept physically separate from non-Halal meat and meat products.

Note 1 For the meaning of *Halal meat* see suborder 8.1.

Note 2 For requirements for inventory controls see clause 1 of this Schedule.

Note 3 Importing country market requirements may for example require that meat and meat products derived from an animal of the porcine species must not be transported in the same meat transport vehicle or the same container system unit as Halal meat. For requirements to comply with these importing country requirements see order 34. For the requirement specify these importing country requirements in the approved arrangement see clause 11 in Schedule 2.

Grain Fed

- 5.1** The description Grain Fed must not be applied to meat and meat products unless the meat and meat products:
- (a) are derived from a carcass that meets the carcass criteria; and
 - (b) meet the meat quality assessments;
- specified for Grain Fed (symbol GF) or for Grain Fed Young Beef (symbol GFYG) in the *Australian Meat Industry Classification System Manual 1*.
- 5.2** The description Grain Fed is taken to be applied to meat or meat products if any of the circumstances specified in paragraphs 15(2)(a) to 15(2)(c) of the Act exist.

Note 1 For the meaning of *Australian Meat Industry Classification System Manual 1* see suborder 8.1.

Note 2 For the use of the word *beef* see paragraph 1.2(b) of Schedule 6. See also the meaning of *beef* in suborder 8.1.

Note For accuracy requirements for raising claims generally see section 15 of the Act which creates offences for false trade descriptions applied to prescribed goods.

Market eligibility

- 6.1** The export market eligibility of meat and meat products for export for food must be maintained.
- 6.2** Meat and meat products that are not eligible for all markets must be:
- (a) segregated from meat and meat products with different market eligibility; and
 - (b) identified so that their market eligibility can be ascertained.

Action if integrity affected

- 7.1** If it is suspected that the integrity of meat and meat products for export for food is compromised the meat and meat products must be identified and held separately under conditions of security until an authorized officer gives the occupier a notice specifying the action to be taken in relation to the meat and meat products.

Note 1 For a similar requirement if meat and meat products are suspected of not being wholesome see clause 15.13 of the Australian Meat Standard.

Note 2 For the requirement to notify an authorized officer if it is suspected that integrity is compromised see clause 10 of Schedule 2.

Part 2 Transfer of meat and meat products

Information to be given on despatch

- 8.1** For each consignment of meat or meat products for export for food despatched from an establishment the following information must be given to the consignee:
- (a) a full description of the meat or meat products including storage conditions (ie whether they are chilled, frozen or shelf stable);
 - (b) the name, address and registration number of the despatching establishment;
 - (c) the date or dates which the meat or meat products were last prepared (other than stored handled or loaded) before despatch;

- (d) the quantity of meat or meat products in the consignment and number and kind of packages (if any) in which the meat or meat products are packed;
- (e) the identification of the vehicle used to transport the meat and meat products and a description of any means of security applied to the meat and meat products;
- (f) the name and address and registration number of the establishment to which the meat or meat products are despatched;
- (g) if the meat or meat products are prepared in order to meet the importing country requirements of one or more identified countries—the names of those countries;
- (h) a declaration stating that the following are complied with:
 - (i) the conditions and restrictions on export specified in Part 4 of these Orders that must be satisfied before the meat and meat products may be exported from Australia are complied with;
 - (ii) the importing country requirements for the meat and meat products are complied with;
- (i) a declaration stating that all the information given is true and complete.

8.2 For each consignment of meat or meat products for use for animal food or for pharmaceutical use despatched from an establishment engaged in the preparation of meat or meat products for export for food the following must be given to the consignee:

- (a) a full description of the meat or meat products for use for animal food or for pharmaceutical use (as the case may be);
- (b) the information specified in paragraphs 8.1(b) to 8.1(i) for the meat or meat products for use for animal food or for pharmaceutical use (as the case may be).

Information must be given to the consignee

9.1 For the purposes of clause 8 of this Schedule the information is taken to be given to the consignee if it:

- (a) is in writing; and
- (b) is given to the consignee of the meat or meat products at the time of despatch or accompanies the meat or meat products during despatch.

Note For when requirements to give information (including a declaration) in writing can be met by an electronic communication see section 9 of the *Electronic Transactions Act 1999*. For electronic signatures see section 10 of the *Electronic Transactions Act 1999*.

Who may make the declaration

- 10.1** A person may make a declaration referred to in paragraphs 8.1(h) and 8.1(i) of this Schedule for meat or meat products if:
- (a) the person manages or controls operations to prepare meat or meat products at the establishment; and
 - (b) the approved arrangement for the meat or meat products:
 - (i) provides for export inspection procedures that include the making of the declaration for the meat or meat products; and
 - (ii) designates the person as a person who may make such a declaration.

Note If importing country authorities require alternative inspection arrangements by authorized officers this needs to be set out in the approved arrangement, see clause 11 of Schedule 2. See also order 80.

Requirements for declaration

- 11.1** A declaration referred to in paragraphs 8.1(h) and 8.1(i) of this Schedule must be signed by the maker of the declaration and dated.
- 11.2** A declaration referred to in paragraphs 8.1(h) and 8.1(i) of this Schedule must not:
- (a) be false or misleading; or
 - (b) be made if there is no sound basis for making the declaration.

Note 1 For suspension or revocation of the approved arrangement if these requirements are not complied with see paragraphs 20.1(a) and 20.1(d) of Schedule 1.

Note 2 For criminal penalties applying to persons who make false or misleading statements to a Commonwealth entity see the *Criminal Code Act 1995* Part 7.4 (False or misleading statements).

Part 3 Halal certification

Division 1 Application

Application

12.1 This Part applies if the exporter of Halal meat requires a Halal certificate for the meat.

Note 1 See the meaning of *Halal certificate* in clause 13 of this Schedule.

Note 2 For maintaining the integrity of Halal meat see clause 4 of this Schedule.

Interpretation

13.1 In this Part:

certification means certification included on a Halal certificate to the effect that meat is Halal meat and has maintained its integrity as Halal meat (however this is expressed).

Halal certificate means a government certificate that includes certification of Halal meat by an Islamic Organisation as well as by the Secretary.

Halal meat means meat slaughtered in accordance with Islamic rites.

Islamic Organisation means an Islamic Organisation recognised by an importing country authority (being an importing country authority that requires a Halal certificate for the importation of Halal meat from Australia) as an Islamic Organisation for the purpose of engaging in operations for the certification of Halal meat.

relevant person means:

- (a) if the Islamic Organisation is a corporation—the corporation; and
- (b) if the Islamic Organisation is a partnership—a person who is a member of the partnership; and
- (c) a person who manages or controls the certification operations of an Islamic Organisation; and
- (d) a person who makes a certification for an Islamic Organisation.

Note 1 For the meaning of *government certificate* see suborder 8.1.

Note 2 *Halal meat* has a more general meaning when it is used in other provisions of these Orders see suborder 8.1. See further order 5, clause 13 and subclause 17.3 of Schedule 6 and clause 4 of this Schedule.

Division II Requirements for certifying Islamic Organisations

Islamic Organisation must have an approved arrangement

- 14.1** A person must not engage in operations for the certification of Halal meat unless the person:
- (a) is an Islamic Organisation; and
 - (b) has an approved arrangement approved by the Secretary under subclause 22.1 of this Schedule for the operations.

Level 5 penal provision

Note A level 5 penal provision means a person who is guilty of the relevant offence is punishable by a fine of 50 penalty units, see Regulation 4 of the *Export Control (Orders) Regulations 1982*.

Certifications

- 15.1** The holder of an Islamic Organisation's approved arrangement must ensure that certifications of Halal meat made by or on behalf of an Islamic Organisation are objective, fair, accurate and complete.

Note 1 For the meaning of *holder of an approved arrangement* see suborder 8.1 of these Orders.

Note 2 For criminal penalties applying to persons who make false or misleading statements to a Commonwealth entity see the *Criminal Code Act 1995* Part 7.4 (False or misleading statements).

Compliance with importing country requirements

- 16.1** The holder of an Islamic Organisation's approved arrangement must ensure that importing country requirements relating to certifications of Halal meat made by or on behalf of the Islamic Organisation are complied with.

Notification of critical non-compliance

- 17.1** The holder of an Islamic Organisation's approved arrangement must ensure the Secretary is notified immediately if a relevant person becomes aware of a critical non-compliance at an establishment at which the Islamic Organisation engages in the operations for the certification of Halal meat.

Level 5 penal provision

Note 1 A level 5 penal provision means a person who is guilty of the relevant offence is punishable by a fine of 50 penalty units, see Regulation 4 of the *Export Control (Orders) Regulations 1982*.

Note 2 For the meaning of *relevant person* see clause 13 of this Schedule.

- 17.2** A ***critical non-compliance*** means a failure (or a combination of the failures):
- (a) to comply with the requirements for Halal meat that are specified in these Orders, the occupier's approved arrangement or the conditions of the occupier's approved arrangement; or
 - (b) to comply with applicable importing country requirements for Halal meat; or
 - (c) that prevents an accurate assessment being made as to whether the requirements specified in paragraphs 17.2(a) and 17.2(b) are complied with.

Management requirements

- 18.1** The commitment of an Islamic Organisation that engages in operations for the certification of Halal meat to compliance with the applicable requirements of the Act and these Orders must be documented.
- 18.2** An Islamic Organisation that engages in operations for the certification of Halal meat must comply with requirements of clauses 2 to 5 of Schedule 2.
- 18.3** For the purposes of subclause 18.2 each reference to the occupier in clauses 2 to 5 of Schedule 2 is taken to mean the holder of the Islamic Organisation's approved arrangement.

Notification of changes to relevant persons

19.1 If there is a change in the relevant persons for an Islamic Organisation, the holder of the Islamic Organisation's approved arrangement must within 7 days after the change:

- (a) notify the Secretary in writing of the change and the day on which the change occurs; and
- (b) inform the Secretary of the name, address and relevant qualifications and experience of each person who commences to be a relevant person.

Level 5 penal provision

Note A level 5 penal provision means a person who is guilty of the relevant offence is punishable by a fine of 50 penalty units, see Regulation 4 of the *Export Control (Orders) Regulations 1982*.

19.2 The holder of an Islamic Organisation's approved arrangement must ensure the Secretary is given written particulars of the occurrence of any of the following events or circumstances within 7 days after the occurrence:

- (a) a circumstance or event specified in paragraph 33(a), subparagraphs 33(b)(ii) to 33(b)(iv) and paragraph 33(c) of the *Prescribed Goods (General) Orders 1985*;
- (b) a relevant person is convicted of a serious offence.

Note For the meaning of *convicted* and *serious offence* see suborder 8.1.

Record keeping

20.1 The holder of an Islamic Organisation's approved arrangement must ensure:

- (a) a copy of each certification made by the Islamic Organisation; and
- (b) all other documents that:
 - (i) are made by the Islamic Organisation or come into the possession of the Islamic Organisation; and
 - (ii) are relevant to whether the Islamic Organisation complies with the applicable requirements of the Act and these Orders;

is retained for a minimum period of two years after the day the document is made by, or comes into the possession of, the Islamic Organisation.

Level 5 penal provision

Note 1 A level 5 penal provision means a person who is guilty of the relevant offence is punishable by a fine of 50 penalty units, see Regulation 4 of the *Export Control (Orders) Regulations 1982*.

Note 2 The *Criminal Code Act 1995* Part 7.7 (Forgery and related offences) contains offences relating to forgery and the falsification of documents.

Note 3 For further requirements for making records and keeping documents see Division III of Part 10 of these Orders.

Note 4 For the audit of the operations of the Islamic Organisation see Part 6 of these Orders. For the requirement to make documents available during an audit see order 59.

Note 5 For penal provisions applying to failures to give information or documents to an authorized officer or the Secretary see Part III, Division 7 of the Act.

Division III Islamic Organisation's approved arrangement

Application for approval of an arrangement

21.1 A person who is, or who is to be, in charge of the certification operations of an Islamic Organisation may give the Secretary an application for approval of an arrangement in respect of the certification operations.

21.2 The application must be accompanied by:

- (a) evidence that the Organisation is recognised by an importing country authority (being an importing country authority that requires a Halal certificate for the importation of Halal meat from Australia) as an Islamic Organisation for the purpose of engaging in operations for the certification of Halal meat; and
- (b) the name, address and relevant qualifications and experience of each person who is to be a relevant person; and
- (c) subject to Part VIIC of the *Crimes Act 1914*, particulars of any serious offence of each person who is to be a relevant person has been convicted; and
- (d) a copy of the arrangement.

Note For the meaning of *convicted* and *serious offence* see suborder 8.1.

- 21.3** The Secretary may by written notice given to the applicant require any other information that is necessary for the purposes of deciding whether to approve the arrangement.
- 21.4** The arrangement must:
- (a) cover all aspects of the Islamic Organisation's operations for certification of Halal meat; and
 - (b) document the system of controls used to ensure that the applicable requirements of the Act and these Orders are complied by the Organisation; and
 - (c) identify each of the applicable importing country requirements relating to the certification made; and
 - (d) document the system of controls used to ensure that the importing country requirements identified in paragraph 21.4(c) are complied with by the Organisation.

When the Secretary may approve an arrangement

- 22.1** The Secretary may by written notice given to the applicant approve the arrangement if the Secretary is satisfied that:
- (a) the Organisation is recognised by an importing country authority (being an importing country authority that requires a Halal certificate for the importation of Halal meat from Australia) as a Islamic Organisation for the purpose of engaging in operations for the certification of Halal meat; and
 - (b) the relevant persons have the knowledge, training, skills and experience to competently make the certifications; and
 - (c) the certifications will be objective, fair, accurate and complete; and
 - (d) the arrangement complies with subclause 21.4 of this Schedule; and
 - (e) compliance with the controls specified in the arrangement will ensure that:
 - (i) the applicable requirements of the Act and these Orders are complied with by the applicant; and
 - (ii) there is a sound basis for the Secretary to give any Halal certificate certified by the applicant; and
 - (f) the relevant persons will conduct the operations in a way that ensures that the matters specified in subparagraphs 22.1(e)(i) and 22.1(e)(ii) are complied with: and

- (g) the relevant persons are fit and proper persons having regard to the matters specified in order 47 of the *Prescribed Goods (General) Orders 1985*; and
- (h) the applicant either alone or jointly with another person does not owe to the Commonwealth any amount payable to the Department.

Note 1 For the meaning of **Department** see the *Acts Interpretation Act 1901* subsection 19A(3). (See also section 13 of the *Legislative Instruments Act 2003*.)

Note 2 For the meaning of **amount payable to the Department** and see suborder 8.1.

Note 3 For matters the Secretary may take into account for the purpose of being satisfied of matters specified in clause 22 see subclause 29.1.

- 22.2** The Secretary must not approve an arrangement if the Secretary has reasonable grounds to believe that to do so could result in trade in the export from Australia of goods being adversely affected.

Note For matters the Secretary may take into account for the purpose of being satisfied of matters specified in subclause 22.2 see subclause 29.2.

- 22.3** If the Secretary decides not to approve an arrangement the Secretary must give the applicant written notice of the decision.

- 22.4** The notice must:

- (a) set out the reasons for the decision; and
- (b) tell the applicant of his or her right to apply for reconsideration of the decision.

Note For reconsideration and review of the Secretary's decisions under this Division see Divisions I and II of Schedule 10.

Conditions

- 23.1** The Secretary may:
- (a) approve an arrangement subject to conditions specified in the notice of the approval; and
 - (b) by written notice given to the holder of the approved arrangement impose new conditions or vary or revoke the conditions.

- 23.2** The conditions of an approved arrangement must be for the purpose of ensuring that the matters specified in paragraphs 22.1(b), 22.1(c) and 22.1(e) of this Schedule are met.

Division IV Variation of Islamic Organisation's approved arrangement

All variations must be recorded

- 24.1** The holder of an Islamic Organisation's approved arrangement must ensure a record is made of each variation to its approved arrangement.

Level 2 penal provision

Note A level 2 penal provision means a person who is guilty of the relevant offence is punishable by a fine of 20 penalty units, see Regulation 4 of the *Export Control (Orders) Regulations 1982*.

Variations requiring approval before implementation

- 25.1** The holder of an Islamic Organisation's approved arrangement must ensure a proposed variation to an approved arrangement (or a proposed variation in combination with other variations) that has the potential to adversely affect:
- (a) the likelihood of compliance with the requirements of the Act and these Orders applying to the Organisation; or
 - (b) the accuracy and completeness of any Halal certificate certified by the Organisation; or
 - (c) an accurate assessment being made as to whether:
 - (i) there is compliance with requirements of these the Act and Orders; or
 - (ii) Halal certificates certified by the Organisation are accurate and complete; and
- is not implemented unless:
- (d) the Islamic Organisation applies in writing to the Secretary for approval to vary the arrangement; and
 - (e) the Secretary gives the Islamic Organisation a written notice approving the variation.

Level 5 penal provision

Note A level 5 penal provision means a person who is guilty of the relevant offence is punishable by a fine of 50 penalty units, see Regulation 4 of the *Export Control (Orders) Regulations 1982*.

- 25.2** The holder of an Islamic Organisation's approved arrangement must ensure that a proposed variation to an approved arrangement (or a proposed variation in combination with other variations) that identifies a relevant person or their functions (including as it designates a person who may make certifications) under these Orders is not implemented unless:
- (a) the Islamic Organisation applies in writing to the Secretary for approval to vary the arrangement; and
 - (b) the Secretary gives the Islamic Organisation a written notice approving the variation.

Level 5 penal provision

Note 1 A level 5 penal provision means a person who is guilty of the relevant offence is punishable by a fine of 50 penalty units, see Regulation 4 of the *Export Control (Orders) Regulations 1982*.

Note 2 Variations (including variations not covered by clause 25) need to be recorded (see clause 24 of this Schedule). Variations not covered by clause 25 are to be considered by the auditor at the time of audit.

Variations required by the Secretary

- 26.1** The Secretary may give the holder of an Islamic Organisation's approved arrangement a written notice requiring the holder to submit a variation of the Organisation's approved arrangement if:
- (a) an importing country requirement relating to the certification of Halal meat changes; or
 - (b) the Secretary is not satisfied that compliance with the controls specified in the approved arrangement will ensure that the matters specified in subparagraphs 22.1(e)(i) or 22.1(e)(ii) are met.
- 26.2** The notice must:
- (a) specify the variation required; and
 - (b) specify the period within which the variation must be submitted to the Secretary.
- 26.3** The Secretary may give the holder a written notice approving the variation submitted.

- 26.4** A person who:
- (a) is the holder of an Islamic Organisation's approved arrangement; and
 - (b) is given a notice under subclause 26.1;
must ensure the action specified in the notice is taken within the period specified.

When an arrangement includes a variation

- 27.1** Subject to subclause 27.2 an approved arrangement includes a variation to the arrangement.
- 27.2** An approved arrangement includes a variation of a kind referred to in clause 25 and subclause 26.2 only if the Secretary gives the holder of the approved arrangement a notice approving the variation in accordance with the requirements of paragraphs 25.1(e) or 25.2(b) or subclause 26.3 (as the case may be).

Division V Suspension and revocation of Islamic Organisation's approved arrangement

Suspension and revocation

- 28.1** The Secretary may, by giving the holder of an arrangement approved under subclause 22.1 of this Schedule written notice, suspend or revoke the approval of an approved arrangement if the Secretary is satisfied that:
- (a) a circumstance specified in paragraphs 22.1(a) to (h) of this Schedule does not exist; or
 - (b) a relevant person has, in an application or other document given to the Secretary or in a document or information required to be made or given under the Act, these Orders, the approved arrangement, or a condition of the approved arrangement made a statement that is:
 - (i) false, misleading, or incomplete; or
 - (ii) for which there is no sound basis for making the statement; or
 - (c) the holder of the approved arrangement has failed to consent to access to their business premises for the purpose of audit or has failed to provide the assistance referred to in order 59; or

- (d) the holder of the approved arrangement has failed to make available to an authorized officer a document that, under these Orders, the approved arrangement, or a condition of the approved arrangement the holder is required to keep; or
- (e) the Islamic Organisation ceases operations for the certification of Halal meat for a period of 6 months or longer.

Note For penal provisions relating to requirements to give information or documents to an authorized officer or the Secretary see Part III, Division 7 of the Act.

- 28.2** The Secretary must by giving the holder of an arrangement approved under subclause 22.1 of this Schedule written notice, revoke the approval of the approved arrangement if the Secretary has reasonable grounds to believe it is necessary to do so to prevent trade in the export from Australia of goods being adversely affected.
- 28.3** The Secretary may revoke the approval of an arrangement that is suspended on grounds that are the same as or similar to the grounds for the suspension.
- 28.4** The revocation or suspension has effect:
- (a) when written notice of it is given to the holder of the approved arrangement; or
 - (b) on a later day specified in the notice.

Matters the Secretary may take into account

- 29.1** Without limiting the matters the Secretary may take into account for the purpose of being satisfied of the matters specified in clauses 22 or 28 of this Schedule the Secretary may take into account any real or perceived conflict of interest.
- 29.2** Without limiting the matters the Secretary may take into account for the purpose of being satisfied of the matters specified in clauses 22 or 28 of this Schedule the Secretary may take into account all the circumstances of the production, certification and export of meat and meat products certified by the Islamic Organisation including the identity of the Islamic Organisation and the relevant persons, occupier and exporter concerned.

Notification of reasons, right to apply for reconsideration etc

- 30.1** If the Secretary suspends or revokes the approval of an arrangement, the Secretary must give the holder of the approved arrangement written notice of:
- (a) the reason for the suspension or revocation; and
 - (b) the holder's right to apply for reconsideration of the decision to suspend or revoke.
- 30.2** If the Secretary suspends the approval of an arrangement, the Secretary must also give the holder written notice of the period of suspension.
- 30.3** A period of suspension must not exceed 12 months and may be extended only if the total period does not exceed 12 months.
- Note For reconsideration of the Secretary's decision, see Divisions I and II of Part 10 of these Orders.

If grounds for suspension no longer exist

- 31.1** If the grounds on which the approval of an arrangement is suspended no longer exist, the Secretary may at the Secretary's discretion by giving written notice to the holder revoke the suspension.
- Note For reinstatement of approval of an arrangement see clause 36.

Revocation during suspension

- 32.1** The Secretary may revoke the approval of an arrangement that is suspended despite the fact that the period of suspension has not expired.

Termination at holder's request

- 33.1** The holder of an Islamic Organisation's approved arrangement may terminate the approved arrangement by giving the Secretary written notice of the termination.
- 33.2** The termination takes effect:
- (a) 7 days after the notice is given to the Secretary; or
 - (b) on a later day specified in the notice.

When approval lapses

- 34.1** If the holder of an Islamic Organisation's approved arrangement ceases to be the person who carries on the operations for the certification of Halal meat the approval of the arrangement lapses on the earlier of:
- (a) if the person gives the Secretary a written notice within 7 days after ceasing to be the person who carries on the operations —the day on which the notice is given to the Secretary; or
 - (b) the end of the period of 7 days after the day on which the person ceases to be the person who carries on the operations.

When approval ceases to have effect

- 35.1** The approval of an arrangement ceases to have effect if the approval is revoked, lapses or is terminated.
- 35.2** The approval of an arrangement ceases to have effect for the period of its suspension.

Reinstatement

- 36.1** If the grounds for which the approval of an arrangement is revoked no longer exist the Secretary may at the Secretary's discretion by giving written notice to the holder of the approved arrangement reinstate the approval of the arrangement.

Secretary may require the Islamic Organisation to take action

- 37.1** If the approval of an Islamic Organisation ceases to have effect the Secretary may, by giving the holder a written notice, require the action specified in the notice to be taken in respect of any of the following:
- (a) any official marks that are held by the Organisation;
 - (b) any export permits or government certificates the Secretary has issued or given to the holder and that are held by the Organisation.
- 37.2** The action specified in the notice must be action that is necessary to ensure that one or more of the objectives specified in suborders 3.1 and 3.2 is met.
- 37.3** A person who:

- (a) is the holder of an Islamic Organisation's approved arrangement; and
- (b) is given a notice under subclause 37.1;
must ensure the action specified in the notice is taken within the period specified.

Level 5 penal provision

Note A level 5 penal provision means a person who is guilty of the relevant offence is punishable by a fine of 50 penalty units, see Regulation 4 of the *Export Control (Orders) Regulations 1982*.

Part 4 Exports to the EU—HGP, identification and traceability

Division I General

Explanation

- 38.1** This Part contains the 'HGP free' requirements for meat and meat products and the animals from which they are derived where the meat and meat products are:
- (a) for export to a member state of the European Union; and
 - (b) are derived from an animal of the bovine species (other than an ineligible breeding bull or an ineligible breeding cow).

Interpretation

- 39.1** In this Part:
- accredited property* means a property accredited under subclause 51.1.
- animal identification tag* means a device that individually and permanently identifies the animal.
- bobby calf* means a calf weighing no more than 80 kg live weight or 40 kg dressed weight.
- EU-listed abattoir* means an abattoir that is listed by the European Commission for the purposes this Part.
- feedlot* means a place where animals are confined and fed high energy rations to maximise growth for the purpose of slaughter.

HGP (hormonal growth promotant) means a veterinary chemical product that:

(a) contains a substance that is, or a mixture of substances that are, responsible for oestrogenic, androgenic, gestagenic or thynostatic activity to enhance growth or production in cattle; and

(b) is registered for use for this purpose in Australia.

manager of a property means the person responsible for the day-to-day management of the property.

property means a farm, feedlot or saleyard.

tail tag means a device that identifies an animal as eligible for slaughter for meat and meat products for export to a member State of the European Union.

Division II Meat and meat products derived from cattle must be HGP free

Admission of animals

40.1 An animal of the bovine species (other than a bobby calf) must not be admitted at an establishment for slaughter for meat or meat products for export to a member State of the European Union unless at the time of admission:

- (a) the animal is identified with an animal identification tag; and
- (b) the animal has attached to its tail a tail tag; and
- (c) a declaration of the kind referred to in subparagraphs 52.1(f)(v) or 53.1(c)(iv) accompanies the animal.

Note 1 For the requirement for the occupier to make documents such as the declaration available to an authorized officer or approved auditor during an audit see order 59. For penal provisions applying to failures to give information or documents to an authorized officer or the Secretary see Part III, Division 7 of the Act.

Note 2 For requirements to take corrective action if the tail tag is missing (for example separation of the animal until its HGP status is confirmed) see clause 4 of Schedule 2.

Ante mortem inspection and slaughter

41.1 An animal of the bovine species (other than a bobby calf) must not be presented for ante mortem inspection or slaughtered for meat or

meat products for export to a member State of the European Union unless:

- (a) at the time of admission the requirements of paragraphs 40.1(a) and 40.1(b) are met; and
- (b) at the time of presentation or slaughter (as the case may be) the animal identification tag and tail tag have not been removed.

Animals must not be slaughtered unless they are HGP free

42.1 An animal of the bovine species must not be slaughtered for meat or meat products for export to a member State of the European Union if it has been treated with a HGP.

Meat and meat products must be HGP free

43.1 Meat and meat products for export to a member State of the European Union that are derived from an animal of the bovine species must be derived from an animal that has not been treated with a HGP.

When an animal is deemed to have been treated with a HGP

44.1 For the purposes of this Division an animal referred to in clauses 42 and 43 is deemed to have been treated with a HGP if:

- (a) the animal or its carcase or any of its carcase parts is identified as having been treated with a HGP by the application of a triangular ear punch referred to in paragraph 40.1(c); or
- (b) a marker indicative of treatment with a HGP is found during inspection of the animal or its carcase or carcase parts.

Division III Cattle sourcing, movement declarations and identification

Interpretation

45.1 In this Division:

animal means an animal of the bovine species for slaughter for meat and meat products for export to a member State of the European Union.

Sourcing

- 46.1** An establishment engaged in the slaughter of animals must source animals only from an accredited property for meat or meat products for export to a member State of the European Union.

Movement declarations

- 47.1** If an animal is treated with a HGP a declaration of the kind referred to in this Part must not be issued for the animal.

Tail tags

- 48.1** If an animal is treated with a HGP a tail tag may not be attached to the animal.

Note For the meaning of *tail tag* see clause 39.

Division IV Accreditation of properties

Application for accreditation

- 49.1** The manager of a property may apply to the Secretary in a form approved by the Secretary for accreditation of the property for the purposes of this Part.

What the application must contain

- 50.1** The application must contain the following information:
- (a) the name and postal address of the manager;
 - (b) for a property other than a saleyard—the property identifying code for the property;
 - (c) for a property other than a saleyard—any of the following information for the property:
 - (i) rates assessment number;
 - (ii) valuation number;
 - (iii) deposited plans;
 - (iv) parish names and Crown allotments;
 - (v) map attached to the application;
 - (vi) lot on a registered plan;

- (d) for a saleyard—the address of the property.

When the Secretary must accredit a property

- 51.1** The Secretary must accredit a property if:
- (a) the manager of the property gives the Secretary an application for accreditation containing the information required under clause 50; and
 - (b) for a property that is a farm—the Secretary is satisfied on consideration of the application, that no animal that is or will be held on the property has been or will be treated with HGP; and
 - (c) for a property that is not a farm—the Secretary is satisfied on consideration of the application, that no animal to which this Division applies that is or will be held on the property has been or will be treated with HGP.
- 51.2** If a requirement of paragraphs 51.1(a), 51.1(b) or 51.1(c) is not met the Secretary must refuse to accredit the property.
- 51.3** The Secretary is taken to be satisfied as to the matters referred to in paragraphs 51.1(b) or 51.1(c) if:
- (a) for a farm—the requirements of clause 52 are met; or
 - (b) for a feedlot—the requirements of clause 53 are met; or
 - (c) for a saleyard—the requirements of clause 54 are met.
- 51.4** The Secretary is taken to have refused to accredit the property if the Secretary does not decide the application within 30 days after the day the Secretary receives it.

Farm requirements

- 52.1** For paragraph 51.3(a) the requirements for a farm are that:
- (a) the property must have a property identification code allocated by the State or Territory authority responsible for stock identification in the State or Territory where the property is located; and
 - (b) each animal of the bovine species at the property must have an animal identification tag approved by the Secretary attached to it by the earliest occurring of:
 - (i) weaning;

- (ii) consignment to an accredited property or an EU-listed abattoir;
 - (iii) 12 months after the property is entered on the accredited property register; and
- (c) each animal of the bovine species admitted to the property must:
 - (i) be identified with an animal identification tag approved by the Secretary and can be traced to the property from which it came; and
 - (ii) be accompanied by an original declaration of the kind referred to in subparagraphs 52.1(f)(v); and
- (d) each animal of the bovine species (other than a ineligible breeding bull or an ineligible breeding cow bull or bobby calf) for slaughter for meat or meat products for export to a member State of the European Union consigned from the property to an EU-listed abattoir or accredited saleyard must have a tail tag attached to its tail; and
- (e) a record must be made of:
 - (i) all transactions and movements of animals of bovine species including records of animals born, admitted to the property and moved from the property; and
 - (ii) the number of animal identification tags purchased for use on the property; and
 - (iii) the number of animal identification tags that have been lost or stolen, including details of the loss or theft; and
 - (iv) all other matters necessary to demonstrate that the requirements of paragraphs 52.1(b), 52.1(c) and 52.1(d) are met; and
- (f) the manager must give to the Secretary, written undertakings:
 - (i) not to use a HGP on any animals that are, or will be, held on the property; and
 - (ii) that it can be established that all animals of the bovine species for slaughter for meat or meat products for export to a member State of the European Union that are or will be, held on the property are or will be animals that have not been treated with a HGP; and
 - (iii) to receive animals of the bovine species (other than ineligible breeding bulls, ineligible breeding cows) only from another accredited property; and

- (iv) to receive ineligible breeding bulls, ineligible breeding cows from a non accredited property only with the approval of the Secretary; and
- (v) for each consignment of animals of the bovine species for slaughter for meat or meat products for export to a member State of the European Union leaving the property to go to another accredited property or an EU-listed abattoir—to give to the consignee a declaration in a form approved by the Secretary for the purposes of this Part and signed by a person who is designated in the consigning property's accreditation as a person who may sign the declaration; and
- (vi) to ensure that clause 47 is complied with in relation to declarations given under subparagraph 52.1(f)(iv); and
- (vii) to ensure that clause 48 is complied with in relation to tail tags applied to animals at the property; and
- (viii) to keep each document made or received (including copies of declarations referred to in subparagraph 52.1(f)(iv) made or received) that are relevant to show at audit whether there is continuing compliance with the requirements of clause 52 for a period of two years after the document is made or received by the manager as the case may be; and
- (g) the manager must agree to give consent to an officer of the European Commission to enter the property for the purposes of the Act.

Feedlot requirements

53.1 For paragraph 51.3(b) the requirements for a feedlot are that:

- (a) the property must have a property identification code allocated by the State or Territory authority responsible for stock identification in the State or Territory where the feedlot is located; and
- (b) the manager of the property must have a management system in place that ensures that:
 - (i) all animals of the bovine species held on the property can be traced and identified; and
 - (ii) all animals of the bovine species for slaughter for meat or meat products for export to a member State of the

- European Union are kept separate at all times from other animals held on the property; and
- (iii) each animal of the bovine species for slaughter for meat or meat products for export to a member State of the European Union that is admitted to the property is identified by an animal identification tag and can be traced to the property from which it came; and
 - (iv) each animal of the bovine species for slaughter for meat and meat products for export for to a member State of the European Union that is admitted has a tail tag attached to its tail and is accompanied by an original declaration of the kind referred to in subparagraphs 52.1(f)(v) or 53.1(c)(iv); and
 - (v) a record is made of all transactions and movements of animals of bovine species including records of all animals of the bovine species admitted to the property and moved from the property; and
 - (vi) a record is made of the number of animal identification tags purchased for use on the property; and
 - (vii) a record is made of the number of animal identification tags that have been lost or stolen, including details of the loss or theft; and
 - (viii) a record is made of all other matters necessary to demonstrate that the requirements of subparagraphs 53.1(b)(i) to 53.1(b)(iv) are met; and
- (c) the manager must give to the Secretary, the following written undertakings:
- (i) not to use a HGP on any animals to which this Division applies that are, or will be, held on the property; and
 - (ii) that it can be established that the all animals of the bovine species for slaughter for meat or meat products for export to a member State of the European Union that are or will be, held on the property are or will be animals for which have not been treated with a HGP; and
 - (iii) to move an animals of the bovine species for slaughter for meat or meat products for export to a member State of the European Union to the property only from another accredited property; and

- (iv) for each consignment of animals of the bovine species for slaughter for meat or meat products for export to a member State of the European Union that leaves the property to go to another accredited property or an EU-listed abattoir—to give to the consignee a declaration in a form approved by the Secretary for this Division and signed by a person who is designated in the consigning property's accreditation as a person who may sign the declaration; and
 - (v) to ensure that clause 47 is complied with in relation to declarations given under subparagraphs 53.1(c)(iv); and
 - (vi) if any tail tags are applied to animals at the property—to ensure that clause 48 is complied with; and
 - (vii) to keep each document made or received (including copies of declarations referred to in subparagraphs 52.1(f)(v) or 53.1(c)(iv)) that are relevant to show at audit whether there is continuing compliance with the requirements of clause 53 for a period of two years after the document is made or received by the manager as the case may be; and
- (d) if animals of the bovine species for slaughter for meat or meat products for export to a member State of the European Union are sold the National Livestock Identification System Database must be notified at the time of sale of the new ownership details of the animals; and
 - (e) the manager must agree to give consent to an officer of the European Commission to enter the property for the purposes of the Act.

Saleyard requirements

54.1 For paragraph 51.3(b) the requirements for a saleyard are that:

- (a) the manager of the property must have a management system in place that ensures that:
 - (i) all animals of the bovine species for slaughter for meat and meat products for export for to a member State of the European Union are kept separate at all times from other animals held on the property; and
 - (ii) each animal of the bovine species for slaughter for meat and meat products for export for to a member State of

- the European Union that is admitted to the property for sale is individually identified, has a tail tag attached to its tail and is accompanied by an original declaration of the kind referred to in subparagraphs 52.1(f)(v) or 53.1(c)(iv); and
- (iii) compliance with this Division by all users of the saleyard is monitored; and
- (b) the manager must give to the Secretary the following undertakings:
- (i) to confirm the status of animals to which a declaration referred to in subparagraphs 53.1(d)(v) or 54.1(d)(v) applies using the National Livestock Identification System Database;
 - (ii) to keep records of the sale of each animal of the bovine species for slaughter for meat or meat products for export to a member State of the European Union for 2 years after the sale;
 - (iii) if an animal of the bovine species for slaughter for meat or meat products for export to a member State of the European Union is sold—to ensure that the National Livestock Identification System Database is notified at the time of sale of the new ownership details of the animals;
 - (iv) to keep each document made or received (including copies of declarations referred to in subparagraphs 52.1(f)(v) or 53.1(c)(iv)) that are relevant to show at audit whether there is continuing compliance with the requirements of clause 54 for a period of two years after the document is made or received by the manager as the case may be.

Accredited property register

- 55.1** If the Secretary approves the application, the Secretary must:
- (a) enter the property on the accredited property register; and
 - (b) by giving the manager written notice tell the manager of the property when the entry is made.

Period of accreditation

- 56.1** The accreditation has effect for a period of 12 months after the day the Secretary enters the property on the accredited property register unless the accreditation ceases to have effect in accordance with clause 58.
- 56.2** If the Secretary is satisfied as to the matters specified in clause 51 the Secretary may, on receiving a written application made by the manager of an accredited property, renew the accreditation.
- 56.3** An accreditation of a property that is renewed:
- (a) takes effect when the Secretary gives the manager of the property written notice of the renewal; and
 - (b) continues to have effect indefinitely unless the accreditation ceases to have effect in accordance with clause 58.

Inspection of accredited properties

- 57.1** The Secretary may arrange for on-site inspections of accredited properties, including inspection of records and testing to determine whether any animals have been treated with HGP, by officers acting within their powers under the Act.

Note For enforcement powers see Part 7 of Division III of the Act.

How does accreditation end

- 58.1** The accreditation of a property ceases to have effect on the day the Secretary receives written notice from the manager of the property withdrawing the property from accreditation.
- 58.2** The accreditation of a property ceases to have effect if the manager to whom written notice is given under clause 55 ceases to operate the property.
- 58.3** The Secretary may by written notice given to the manager revoke the accreditation of a property if:
- (a) the manager of the property has not complied with an undertaking made for this Division; or
 - (b) the Secretary is no longer satisfied in relation to the property as to a matter referred to in paragraphs 51.1(b) or 51.1(c); or

- (c) manager has failed to make available to an authorized officer a document that, under these Orders the manager is required to keep; or
- (d) the manager has failed to consent to the access to the property by an authorized officer for purpose of performing functions under these Orders.

58.4 The revocation has effect:

- (a) when notice of it is given to the manager; or
- (b) on a later day specified in the notice.

Notice to be given to the manager

59.1 If the Secretary decides:

- (a) not to accredit a property or not to renew the accreditation of a property; or
 - (b) to revoke the accreditation of an accredited property;
- the Secretary must give the manager a written notice of the decision.

59.2 The notice must:

- (a) set out the reasons for the decision; and
- (b) tell the manager of his or her right to apply for reconsideration of the decision.

Note For reconsideration of the Secretary's decision see Divisions I and II of Part 10 of these Orders.

Schedule 8 Export Documentation

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Part 1 Export permits

Division I Application for an export permit

Application

- 1.1** An application for an export permit to export meat or meat products must be:
- (a) made by or on behalf of the person who intends to export the meat or meat products; and
 - (b) in the form approved by the Secretary for making applications for the export of meat or meat products of that kind; and
 - (c) given to the Secretary.

Note 1 For the meaning of *export permit* see suborder 8.1.

Note 2 For how application are given electronically see Part 3 of this Schedule.

- 1.2** The application must contain the following information:
- (a) the name and address in Australia of the person who intends to export the meat or meat products;
 - (b) the registration number of the establishments at which the meat or meat products were prepared (other than merely handled or loaded);
 - (c) the dates on which the meat or meat products were prepared (other than merely stored, handled or loaded);
 - (d) the country of origin of the meat or meat products;
 - (e) the name and address of the consignee, or the words "to order";
 - (f) the intended port of loading of the meat or meat products;
 - (g) the intended date of departure of the ship or aircraft onto which the meat or meat products are to be loaded;
 - (h) the airline flight number or the name of the ship and the voyage number;
 - (i) the intended port of discharge of the meat or meat products;
 - (j) the country that is the intended final destination of the meat or meat products;
 - (k) the net contents of the meat or meat products and number and type of packages (if any) in which the meat or meat products are packed;

- (l) a full description of the meat or meat products including storage conditions (ie whether they are chilled, frozen or shelf stable);
- (m) any other information required by the Secretary.

Exporter's declaration

2.1 An application for an export permit must contain a declaration that all information given in the application is true and complete.

Note The *Criminal Code Act 1995* Part 7.4 (False or misleading statements) contains offences for false and misleading statements made to a Commonwealth entity. See also order 52.

Division II Verification of compliance

Verification of compliance performed by an authorized officer

3.1 If:

- (a) a notice of intention in the form approved by the Secretary to export meat and meat products and an application for an export permit for the meat and meat products is given to the Secretary; and
- (b) an authorized officer has reasonable grounds to believe that:
 - (i) the conditions and restrictions on export specified in Part 4 of these Orders that must be satisfied before the meat and meat products may be exported from Australia are complied with; and
 - (ii) the importing country requirements for the meat and meat products are complied with;

the officer may give a written verification of the matters referred to in paragraph 3.1(b).

Note 1 For the meaning of *notice of intention* see suborder 8.1. See also sections 6, 7 and 15(1A) of the Act.

Note 2 For suspension or revocation of the approved arrangement see clause 20 of Schedule 1 if the matters specified in subparagraphs 3.1(b)(i) and 3.1(b)(ii) are not complied. For dispositions applied by an authorized officer if for example meat and meat products are found to have deteriorated see order 70 and Division II of Part 1 of Schedule 5.

Inspections, examinations and sampling

- 4.1** An authorized officer may conduct such inspections, and examinations and take such samples as are necessary for the purposes of verifying compliance with the matters specified in subparagraphs 3.1(b)(i) and 3.1(b)(ii).

Verification of compliance performed by an establishment

- 5.1** If a person who manages or controls operations at the establishment at which meat or meat products are last prepared before export:

- (a) inspects the meat or meat products; and
- (b) there are reasonable grounds to believe that the matters specified in subparagraphs 3.1(b)(i) and 3.1(b)(ii) are complied with in relation to the meat or meat products;

the person may, for the purposes of an application for an export permit for the meat or meat products, give the Secretary a written verification to this effect.

- 5.2** Subclause 5.1 applies only if the approved arrangement:

- (a) provides for procedures for inspection of the meat and meat products and for verification of compliance for the purpose of applications for export permits; and
- (b) designates the person as a person who may make such a verification.

Note If it is an importing country requirement that inspection and verification arrangements be conducted only by authorized officers this needs to be set out in the approved arrangement, see clause 11 of Schedule 2.

- 5.3** The verification must:

- (a) be signed by the maker and dated; and
- (b) state that all the information given is true and complete.

- 5.4** The verification must not:

- (a) be false or misleading; or
- (b) be given if there is no sound basis for the verification.

Note 1 For suspension or revocation of the approved arrangement if these requirements are not complied with see clause 20 of Schedule 1.

Note 2 For criminal penalties applying to persons who make false or misleading statements to a Commonwealth entity see the *Criminal Code Act 1995* Part 7.4 (False or misleading statements).

Note 3 For how the verification is to be given electronically see Part 3 of this Schedule.

Division III Permission to export

Permits given by the Secretary

- 6.1** The Secretary may give the person named in an application for an export permit as the exporter of meat or meat products a permit for the export of the meat or meat products if all of the following circumstances exist:
- (a) a notice of intention to export the meat and meat products is given to the Secretary and an authorized officer has had an opportunity to inspect the meat and meat products if required; and
 - (b) the application given contains the information specified in subclause 1.2 of this Schedule; and
 - (c) a verification referred to in clauses 3 or 5 of this Schedule is made or given to the Secretary (as the case may be); and
 - (d) the Secretary is satisfied that the conditions and restrictions on export specified in Part 4 of these Orders that must be satisfied before the meat and meat products may be exported from Australia are complied with; and
 - (e) the Secretary is satisfied that that the information given to the Secretary in, or in connection with the application for the permit is accurate and complete and that there is a sound basis for the information.

Note 1 For the prohibition on granting an export permit if certain amounts required to be paid under the *Export Inspection and Meat Charges Act 1985* are outstanding, see section 12 of that Act.

Note 2 For when an export permit may not be granted and when there may be revocation of an export permit (including revocation if importing country requirements are not met or if trade could be adversely affected) see clause 8 and subclause 10.3 of this Schedule.

Note 3 For how an export permit is given electronically see Part 3 of this Schedule.

- 6.2** Subclause 6.1 does not apply if a permit is generated as described in subclause 7.1 of this Schedule.

Automated export permits

- 7.1** This provision applies if the export permit is an electronic notice generated as a result of the operation of a computer operating system specified in paragraph 16.1(a) of this Schedule.
- 7.2** An export permit for meat or meat products may be given to the person named in the application as the exporter of the meat or meat products.
- 7.3** The Secretary must take all reasonable steps to ensure that the computer system does not result in the grant of export permits for meat or meat products unless there are reasonable grounds to believe that:
- (a) a notice of intention to export the meat and meat products is given to the Secretary and an authorized officer has had an opportunity to inspect the meat or meat products if required; and
 - (b) the application for an export permit for the meat or meat products contains the information specified in subclause 1.2 of this Schedule; and
 - (c) a verification referred to in clauses 3 or 5 of this Schedule is made or given to the Secretary (as the case may be) for the meat or meat products; and
 - (d) the conditions and restrictions on export specified in Part 4 of these Orders that must be satisfied before the meat and meat products may be exported from Australia are complied with; and
 - (e) the information given to the Secretary in, or in connection with, the application for the permit is accurate and complete and there is a sound basis for the information.

Note 1 For the prohibition on granting an export permit if certain amounts required to be paid under the *Export Inspection and Meat Charges Act 1985* are outstanding, see section 12 of that Act.

Note 2 For when an export permit may not be granted and for revocation of an export permit (including revocation if importing country requirements are not met or if trade could be adversely affected) see clause 8 and subclause 10.3 of this Schedule.

- 7.4** A permit given under this clause is taken to be given by the Secretary.

Note For how an export permit is given electronically see Part 3 of this Schedule.

Restrictions on giving an export permit

- 8.1** An export permit must not be given under clause 6 or 7 for meat or meat products if the Secretary has reasonable grounds to believe that:
- (a) a condition or disease that could affect the acceptability of meat or meat products to the importing country is present in Australia; or
 - (b) the export of the meat or meat products could result in trade in the export from Australia of goods being adversely affected.
- 8.2** An export permit need not be given under clause 6 or 7 for meat or meat products if the Secretary has reasonable grounds to believe that:
- (a) an importing country requirement for the meat and meat products is not complied with; or
 - (b) the exporter has failed to consent to the access to the exporter's business premises for the purpose of audit or has failed to provide the assistance referred to in order 59; or
 - (c) the exporter has failed to comply with the requirements of Part 5 of these Orders or order 78.

Allocation of permit number

- 9.1** The Secretary must take all reasonable steps to ensure that the permit is allocated a unique identifying number at the time it is generated.

Variation and revocation of a permit

- 10.1** The Secretary may, at the written request of the person identified in the application for the permit as the exporter, vary an export permit to:
- (a) correct any error; or
 - (b) update the information;
- on the face of the permit.

Note For how a notice is to be given see Part 3 of this Schedule.

- 10.2** The Secretary may revoke a permit for the export of meat and meat products by giving a notice to the person identified in the application for the permit as the exporter of the meat or meat products.

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- 10.3** The notice of revocation may be given if the Secretary has reasonable grounds to believe that:
- (a) a condition or restriction on export specified in Part 4 of these Orders that must be satisfied before the meat and meat products may be exported from Australia is not complied with; or
 - (b) an importing country requirement for the meat and meat products is not complied with; or
 - (c) there is a risk the meat or meat products have deteriorated or are likely to deteriorate or are, or are likely to be, unwholesome; or
 - (d) the intention to export the meat or meat products is abandoned; or
 - (e) information given to the Secretary in relation to the meat or meat products is inaccurate or incomplete or does not have a sound basis; or
 - (f) a condition or disease that could affect the acceptability of meat or meat products to the importing country is present in Australia; or
 - (g) the export of the meat or meat products could result in trade in the export from Australia of goods being adversely affected.

Note For how a notice of revocation is to be given see Part 3 of this Schedule.

When an export permit ceases to have effect

- 11.1** An export permit ceases to have effect:
- (a) when it is revoked; or
 - (b) in any other case—at the end of a period of 28 days after it is issued.

Notice to comply given by authorized officer prevails

- 12.1** If an export permit is inconsistent with:
- (a) a notice requiring action to be taken given by an authorized officer under order 76; or
 - (b) a disposition applied by an authorized officer in accordance with these Orders;
- the permit is, to the extent of the inconsistency, of no effect.

Note For dispositions see orders 69 and 70 and Division II of Part 1 of Schedule 5.

Part 2 Government certificates

Application for a government certificate

- 13.1** An application for the issue of a government certificate must:
- (a) be given to the Secretary; and
 - (b) be in the form that is approved by the Secretary; and
 - (c) specify the importing country requirements for which certification is required; and
 - (d) contain any other information required by the Secretary.

Note 1 The need to make an application may be satisfied in many cases by satisfying the requirement to give the information in clause 1.2 of this Schedule. Section 23 of the Act anticipates an application is to be made.

Note 2 The *Criminal Code Act 1995* Part 7.4 (False or misleading statements) contains offences for making false and misleading statements.

Note 3 For when the approved arrangement must identify the importing country requirements for which certification is required see clause 11 of Schedule 2.

Issue of government certificate

- 14.1** The Secretary may issue a government certificate for meat or meat products to be imported to a country if the Secretary is satisfied that the following are complied with:
- (a) the conditions and restrictions on export specified in Part 4 of these Orders that must be satisfied before the meat and meat products may be exported from Australia; and
 - (b) the importing country requirements for the meat and meat products; and
 - (c) any matters specified on the certificate concerning meat and meat products of the kind that are to be exported.

Note 1 For the meaning of *importing country requirement* see suborder 8.1.

Note 2 For how the certificate may be given electronically by the Secretary see Part 3 of this Schedule.

Restrictions on issuing a government certificate

- 15.1** A government certificate for meat or meat products must not be issued under clause 14 of this Schedule if the Secretary is satisfied that:
- (a) an export permit has not been given for the meat or meat products or the permit given has ceased to have effect; or
 - (b) information given to the Secretary in, or in connection with the application for the certificate is inaccurate or incomplete or does not have a sound basis; or
 - (c) a condition or disease that is likely to affect the acceptability of meat and meat products to the importing country is present in Australia; or
 - (d) the export of the meat or meat products could result in trade in the export from Australia of goods being adversely affected.

Note For cancellation of a government certificate by the Secretary see subsection 23(3) of the Act

- 15.2** The Secretary may issue a government certificate under clause 14 for meat and meat products prepared for export under State and Territory inspection and audit arrangements only if the Secretary is satisfied that:
- (a) the approved arrangement for the meat and meat products provides for the preparation of meat and meat products of that kind under State and Territory inspection and audit arrangements; and
 - (b) the importing country authority specifies in writing it will accept the importation of meat and meat products of that kind that are prepared under State and Territory inspection and audit arrangements.

Note For the meaning of *State and Territory inspection and audit arrangement* see suborder 8.1.

- 15.3** A government certificate need not be issued for meat and meat products under clause 14 if the Secretary is satisfied that:
- (a) the exporter of the meat and meat products has failed to consent to the access to the exporter's business premises for the purpose of audit or has failed to provide the assistance referred to in order 59; or
 - (b) the exporter has failed to comply with the requirements of Part 5 of these Orders or order 78.

Part 3 Giving information or documents about exports

Specifications for systems used in transmissions

- 16.1** For the purposes of section 24A of the Act:
- (a) the computer operating system under the control of the Secretary and known as the EXDOC Operating System is the computer operating system for use for giving documents or information in relation to the export of meat or meat products; and
 - (b) the software system under the control of the Secretary and known as the EXDOC Exporter Software Interface System is the software interface system for use for giving documents or information in relation to the export of meat or meat products; and
 - (c) a software operating system listed in the document entitled *Approved EXDOC Interface Software Suppliers* for use for giving documents or information in relation to the export of meat or meat products is a software operating system for that purpose.

Note For the *Approved EXDOC Interface Software Suppliers* see <http://www.aqis.gov.au/EXDOC>.

- 16.2** The following must be given electronically by being transmitted using the systems specified in subclause 16.1:
- (a) a notice of intention;
 - (b) an application for an export permit;
 - (c) an amendment of an application for an export permit;
 - (d) an application for a government certificate;
 - (e) a verification referred to in clauses 3 or 5 of this Schedule;
 - (f) an export permit;
 - (g) a revocation of an export permit;
 - (h) a government certificate.
- 16.3** If a person has a disability, or a particular disability, the Secretary must take reasonable steps to ensure:
- (a) the person has equal opportunity in relation to giving or issuing of documents referred to in subclause 16.2; and
 - (b) the special needs the person may have in relation to giving the documents are met.

Note 1 For the meaning of *disability* see suborder 8.1.

Note 2 For when a document or information that is transmitted in accordance with the specifications outlined in this clause is taken to be given see section 24A of the Act.

If the system is inoperative

- 17.1** If a system described in subclause 16.1 of this Schedule is inoperative, the information must be given in the manner specified by the Secretary in writing.

Specifications for transmissions to a person other than the Secretary

- 18.1** An electronic transmission made to a person (other than the Secretary) must be transmitted to the person as identified by the identifying code given to the person under clause 21 of this Schedule.

Authentication specifications for other transmissions

- 19.1** An electronic transmission made to the Secretary by a person must be authenticated by transmitting the identifying code given to the person under clause 21 of this Schedule.

Requirements are specifications for the purposes of the Act

- 20.1** The requirements specified in clauses 16 to 19 (inclusive) of this Schedule are specifications for the purposes of section 24A of the Act.

Allocation of user identifying code

- 21.1** The Secretary must take all reasonable steps to ensure that the person is given an identifying code for use in electronic transmissions under this Schedule.

Schedule 9 Approval of auditors

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Part 1 Approved auditors

Division I Register of approved auditors

Secretary must keep a register

1.1 The Secretary must keep a register of approved auditors.

Note For the meaning of *approved auditor* see suborder 8.1.

1.2 The register must contain the following information about each approved auditor:

- (a) the auditor's name;
- (b) whether the approval is for approval as an approved auditor of:
 - (i) operations for the preparation of meat and meat products for export for food; or
 - (ii) operations for the export of meat and meat products for food; or
 - (iii) operations for the certification of meat and meat products; and
- (c) if the approval is for approval as an approved auditor of operations for the preparation of meat and meat products for export for food—any limitations of the kind specified in paragraph 5.3(b) of this Schedule.

1.3 The Secretary must ensure that the register can be readily accessed by members of the public.

Division II Approval of auditors

Application for approval

2.1 An individual may make a written application for approval as an approved auditor of:

- (a) operations at an establishment engaged in the production of meat and meat products for export for food; or
- (b) operations for the export of meat and meat products for food; or
- (c) operations for the certification of meat and meat products.

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- 2.2** The application must be given to the Secretary and must be accompanied by:
- (a) evidence of the applicant's qualifications; and
 - (b) details of the applicant's experience relevant to the work of an auditor; and
 - (c) documented procedures for the conduct of audits by the applicant.
- 2.3** The application for approval as an approved auditor of operations for the preparation of meat and meat products:
- (a) must specify that approval of the applicant is sought for the audit of compliance with all of the following:
 - (i) all of the applicable requirements of the Act and these Orders;
 - (ii) all requirements of approved arrangements and their conditions;
 - (iii) all importing country requirements;for all aspects of the preparation of all meat and meat products at all establishments preparing meat and meat products for export for food; or
 - (b) must specify:
 - (i) the requirements; and
 - (ii) the aspects of preparation; and
 - (iii) the meat and meat products; and
 - (iv) the establishments (including industries or industry sectors) of a particular kind;in relation to which the approval of the auditor is sought.

Request for information, documents or assessment

- 3.1** The Secretary may, by giving the applicant written notice, ask the applicant to do any of the following that the Secretary reasonably requires in order to decide the application:
- (a) provide further specified information or documents;
 - (b) submit to assessment (including by interview, audit or written examination, or any combination of these ways).

Decision by the Secretary

- 4.1** The Secretary must decide the application within 30 days of receiving the application (not including any period between the Secretary making a request under clause 3.1 and the applicant meeting the request).

Approval by the Secretary

- 5.1** The Secretary may, by written notice given to the applicant, approve the applicant as an auditor if the Secretary is satisfied that:
- (a) the applicant is a fit and proper person having regard to the matters specified in order 47 of the *Prescribed Goods (General) Orders 1985*; and
 - (b) the applicant has the necessary knowledge, training, skills and experience to competently carry out audits of the kind for which approval is sought; and
 - (c) audits conducted by the applicant will be objective, independent, fair and accurate and, unless stated otherwise in the audit report, will be complete; and
 - (d) the applicant will comply with the requirements of Division II of Part 6 of these Orders; and
 - (e) the applicant will comply with documented procedures for the conduct of audits that are necessary to ensure:
 - (i) the matters specified in paragraphs 5.1(c) and 5.1(d) are met; and
 - (ii) an accurate assessment can be made of whether the matters specified in paragraphs 5.1(c) and 5.1(d) are met.
- 5.2** Without limiting the matters the Secretary may take into account for the purpose of being satisfied of the matters specified in subclause 5.1, the Secretary may take into account any real or perceived conflict of interest that could arise if the applicant was to be approved.
- 5.3** The notice of approval of an approved auditor of operations for the preparation of meat and meat products:
- (a) must specify that the approval is for the audit of compliance with all of the requirements of paragraph 2.3(a) for all aspects of the preparation of all meat and meat products at all establishments preparing meat and meat products for export for food; or

-
- (b) must specify:
- (i) the requirements; and
 - (ii) the aspects of preparation; and
 - (iii) the meat and meat products; and
 - (iv) the establishments (including industries or industry sectors) of a particular kind;
- in relation to which the approval is given.

When the Secretary need not approve an auditor

- 6.1** The Secretary need not approve the applicant as an auditor if the applicant:
- (a) either alone or jointly with another person owes to the Commonwealth any amount payable to the Department; or
 - (b) has, in an application or other document given to the Secretary, or in a document or information required to be made or given under the Act or these Orders, made a statement that is:
 - (i) false, misleading, or incomplete; or
 - (ii) for which there is no sound basis for making the statement.

Note For the meaning of *amount payable to the Department* see suborder 8.1.

Notice of decision

- 7.1** If the Secretary decides not to approve the applicant as an approved auditor the Secretary must give the applicant written notice of the decision.
- 7.2** The notice must:
- (a) set out the reasons for the decision; and
 - (b) tell the applicant of his or her right to apply for reconsideration of the decision.

Note For reconsideration and review of decisions see Divisions I and II of Part 10 of these Orders.

Approval may be subject to conditions

- 8.1** The Secretary may:

-
- (a) approve a person as an approved auditor subject to conditions specified in the notice of approval; and
 - (b) by written notice given to the approved auditor impose new conditions or vary or revoke the conditions.

8.2 The conditions must be for the purpose of ensuring that the matters specified in paragraphs 5.1(b) to 5.1(e) of this Schedule are met.

How long approval lasts

9.1 The approval of a person as an auditor has effect on and from:

- (a) the day stated in the notice given under subclause 5.1 of this Schedule as the day of commencement of approval; or
- (b) if no day is so specified—on and from the day that the notice is given to the person.

9.2 However, if the auditor must pay a fee under the *Export Control (Fees) Orders*, the approval does not begin to have effect until the fee is paid.

9.3 The approval of a person as an auditor ceases to have effect:

- (a) at the end of 12 months after the day specified in subclause 9.1 as the day the approval takes effect; or
- (b) when it is revoked;

which ever occurs first.

Note For revocation see clause 11 of this Schedule.

Assessing the competence of approved auditor

10.1 The Secretary may assess the competence of an approved auditor, as often as the Secretary thinks necessary.

10.2 Without limiting subclause 10.1 the assessment may include:

- (a) the examination of reports made by the auditor in the course of auditing operations under these Orders; and
- (b) the audit of at least 1 operation that is audited under these Orders within the previous 6 months by the auditor; and
- (c) observing the auditor while he or she is conducting an audit.

Division III Revocation of approval of auditor**Revocation**

- 11.1** The Secretary may by written notice to a person revoke their approval as an approved auditor if the Secretary has reasonable grounds to believe that:
- (a) the applicant is not a fit and proper person having regard to the matters specified in order 47 of the *Prescribed Goods (General) Orders 1985*; or
 - (b) the person does not have the necessary knowledge, training, skills and experience to competently carry out audits of the kind for which approval is given or the person fails to show reasonable competence in audit work; or
 - (c) an audit conducted or an audit report prepared by the person is not objective, independent, fair or accurate, or is incomplete (and the audit report fails to give reasons why the audit is incomplete); or
 - (d) the person has failed to comply with a requirement of Division II of Part 6 of these Orders or a condition of the approval; or
 - (e) the person has in application or other document given to the Secretary or in a document or information required to be made or given under the Act or these Orders, made a statement that is:
 - (i) false, misleading, or incomplete; or
 - (ii) for which there is no sound basis for making the statement.
- 11.2** Without limiting the matters the Secretary may take into account for the purpose of forming a view as to the matters specified in subclause 11.1, the Secretary may take into account any real or perceived conflict of interest.
- 11.3** The revocation has effect:
- (a) when written notice of it is given to the auditor concerned; or
 - (b) on a later day specified in the notice given.
- 11.4** The Secretary must give the person concerned written notice of:
- (a) the reasons for the revocation; and
 - (b) the person's right to apply for reconsideration of the decision.
- Note For reconsideration and review of decisions see Divisions I and II of Part 10 of these Orders.

Schedule 10 Provision of services of authorized officers

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Part 1 Slaughter floor and ancillary meat inspection services

Application for inspection services

- 1.1** The occupier of a registered establishment must, at least one month before commencing or recommencing export operations in connection with the preparation of meat and meat products at the establishment, in a form approved by the Secretary:
- (a) notify the Secretary of the intended operations of the establishment including details of months, weeks, days and hours of operation, number of chains and chain speeds for each species of animals; and
 - (b) apply for inspection services.
- 1.2** If an occupier of a registered establishment does not comply with subclause 1.1, no inspection services are to be allocated to that establishment.

Note 1 For the meaning of *inspection services* see suborder 8.1.

Note 2 If the presence of an authorized officer is required, production must not commence until an authorized officer is present, see order 75.

Allocation of inspection services

- 2.1** The Secretary must determine the preliminary allocation of inspection services for a particular registered establishment having had regard to the following:
- (a) the overall requirements of the industry for inspection services;
 - (b) Australia's international obligations;
 - (c) any staffing formula agreed to by the Department and the relevant union or unions of authorized officers;
 - (d) the matters referred to in Part 18 of the *Prescribed Goods (General) Orders 1985*;
 - (e) the construction of the particular registered establishment;
 - (f) the intended operations of the particular registered establishment.

2.2 Subject to this clause, inspection services may be allocated on an annual basis, on a monthly basis, on a weekly basis or on any combination of these bases.

2.3 Subject to this clause, ancillary inspection services may be allocated on an annual basis, on a monthly basis, on a weekly basis, on a daily basis, on an hourly basis or on any combination of these bases.

Note For the meaning of *ancillary inspection services* see suborder 8.1.

2.4 For the purposes of these Orders, an annual allocation can only be made to a registered establishment which operates for 10 months in the twelve month period 1 July in any year to 30 June in the following year.

Notification of preliminary determination

3.1 The Secretary must give the occupier of the registered establishment written notice of the Secretary's preliminary determination of the allocation of inspection services and, as appropriate and necessary, shall advise the occupier of ways in which the occupier could reduce his or her requirement for inspection services.

Agreed preliminary determination

4.1 If the occupier accepts the Secretary's preliminary determination, the Secretary and the occupier must complete a memorandum of agreed intent in the form approved by the Secretary.

Disputed preliminary determination

5.1 If the occupier does not accept the Secretary's preliminary determination the occupier may, within 7 days of receiving the Secretary's determination, apply to the Secretary for the establishment of a Committee to review the Secretary's determination.

5.2 If within 7 days of receiving the Secretary's determination:

- (a) the occupier does not apply for a review of the Secretary's determination; or
- (b) the occupier and the Secretary do not complete a memorandum of agreed intent;

the Secretary's determination is deemed to be a memorandum of agreed intent.

Revised determination

- 6.1** If all of the following circumstances exist:
- (a) the occupier decides to implement suggestions contained in the Secretary's advice to the occupier; and
 - (b) this will alter the occupier's requirement for inspection services and necessitate the calculation of a new determination by the Secretary on the allocation of inspection services;
- the Secretary must make a revised determination and give the occupier written notice of the revised determination.

Agreed revised determination

- 7.1** If the occupier accepts the Secretary's revised determination, the Secretary and occupier must complete a memorandum of agreed intent in the form approved by the Secretary.

Disputed revised determination

- 8.1** If the occupier does not accept the Secretary's revised determination, the occupier may, within 7 days of receiving the Secretary's revised determination, apply to the Secretary for the establishment of a Committee to review the Secretary's revised determination.
- 8.2** If within 7 days of receiving the Secretary's revised determination:
- (a) the occupier does not apply for a review of the Secretary's revised determination; and
 - (b) the occupier and the Secretary do not complete a memorandum of agreed intent;
- the Secretary's revised determination is deemed to be a memorandum of agreed intent.

Review Committee

- 9.1** If the Secretary receives an application from an occupier in accordance with subclause 5.1 or 8.1, the Secretary must establish a Committee comprising the following:
- (a) the occupier or a representative of the occupier;

- (b) the Executive Director of AQIS or the Executive Director's delegate being an authorized officer who is formally appointed under section 20 of the Act to a position within the Department at the level of Senior Executive Service;
- (c) a representative of the relevant union or unions of authorized officers if the dispute is over a staffing issue;
- (d) a meat industry representative nominated by the occupier.

9.2 The Secretary must convene the first meeting of the Committee.

Committee to review determination

10.1 The Committee must review the occupier's application and the Secretary's advice and determination.

10.2 The Committee must as soon as practicable and not later than 14 days after its first meeting, make a recommendation to the Secretary on the appropriate level of inspection services.

Secretary to reconsider determination

11.1 The Secretary, having had regard to the Committee's recommendation and to the matters listed in paragraphs 2.1(a) to 2.1(f) must determine the allocation of inspection services for the occupier's registered establishment.

11.2 The Secretary's determination under this clause is deemed to be a memorandum of agreed intent and is substituted for any previous determination.

Secretary to advise of decision

12.1 The Secretary must, by written notice as soon as practicable and not later than 45 days after the day on which an application in accordance with clause subclause 5.1 or 8.1, is received, inform the applicant of the decision made under subclause 11.1 in respect of the application and of the reasons for the decision.

Application to Administrative Appeals Tribunal

13.1 An application may be made to the Administrative Appeals Tribunal for review of a decision made by the Secretary under subclause 11.1.

Statement in notice

- 14.1** A notice referred to in clause 12 must include a statement to the effect that, subject to the *Administrative Appeals Tribunal Act 1975*, application may be made to the Administrative Appeals Tribunal by or on behalf of a person whose interests are affected by the decision for review of the decision to which the notice relates.

Decision not affected

- 15.1** A failure to comply with clause 14 in relation to a decision is not taken to affect the validity of the decision.

Clauses to apply in lieu of Part 20 of the *Prescribed Goods (General) Orders 1985*

- 16.1** Clause 5 and clauses 8 to 15 inclusive are to be read, as applicable, in lieu of Part 20 of the *Prescribed Goods (General) Orders 1985*.

Meaning of *decision*

- 17.1** For the purposes of clauses 12, 13, 14 and 15, *decision* means a determination made under subclause 11.1.

Part 2 Alteration of allocation of inspection services

Notification of proposed changes

- 18.1** The occupier must notify the Secretary of any proposed changes to the construction of the registered establishment or to the occupier's operations which may affect the allocation of inspection services.

Application to alter allocation of inspection services

- 19.1** An occupier may apply in writing to the Secretary within one month's notice to alter the occupier's allocation of inspection services.
- 19.2** Notwithstanding subclause 19.1, if inspection services are allocated on an hourly basis, an occupier may, with one week's

notice, apply to alter the occupier's allocation of inspection services.

- 19.3** For the purposes of this clause, *alter the occupier's allocation of inspection service* does not include:
- (a) applying for additional inspection services under clause 20; or
 - (b) advising that no inspection services are required during a period of shutdown under clause 22.

Additional inspection services

- 20.1** An occupier may apply in writing to the Secretary for inspection services in addition to the occupier's allocation of inspection services which additional services may be provided, subject to this clause, on a monthly, weekly, daily, or, in the case of ancillary inspection services, hourly basis.
- 20.2** If inspection services are allocated on an annual basis an occupier may with two weeks' notice, apply for additional inspection services on a monthly or weekly basis.
- 20.3** If inspection services are allocated on a monthly basis an occupier may with two weeks' notice, apply for additional inspection services on a weekly basis.
- 20.4** If all inspection services are allocated on a weekly basis an occupier may:
- (a) with two weeks' notice, apply for additional inspection services on a weekly basis; or
 - (b) with one week's notice, apply for additional inspection services on a daily basis.
- 20.5** If ancillary inspection services are provided on a daily basis, an occupier may, with one week's notice, apply for additional services on a daily basis.
- 20.6** If ancillary inspection services are provided on an hourly basis, an occupier may, with one week's notice, apply for additional inspection services on an hourly basis.
- 20.7** If an occupier applies for additional inspection services but does not give the required notice, subject to cost efficiency considerations, the Secretary must attempt to provide additional inspection services at the earliest possible time.

Termination of additional inspection services

- 21.1** If no period is specified in the application for additional inspection services, an occupier may terminate the additional inspection services or any part thereof by giving two weeks' written notice to the Secretary.

Shutdown

- 22.1** An occupier may by written notice given to the Secretary advise that inspection services are not required for a period of shutdown specified in the notice.
- 22.2** For the purposes of this clause, a period of shutdown must be a continuous period of 14 days or more.
- 22.3** The clause applies only to registered establishments which have inspection services allocated on an annual basis or on a combination basis which includes annual.

Change in allocation

- 23.1** If any of the circumstances listed in paragraphs 2.1(a) to 2.1(f) change and, as a consequence, it is necessary for the Secretary to vary the allocation of inspection services, the Secretary must advise the occupier of the revised allocation of inspection services.

Disputed allocation

- 24.1** If the occupier does not agree with the revised allocation made under clause 23, the occupier may apply to the Secretary for a reconsideration of that allocation and the Secretary must enter into negotiations with the occupier.
- 24.2** If agreement between the occupier and the Secretary cannot be reached, the Secretary must seek to reach agreement with a representative of the relevant industry organisation nominated by the occupier.
- 24.3** If agreement is still not reached, the Secretary, having considered the views put to the Secretary and the matters in paragraphs 2.1(a) to 2.1(f), must determine the allocation of inspection services.

Initial allocation ceases to have effect

- 25.1** If the Secretary makes a decision under subclause 24.3, the allocation made under clause 23 ceases to have effect.

Secretary to advise of decision

- 26.1** The Secretary must by written notice as soon as practicable and not later than 45 days after the day on which an application in accordance with subclause 24.1 is received, inform the applicant of the decision made under subclause 24.3 in respect of the application and of the reasons for the decision.

Application to Administrative Appeals Tribunal

- 27.1** An application may be made to the Administrative Appeals Tribunal for review of a decision made by the Secretary under subclause 24.3.

Statement in notice

- 28.1** A notice referred to in clause 26 must include a statement to the effect that, subject to the *Administrative Appeals Tribunal Act 1975*, application may be made to the Administrative Appeals Tribunal by or on behalf of a person whose interests are affected by the decision for review of the decision to which the notice relates.

Decision not affected

- 29.1** A failure to comply with clause 28 in relation to a decision does not affect the validity of the decision.

Clauses to apply in lieu of Part 20 of *Prescribed Goods (General) Orders 1985*

- 30.1** Clauses 24 to 29 inclusive are to be read, as applicable, in lieu of Part 20 of the *Prescribed Goods (General) Orders 1985*.

Meaning of *decision*

- 31.1** For the purposes of clauses 25, 26, 27, 28 and 29, ***decision*** means a determination made under subclause 24.3.

Withdrawal of inspection services

- 32.1** The Secretary may withdraw inspection services if fees payable for inspection services remain unpaid 14 days after the due date for payment.

