



Australian Meat and Live-stock Industry (High Quality Beef Export to the European Union) Order 2015

I, Cathrine Stephenson, delegate of the Secretary of the Department of Agriculture, make the following order.

Dated 6 May 2015

Cathrine Stephenson
Assistant Secretary
Agricultural Policy Division
Department of Agriculture

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Part 1—Preliminary

1 Name

This is the *Australian Meat and Live-stock Industry (High Quality Beef Export to the European Union) Order 2015*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under section 17 of the *Australian Meat and Live-stock Industry Act 1997*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a schedule to this instrument has effect according to its terms.

5 Definitions

- (1) In this instrument:

access amount, for a quota year, means the total shipped weight of quota meat that may be exported to a member country of the EU in the quota year, subject to the EU reduced tariff.

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

approval means an approval under Part 7 to export a consignment of quota meat.

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approved form means a form approved by the Secretary under section 46 for the provision in which the expression is used.

AUS-MEAT means AUS-MEAT Limited (ACN 082 528 881).

AUS-MEAT handbook cut number, for a cut of meat, means the number for that cut of meat set out in the *AUS-MEAT Limited Australian RFP Cut Code Reference*, as in force at the commencement of this instrument.

Note: The *AUS-MEAT Limited Australian RFP Cut Code Reference* could in 2015 be viewed on AUS-MEAT's website (<http://www.ausmeat.com.au>).

AUS-MEAT meat type cipher, for a type of meat, means the cipher for that type of meat set out in the *AUS-MEAT Limited RFP Cut Code Reference*, as in force at the commencement of this instrument.

Note: The *AUS-MEAT Limited Australian RFP Cut Code Reference* could in 2015 be viewed on AUS-MEAT's website (<http://www.ausmeat.com.au>).

authorised officer means an officer of the Department authorised by the Secretary under section 46.

certificate means a certificate under Part 8 that will be accepted by the EC as evidence of the authenticity of a consignment of quota meat.

consignment means a single shipment (by sea or air) of quota meat by an exporter to a single consignee.

consignment information, for a consignment, means the information given to the QA Unit by the exporter of the consignment.

EC means the European Commission.

establishment means premises that:

- (a) are under the full-time inspection and supervision of the Department; and
- (b) are registered under the *Export Control Act 1982*; and
- (c) have been accredited by AUS-MEAT and the Department for the export of meat to the EU.

EU means the European Union.

EU reduced tariff, for quota meat, means the rate of tariff set out in Article 1(3) of Commission Regulation (EC) No 593/2013.

EU reduced tariff for grain fed high quality beef means the rate of tariff set out in Article 1(2) of Council Regulation (EC) No 481/2012.

EXDOC means the electronic documentation system maintained by the Department.

exporter means the holder of a meat export licence allowing the holder to export high quality beef to the EU.

first-come first-served quota entitlement, for a quota year, means quota entitlement for the quota year allocated to an exporter under subsection 27(2).

first year new entrant, in relation to a quota year, means an exporter who:

- (a) was not allocated a quota entitlement for any of the 3 preceding quota years under a former EU high quality beef order or this instrument; and
- (b) was not a related entity of an exporter who had been allocated a quota entitlement for any of the quota years referred to in paragraph (a).

former EU high quality beef order means an order that was in force under section 17 of the Act in relation to the export of high quality beef to the EU.

grain fed high quality beef means meat that meets the description in Annex I and Annex II to Commission Regulation (EC) No 481/2012.

high quality beef means meat that meets the description of “High-quality Beef” in Article 2(b) of Commission Regulation (EC) No 593/2013.

new entrant, in relation to a quota year, means an exporter who is:

- (a) a first year new entrant in relation to the quota year; or
- (b) a second year new entrant in relation to the quota year; or
- (c) a third year new entrant in relation to the quota year.

non-standard quota entitlement, for a quota year, means quota entitlement for the quota year allocated to an exporter under subsection 19(2).

preceding year penalty amount, for an exporter and a quota year, has the meaning given by section 20.

QA Unit means the section of the Department known as the Quota Administration and Statistics Unit.

Note: The address of the QA Unit is given in section 44.

quota meat means high quality beef, other than:

- (a) product for ships’ stores; or
- (b) a product for which a certificate is not required by the EC.

quota year means a 12-month period starting on 1 July.

recorded shipments, for an exporter, means shipments made by the exporter as recorded by EXDOC.

request amount, for an exporter and a quota year, means the amount of quota entitlement for the quota year requested by the exporter in an application for quota entitlement.

second year new entrant, in relation to a quota year, means an exporter who:

- (a) was allocated a non-standard quota entitlement, for the preceding quota year, under a former EU high quality beef order or this instrument; and
- (b) was not allocated a quota entitlement, for either of the 2 quota years immediately preceding the quota year referred to in paragraph (a), under a former EU high quality beef order or this instrument; and
- (c) was not a related entity of an exporter who had been allocated a quota entitlement for either of the 2 quota years immediately preceding the quota year referred to in paragraph (a).

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shipped weight, for quota meat, means the weight of the meat when it is loaded for shipment (whether it is bone-in or boneless).

standard quota entitlement, for a quota year, means quota entitlement for the quota year allocated to an exporter under subsection 19(1).

standard quota holder, for a quota year, means an exporter who has been allocated a standard quota entitlement for the quota year.

supplementary quota entitlement, for a quota year, means quota entitlement for the quota year allocated to an exporter under subsection 27(1).

third year new entrant, in relation to a quota year, means an exporter who was allocated non-standard quota entitlement for each of the 2 quota years immediately preceding the quota year under a former EU high quality beef order or this instrument.

total quota entitlement, for an exporter and a quota year, means the total, after taking into account any transfers of quota entitlement under Part 6, of the exporter's:

- (a) standard quota entitlement for the quota year; and
- (b) non-standard quota entitlement for the quota year; and
- (c) supplementary quota entitlement for the quota year; and
- (d) first-come first-served quota entitlement for the quota year.

6 Related bodies corporate

In this instrument, the question whether a body corporate is related to another body corporate is to be determined in the same manner as that question is determined for the purposes of the *Corporations Act 2001*.

7 Use of quota entitlement

In this instrument, an amount of quota entitlement is taken to have been used when an export of that amount is covered by an approval under Part 7.

8 Time

A reference in this instrument to a particular time is a reference to the legal time in the Australian Capital Territory.

Part 2—Prohibition of exports

9 No export without approval and certificate—quota meat

- (1) A consignment of quota meat may only be exported, in a quota year, by a person to a member country of the EU at the EU reduced tariff if:
 - (a) the person has received an allocation of quota entitlement for the quota year under Part 3 or 4, or a transfer of quota entitlement for the quota year under Part 6; and
 - (b) the export of the consignment is covered by a current approval under Part 7; and
 - (c) the exporter has obtained a certificate under Part 8 for the consignment.
- (2) A consignment of quota meat may also be exported, on or after 2 March in a quota year, by a person to a member country of the EU at the EU reduced tariff if:
 - (a) the export of the consignment is covered by a current approval under Part 7; and
 - (b) the exporter has obtained a certificate under Part 8 for the consignment.

10 No export without certificate—grain fed high quality beef

- (1) Subsection (2) applies to a consignment of grain fed high quality beef that is not to be exported by a person to a member country of the EU in accordance with section 9.
- (2) The consignment may be exported by a person to a member country of the EU at the EU reduced tariff for grain fed high quality beef only if the exporter has obtained a certificate under section 41 for the consignment.

Part 3—Initial allocation of quota entitlement

Division 1—General

11 Purpose of this Part

This Part sets out the initial stage of the allocation of standard quota entitlement and non-standard quota entitlement for a quota year.

Note: Section 27 of the Act allows an order made under section 17 of the Act to provide for the establishment and administration of a system of quotas.

12 Initial allocations—amounts to be allocated and to whom

In the first stage of allocation of quota entitlement for a quota year, the Secretary may allocate, in accordance with Divisions 2 and 3:

- (a) up to 6 650 tonnes of standard quota entitlement for the quota year to exporters other than new entrants; and
- (b) up to 500 tonnes of non-standard quota entitlement for the quota year to new entrants; and
- (c) after the allocation of non-standard quota entitlement for the quota year to new entrants—any unallocated non-standard quota entitlement for the quota year to certain standard quota holders.

Division 2—Eligibility for allocation

13 Transfer of amounts of quota entitlement that prevents access to quota

An exporter is not eligible to be allocated a quota entitlement for a quota year if:

- (a) in any of the 3 preceding quota years (the *relevant preceding quota year*), the exporter transferred 50% or more of the combined amount of:
 - (i) the exporter's standard quota entitlement for the relevant preceding quota year; and
 - (ii) the exporter's supplementary quota entitlement (if any) for the relevant preceding quota year; or
- (b) in any 2 consecutive quota years of the 4 preceding quota years, the exporter transferred 33% or more of its combined standard quota entitlement and supplementary quota entitlement (if any) for those 2 consecutive quota years.

Note: This provision has the effect that an exporter will not be eligible to be allocated a quota entitlement for 3 quota years if either paragraph (a) or (b) applies.

14 Standard quota entitlement—eligibility for allocation to exporters other than new entrants

An exporter is eligible to be allocated standard quota entitlement for a quota year if:

- (a) the exporter is not a new entrant in relation to the quota year; and
- (b) the exporter has applied, in the form approved by the Secretary, to the QA Unit for an allocation of quota entitlement for the quota year before close of business on 16 May immediately before the quota year; and
- (c) the application includes a request amount for the quota year.

Note: If the exporter's notional standard quota entitlement is less than 1 tonne, the exporter's standard quota entitlement will be nil (see paragraph 17(2)(b)).

15 Non-standard quota entitlement—eligibility for allocation to new entrants

An exporter is eligible to be allocated non-standard quota entitlement for a quota year if:

- (a) the exporter is a new entrant in relation to the quota year; and
- (b) if the exporter is a second year new entrant, or a third year new entrant, in relation to the quota year—the exporter did not, in the preceding quota year, export more than the shipped weight of quota meat shown in approvals given to the exporter under a former EU high quality beef order or this instrument; and
- (c) the exporter has applied, in a form approved by the Secretary, to the QA Unit for an allocation of non-standard quota entitlement before close of business on 16 May immediately before the quota year; and
- (d) the application includes a request amount for the quota year of not more than 36 tonnes.

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16 Non-standard quota entitlement—eligibility for allocation to standard quota holders following allocation to new entrants

- (1) This section applies if:
 - (a) the process for the allocation of non-standard quota entitlement for a quota year to new entrants is completed; and
 - (b) an amount of non-standard quota entitlement for the quota year is unallocated.

- (2) An exporter is eligible to be allocated non-standard quota entitlement for the quota year if the exporter:
 - (a) is a standard quota holder for the quota year; and
 - (b) was a third year new entrant in relation to either of the 2 preceding quota years; and
 - (c) received less than the amount of standard quota entitlement for the quota year for which the exporter applied; and
 - (d) was not allocated a total quota entitlement for the quota year of more than 36 tonnes.

Division 3—Allocation of quota entitlements

17 Working out amount of quota entitlements—exporters other than new entrants

- (1) The Secretary must work out a notional standard quota entitlement for a quota year for an exporter who is eligible to be allocated standard quota entitlement for the quota year under section 14 using the formula:

$$\left(\text{Access amount} - 500 \text{ tonnes} \right) \times \frac{\text{ERS}}{\text{TRS}}$$

where:

ERS is the total weight of the exporter's recorded shipments of high quality beef to the EU in the period:

- (a) starting on 1 May 38 months before the start of the quota year; and
- (b) ending on 30 April immediately before the start of the quota year.

TRS is the total weight of all exporters' recorded shipments of high quality beef to the EU in the period:

- (a) starting on 1 May 38 months before the start of the quota year; and
- (b) ending on 30 April immediately before the start of the quota year.

- (2) The Secretary must use the following rules to work out the exporter's standard quota entitlement for a quota year:
- (a) if the exporter's notional standard quota entitlement for the quota year is more than the exporter's request amount for the quota year—the exporter's standard quota entitlement for the quota year is that request amount;
 - (b) if the exporter's notional standard quota entitlement for the quota year is less than 1 tonne—the exporter's standard quota entitlement for the quota year is nil;
 - (c) if neither paragraph (a) nor (b) applies—the exporter's standard quota entitlement for the quota year is the exporter's notional standard quota entitlement for the quota year worked out under subsection (1).
- (3) If the exporter is eligible to be allocated non-standard quota entitlement for a quota year under subsection 16(2), the Secretary must use the following rules to work out the exporter's non-standard quota entitlement for the quota year:
- (a) if the exporter received an allocation of standard quota entitlement for the quota year that was the exporter's request amount for the quota year—the exporter's non-standard quota entitlement for the quota year is nil;
 - (b) subject to paragraph (c), if the exporter received an allocation of standard quota entitlement for the quota year that was less than the exporter's request amount for the quota year—the exporter's non-standard quota entitlement for the quota year is that request amount less the amount of the exporter's standard quota entitlement for the quota year;
 - (c) the combined allocation to the exporter of standard quota entitlement for the quota year and non-standard quota entitlement for the quota year must not exceed 36 tonnes.

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18 Working out amount of quota entitlements—new entrants

- (1) If an exporter who is a new entrant in relation to a quota year is eligible for the allocation of non-standard quota entitlement for the quota year under section 15, the Secretary must use the following rules to work out the exporter's non-standard quota entitlement for the quota year:
 - (a) if the exporter's request amount for the quota year is 12 tonnes or less—the exporter's non-standard quota entitlement for the quota year is that request amount;
 - (b) if:
 - (i) the exporter's request amount for the quota year is more than 12 tonnes; and
 - (ii) the yearly average of the exporter's recorded shipments of high quality beef to the EU, for each quota year in the previous 2 quota years that the exporter has shipped high quality beef to the EU, is less than that request amount;the exporter's non-standard quota entitlement for the quota year is 12 tonnes;
 - (c) if:
 - (i) the exporter's request amount for the quota year is more than 12 tonnes; and
 - (ii) the yearly average of the exporter's recorded shipments of high quality beef to the EU, for each quota year in the previous 2 quota years that the exporter has shipped high quality beef to the EU, is at least that request amount;the exporter's non-standard quota entitlement for the quota year is the lower of that request amount and 36 tonnes.
- (2) However, if the total amount of non-standard quota entitlements for a quota year allocated to new entrants under subsection (1) would exceed 500 tonnes, the Secretary must reduce the non-standard quota entitlement allocated to each new entrant proportionally so that the total amount for the quota year does not exceed 500 tonnes.

19 Allocation of quota entitlements

- (1) The Secretary must allocate to an exporter the amount worked out for the exporter under subsection 17(2) as the exporter's standard quota entitlement for a quota year.
- (2) The Secretary must allocate to an exporter the amount worked out under subsection 17(3) or section 18 as the exporter's non-standard quota entitlement for a quota year.
- (3) If the Secretary allocates quota entitlement for a quota year to an exporter, the Secretary must give the exporter a notice that states the shipped weight of quota meat that the exporter is entitled to export under the quota entitlement.

20 Reduction of allocation of quota entitlement by preceding year penalty amount

Preceding year penalty amount—quota year starting on 1 July 2014

- (1) If:
- (a) an exporter has, on 2 June 2015, an unused portion of a quota entitlement:
 - (i) for the quota year starting on 1 July 2014; and
 - (ii) allocated to the exporter under a former EU high quality beef order or this instrument; and
 - (b) the unused portion is more than 5% of the exporter's total quota entitlement for the quota year;
- the unused portion is the exporter's ***preceding year penalty amount*** for the following quota year.

Preceding year penalty amount—later quota years

- (2) If:
- (a) an exporter has, on 16 May in a quota year starting on or after 1 July 2015, an unused portion of a quota entitlement:
 - (i) for the quota year; and
 - (ii) allocated to the exporter under a former EU high quality beef order or this instrument; and
 - (b) the unused portion is more than 7.5% of the exporter's total quota entitlement for the quota year;
- the unused portion is the exporter's ***preceding year penalty amount*** for the following quota year.

Reduction of unused portion by preceding year penalty amount

- (3) If:
- (a) an exporter has been allocated a quota entitlement for a quota year; and
 - (b) the exporter has a preceding year penalty amount for the quota year;
- the Secretary must reduce any unused portion of that quota entitlement by the preceding year penalty amount.

Note 1: This subsection means that an exporter's unused allocated quota entitlement for a quota year will be reduced by any preceding year penalty amount that the exporter has for the quota year, worked out under subsection (1) or (2).

Note 2: An application for review may be made to the Administrative Appeals Tribunal in relation to a decision by the Secretary to vary a quota entitlement: see section 30 of the Act.

- (4) If the Secretary reduces an exporter's quota entitlement for a quota year under subsection (3), the Secretary must give the exporter a notice that states the shipped weight of quota meat that the exporter is entitled to export under the reduced quota entitlement.

Part 4—Subsequent allocation of quota entitlement

Division 1—General

21 Purpose of this Part

This Part sets out the subsequent stages of the allocation of quota entitlement for a quota year.

Note: Section 27 of the Act allows an order made under section 17 of the Act to provide for the establishment and administration of a system of quotas.

22 Subsequent allocations—amounts to be allocated

- (1) In the subsequent stages of allocation of quota entitlement for a quota year, the Secretary may allocate, in accordance with Divisions 2 and 3, supplementary quota entitlements that have become available for allocation after the allocation process in Part 3 is finalised.
- (2) In the subsequent stages of allocation of quota entitlement for the quota year:
 - (a) the Secretary may allocate, in accordance with Divisions 2 and 3, quota entitlements for the quota year that become available for allocation during the period starting on 16 February in the quota year and ending on 30 June in the quota year; and
 - (b) the entitlements are to be allocated on a first-come first-served basis.

Division 2—Eligibility for allocation

23 Supplementary quota entitlement

Eligibility for allocation

- (1) An exporter is eligible to be allocated supplementary quota entitlement for a quota year if:
 - (a) the exporter is a standard quota holder for the quota year; and
 - (b) the exporter was not allocated the exporter's request amount for the year under Part 3; and
 - (c) the exporter was not eligible to be allocated a non-standard quota entitlement for the quota year under section 16.

Request amount—quota year starting on 1 July 2015

- (2) The request amount for the allocation of supplementary quota entitlement to the exporter for the quota year starting on 1 July 2015 is taken to be:
 - (a) if the exporter applied to the QA Unit, in a form approved by the Secretary, for an allocation of supplementary quota entitlement for the quota year before the close of business on 4 August 2015, and the application included a request amount—that request amount; or
 - (b) in any other case—the request amount included in the exporter's application for standard quota entitlement under paragraph 14(c) less the amount of standard quota entitlement for the quota year allocated to the exporter under Part 3.

Request amount—later quota years

- (3) The request amount for the allocation of supplementary quota entitlement to the exporter for a quota year starting on or after 1 July 2016 is taken to be the request amount for the quota year included in the exporter's application for standard quota entitlement for the quota year under paragraph 14(c) less the amount of standard quota entitlement for the quota year allocated to the exporter under Part 3.

Ineligibility if quota entitlement reduced by preceding year penalty amount

- (4) The exporter is not eligible to be allocated supplementary quota entitlement for the quota year if quota entitlement allocated to the exporter for the quota year under Part 3 has been reduced under section 20.

24 First-come first-served quota entitlement

- (1) An exporter is eligible to be allocated first-come first-served quota entitlement for a quota year if:
 - (a) the exporter has applied, in a form approved by the Secretary, to the QA Unit for an allocation of first-come first-served quota entitlement for the quota year; and

Part 4 Subsequent allocation of quota entitlement

Division 2 Eligibility for allocation

Section 24

- (b) the application includes a request amount for the quota year.
- (2) The exporter is not eligible to be allocated first-come first-served quota entitlement for the quota year if quota entitlement allocated to the exporter for the quota year under Part 3 has been forfeited under section 30.

Division 3—Allocation of quota entitlements**25 Amount of supplementary quota entitlement**

- (1) The Secretary must determine the supplementary quota entitlement for a quota year for an exporter who is eligible for supplementary quota entitlement for the quota year under section 23.
- (2) In determining the amount of supplementary quota entitlement to allocate to the exporter for the quota year, the Secretary must take the following into account:
 - (a) the exporter's record of shipment of high quality beef over the previous 3 quota years;
 - (b) the amount of supplementary quota entitlements for the quota year available to all exporters requesting supplementary quota entitlements for the quota year;
 - (c) the demand for supplementary quota entitlements for the quota year;
 - (d) whether the allocation would exceed the exporter's request amount for the quota year.

26 Amount of first-come first-served quota entitlement

- (1) The Secretary must determine the first-come first-served quota entitlement for a quota year for an exporter who is eligible for first-come first-served quota entitlement for the quota year under section 24.
- (2) In determining the amount of first-come first-served quota to allocate to the exporter for the quota year, the Secretary must take into account:
 - (a) the amount of available first-come first-served quota entitlements for the quota year; and
 - (b) the demand for first-come first-served quota entitlements for the quota year as at 16 February in the quota year.

27 Allocation of quota entitlement

- (1) The Secretary must allocate to an exporter who is eligible to be allocated supplementary quota entitlement for a quota year under section 23 the amount of supplementary quota entitlement for the quota year determined for the exporter under section 25 as part of the exporter's quota entitlement for the quota year.
- (2) The Secretary must allocate to an exporter who is eligible to be allocated first-come first-served quota entitlement for a quota year under section 24 the amount of first-come first-served quota entitlement for the quota year determined for the exporter under section 26 as part of the exporter's quota entitlement for the quota year.
- (3) If the Secretary allocates quota entitlement for a quota year to an exporter under this Part, the Secretary must give the exporter a notice that states the shipped weight of quota meat that the exporter is entitled to export under the quota entitlement.

Part 5—Loss of allocated quota entitlement

28 Purpose of this Part

This Part sets out how quota entitlement that has been allocated to an exporter for a quota year ceases to be available to the exporter.

29 When unused quota entitlement lapses

- (1) An exporter must, before 16 February in a quota year, give the Secretary a written declaration stating:
 - (a) how it intends to deal with any quota entitlement for the exporter and the quota year that will be unused on 16 February in the quota year; and
 - (b) whether it intends to relinquish any of the unused quota entitlement.
- (2) If the exporter:
 - (a) has unused quota entitlement for a quota year on 16 February in the quota year; and
 - (b) did not give a declaration to the Secretary about the unused quota entitlement before that day;the exporter's unused quota entitlement lapses at the start of that day.
- (3) The Secretary must cancel any unused quota entitlement that lapses under subsection (2).

Note 1: Under section 28 of the Act, the Secretary may cancel a quota or part of a quota in accordance with this instrument.

Note 2: Under section 30 of the Act, the exporter has a right of review by the Administrative Appeals Tribunal of the Secretary's decision.

30 When unused quota entitlement is forfeited

Non-payment of fee

- (1) If an exporter:
 - (a) is required to pay a fee under the *Australian Meat and Live-stock (Quotas) Regulations 2000* in relation to a quota entitlement for a quota year; and
 - (b) did not pay the whole of the fee by the day required by the Secretary in the invoice for the fee;the exporter's unused quota entitlement for the quota year is forfeited at the end of that day.

Export of less than 1 tonne of quota meat

- (2) If:
 - (a) an exporter's quota entitlement for a quota year is 1 tonne of quota meat or more; and
 - (b) the exporter has used less than 1 tonne of the quota entitlement by 16 February in the quota year;

the exporter's unused quota entitlement for the quota year is forfeited at the start of that day.

Use of less than 25% of entitlement

- (3) If an exporter has used less than 25% of the exporter's quota entitlement for a quota year by 16 February in the quota year, the exporter's unused quota entitlement is forfeited at the start of that day.

Cancellation of unused quota entitlement

- (4) The Secretary must cancel any unused quota entitlement that has been forfeited under subsection (1), (2) or (3).

Note 1: Under section 28 of the Act, the Secretary may cancel a quota or part of a quota in accordance with this instrument.

Note 2: Under section 30 of the Act, the exporter has a right of review by the Administrative Appeals Tribunal of the Secretary's decision.

31 Entitlement that is both lapsed and forfeited

If an exporter's unused quota entitlement would, but for this section, lapse under section 29 and be forfeited under section 30, the unused quota entitlement is taken, for the purposes of this instrument, to have been forfeited under section 30 but not to have lapsed under section 29.

Part 6—Transfer of quota entitlement

32 Transferable quota entitlement

- (1) Subject to this Part, an exporter (the *transferor*) may transfer all or part of the exporter's standard quota entitlement, or supplementary quota entitlement, for a quota year to another exporter (the *transferee*) if:
- (a) the quota entitlement was allocated under Part 3 or 4; and
 - (b) no quota entitlement allocated to the transferor for the quota year has lapsed under section 29 or been forfeited under section 30; and
 - (c) before completing the transfer, the transferor notifies the QA Unit in writing of the following:
 - (i) the name of the transferor;
 - (ii) the name of the transferee;
 - (iii) the shipped weight, in kilograms, of the quota entitlement to be transferred.

Note: For conditions on the transfer of quota entitlement, see sections 33 and 34.

- (2) To avoid doubt, standard quota entitlement and supplementary quota entitlement for a quota year may be transferred to a new entrant in relation to the quota year.

Note 1: A new entrant cannot transfer any quota entitlement transferred to it (see subsection 33(1)).

Note 2: See section 13 for the effect on an exporter's eligibility to be allocated quota entitlement for a quota year if the exporter transferred quota entitlement in the preceding quota year.

33 Non-transferable quota entitlement

- (1) The following kinds of quota entitlement are not transferable:
- (a) non-standard quota entitlement;
 - (b) standard quota entitlement transferred to a new entrant under this Part;
 - (c) first-come first-served quota entitlement.
- (2) A standard quota holder for a quota year must not transfer any of its standard quota entitlement, or supplementary quota entitlement (if any), for the quota year if it was allocated non-standard quota entitlement for the quota year in accordance with subsection 17(3).

34 Transferable quota entitlement that becomes non-transferable

If an exporter is allocated first-come first-served quota entitlement for a quota year, the exporter ceases to be entitled to transfer any of the exporter's unused quota entitlement (of any kind) for that quota year.

Part 7—Approvals

35 How to obtain approval for exports of quota meat

- (1) An exporter must apply for a separate approval for each consignment of quota meat to be exported.
- (2) The application must include the following information for the consignment:
 - (a) the exporter's name;
 - (b) the exporter's export licence number;
 - (c) for the meat to be exported:
 - (i) its type; and
 - (ii) its AUS-MEAT meat type cipher; and
 - (iii) its AUS-MEAT handbook cut number; and
 - (iv) its shipped weight in kilograms; and
 - (v) whether it is chilled or frozen; and
 - (vi) if it is bone-in, or a part of the consignment is bone-in—its shipped weight in the approved form; and
 - (vii) if it is boneless, or a part of the consignment is boneless—its shipped weight in the approved form; and
 - (viii) the establishment number of the establishment that prepared the meat;
 - (d) the name of the importer;
 - (e) the name of the ship and the voyage, or the air freight carrier and flight number, to be used;
 - (f) the intended port of loading and the expected date of loading;
 - (g) the name of the final destination country;
 - (h) the intended port of discharge.
- (3) An application for approval:
 - (a) must not be lodged in EXDOC before:
 - (i) the exporter receives a notice under subsection 19(3) or 27(3), about the quota entitlement to which the consignment relates; or
 - (ii) the exporter receives a quota entitlement, to which the consignment relates, on transfer under Part 6; and
 - (b) must be lodged in EXDOC before the end of the quota year to which the quota entitlement relates.
- (4) The Secretary must give an approval to export a consignment of quota meat in a quota year if:
 - (a) the exporter lodges an application for the approval in accordance with this section; and
 - (b) the total shipped weight of quota meat exported by the exporter in the quota year, plus the shipped weight of the consignment, is not greater than the exporter's total quota entitlement for the quota year.

Section 36

36 Approval to export from unallocated quota entitlement

- (1) If, on or after 2 March in a quota year, there is an unallocated amount of quota entitlement for the quota year, an exporter may apply in writing to the Secretary for approval to export a consignment of quota meat in the quota year.
- (2) Subsections 35(1) and (2) apply to an application under subsection (1).
- (3) The Secretary must deal with applications under subsection (1) on a first-come first-served basis.
- (4) The Secretary must approve the export of a consignment in a quota year if:
 - (a) the application for approval is in accordance with subsections 35(1) and (2); and
 - (b) the application is accompanied by the fee prescribed by the *Australian Meat and Live-stock (Quotas) Regulations 2000* for the approval; and
 - (c) the total shipped weight of quota meat that has been, or is to be, exported by all exporters in the quota year, plus the shipped weight of the consignment, is not greater than the access amount for the quota year.

37 Approvals for exports unlikely to be accepted into EU

An exporter who is issued with an approval on or before 17 April in a quota year must notify the QA Unit in writing before 16 May in the quota year if it is likely that a consignment to which the approval applies will not be accepted for entry into a member country of the EU before 30 June in the quota year.

38 Duration of approvals

- (1) An approval given to an exporter under section 35 for the export, in a quota year, of a consignment of quota meat ceases to have effect if the exporter does not receive a certificate for the consignment before the earlier of:
 - (a) 30 June in the quota year; and
 - (b) 3 months after the approval is given.
- (2) An approval given to an exporter under section 36 for the export, in a quota year, of a consignment of quota meat ceases to have effect if:
 - (a) the exporter does not receive a certificate for the consignment 4 weeks after the approval is given; or
 - (b) the consignment to which the approval applies is not accepted into a member country of the EU before the end of 30 June in the quota year.

39 How to work out how much quota meat an exporter has exported

- (1) Subject to subsections (2) to (6), an exporter is taken to have exported the shipped weight of quota meat shown in approvals given to the exporter under this Part in a quota year.

Shipped weight is less than approved weight

- (2) If the shipped weight of quota meat in a consignment is less than the weight stated in the approval for the consignment, the exporter is not taken to have exported the difference between the weights if:
- (a) the identifying number of the approval is shown on the consignment information; and
 - (b) the exporter gives that information to the QA Unit by 5 pm on 16 May in the quota year; and
 - (c) the difference between the weights is not more than 50 kg.

Shipped weight is less than certified weight

- (3) If:
- (a) the shipped weight of a consignment is less than the weight stated in the certificate for the consignment; and
 - (b) apart from this subsection, the exporter would be taken to have exported the difference between the weights; and
 - (c) the exporter gives a copy of the certificate, annotated by the customs authority of the member country of the EU to which the consignment has been delivered to show the weight of meat exported, to the QA Unit by 5 pm on 16 May in the quota year;
- the exporter is not taken to have exported the difference between the weights.

No export of consignment

- (4) If the exporter:
- (a) is given approval to export a consignment in a quota year, but does not export the consignment; and
 - (b) gives all copies of the certificate for the consignment to the QA Unit by 5 pm on 16 May in the quota year;
- the exporter is not taken to have exported the weight of quota meat mentioned in the approval.

Approval ceases to have effect

- (5) If an approval for a consignment ceases to have effect before 5 pm on 16 May in a quota year, the exporter is not taken to have exported the weight of quota meat mentioned in the approval.

Consignment is refused entry to the EU

- (6) If:
- (a) a consignment is refused entry to the EU in a quota year; and
 - (b) the exporter returns all copies of the certificate for the consignment to the QA Unit by the earlier of:
 - (i) 5 pm on 16 May in the quota year; and
 - (ii) 3 months after the day the consignment leaves Australia;
- the exporter is not taken to have exported the consignment.

Part 8—Certificates

40 How to obtain certificates—quota meat

- (1) An exporter may obtain a certificate for a consignment for which the Secretary has given an approval by:
 - (a) lodging an application for an approval in relation to the consignment in accordance with section 35; or
 - (b) completing a certificate for the consignment in a form approved by the Secretary, and having the certificate endorsed by an authorised officer.
- (2) An authorised officer who is given a certificate by an exporter for endorsement under paragraph (1)(b) must endorse the certificate if the exporter has:
 - (a) completed the certificate in a form approved by the Secretary; and
 - (b) been given approval to export the consignment.

41 How to obtain certificates—grain fed high quality beef

- (1) An exporter may obtain a certificate for a consignment of grain fed high quality beef that is not to be exported to a member country of the EU in accordance with section 9 by:
 - (a) lodging an entry for the consignment in EXDOC; or
 - (b) completing a certificate for the consignment in a form approved by the Secretary, and having the certificate endorsed by an authorised officer.
- (2) An authorised officer who is given a certificate by an exporter for endorsement under paragraph (1)(b) must endorse the certificate if the exporter has completed the certificate in a form approved by the Secretary.

42 Certificates obtained before the start of a quota year

A certificate obtained before the start of a quota year, for a consignment that is to enter the EU at any time after the start of that quota year, has no effect before the start of that quota year.

43 When certificate ceases to have effect

A certificate for a consignment that is to enter the EU in a quota year ceases to have effect if the consignment is not accepted for entry into a member country of the EU before the end of the quota year.

Part 9—Miscellaneous

44 Where to send notices and documents

If a provision of this instrument requires a person to give a document, lodge an application or provide information to the QA Unit, the document, application or information must be sent in either of the following ways:

(a) by post to:

Quota Administration & Statistics Unit
Department of Agriculture
GPO Box 858
CANBERRA ACT 2601;

(b) by email to:

quota.admin@agriculture.gov.au.

45 Quota holders to inform QA Unit of change of contact details

If any contact details given to the QA Unit for a quota holder change, the quota holder must notify the QA Unit, in a form approved by the Secretary, of the new details as soon as practicable.

46 Approved forms and authorised officers

- (1) The Secretary may, in writing, approve a form for the purposes of a provision of this instrument.
- (2) The Secretary may authorise officers of the Department to be authorised officers for the purpose of performing a function under subsection 40(2) or 41(2).

47 Transitional

- (1) Despite the repeal of the *Australian Meat and Live-stock Industry (High Quality Beef Export to the European Union) Order 2014* (the **2014 order**) by this instrument, the 2014 order, as in force immediately before the repeal, continues to apply to consignments of quota meat that are exported to the EU before the end of 30 June 2015 as if the 2014 order had not been repealed.
- (2) This section is repealed on 1 July 2015.

Schedule 1—Repeals

Australian Meat and Live-stock Industry (High Quality Beef Export to the European Union) Order 2014

1 The whole of the order

Repeal the order.