

Export Control (Meat and Meat Products) Orders 2005

made under regulation 3 of the

Export Control (Orders) Regulations 1982

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**About this compilation**

**This compilation**

This is a compilation of the *Export Control (Meat and Meat Products) Orders 2005* that shows the text of the law as amended and in force on 30 August 2019 (the ***compilation date***).

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

**Uncommenced amendments**

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

**Application, saving and transitional provisions for provisions and amendments**

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

**Editorial changes**

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

**Modifications**

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

**Self‑repealing provisions**

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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Part 1—Preliminary

Division I—General

1 Citation

These Orders may be cited as the *Export Control (Meat and Meat Products) Orders 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 authorised officers; and

(b) the approval of approved arrangements, the registration of establishments, 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 *Export Control (Prescribed Goods—General) Order 2005*; 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 and 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 high penalty provisions see, for example, subsections 8(3), 8A(1) and 8B(1) 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 authorised 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 Application of Export Control (Prescribed Goods—General) Orders 2005

5.1 The following provisions of the *Export Control* (*Prescribed Goods—General) Order 2005* apply to meat and meat products for export for food:

(a) Part 1 (other than section 1.07);

(b) sections 14.02 to 14.04.

5.2 Except as expressly provided in these Orders, the *Export Control (Prescribed Goods—General) Order 2005* has no application to meat or meat products exported, or for export, for food.

Note 1: When this suborder commenced in 2014, the following provisions of these Orders applied provisions of the *Export Control (Prescribed Goods—General) Order 2005* in certain cases:

(a) orders 63, 64, 65, 65A and 66;

(b) paragraph 5.2(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) paragraph 22.1(g) of Schedule 7;

(f) paragraphs 5.1(a) and 11.1(a) of Schedule 9;

(g) paragraph 2.1(d) of Schedule 10.

Note 2: The transitional arrangements in section 18.02 of the *Export Control* (*Prescribed Goods—General) Order 2005* do not apply to administrative actions and instruments in writing taken or made in relation to meat or meat products: see order 99.

6 The Australian Meat Standard

Unless the contrary intention appears, the Australian Meat Standard (other than clauses 3.1 to 3.10 and clauses 18 and 22) 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 applied in Schedule 2 to 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 to these Orders.

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.

***audited person*** means:

(a) for an audit mentioned in paragraph 55.1(a)—the occupier; or

(b) for an audit mentioned in paragraph 55.1(b)—the exporter; or

(c) for an audit mentioned in paragraph 55.1(c)—the holder of the approved arrangement for the operations.

***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 Australian Standard AS 4696 *Hygienic Production and Transportation of Meat and Meat Products for Human Consumption 2007*.

***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.

***bull*** means meat derived from the carcase of:

(a) an entire male bovine animal showing secondary sexual characteristics; or

(b) a castrated male bovine animal showing secondary sexual characteristics.

***carcase*** has the meaning given in the Australian Meat Standard.

***carcase 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*.

***corporation*** means a legal person that is not an individual.

***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*.

***dressing*** 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.

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

***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*** means the Australia New Zealand Food Standards Code as defined in section 4 of the *Food Standards Australia New Zealand Act 1991*.

Note: In 2014*,* the Food Standards Code was available on the internet at http://www.foodstandards.gov.au.

***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.

***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 *Manual of Importing Country Requirements (MICoR)* published by the Department. At the commencement of the *Export Control (Meat and Meat Products) Amendment Order 2014 (No. 1),* this document was available on the internet at http://www.daff.gov.au/micor but access to the document requires a password.

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***: a resource industry structure is ***installed*** in an area at a time if, assuming that the structure were a sea installation within the meaning of the *Sea Installations Act 1987* and that the area were part of an adjacent area within the meaning of that Act, the structure would be taken under section 6 of that Act to be installed in an adjacent area at the time.

***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.

***lamb*** means meat derived from an ovine animal that:

(a) is under 12 months of age; or

(b) does not have any permanent incisor teeth in wear.

***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 extract*** means a product that:

(a) is derived from meat that has been passed as fit for human consumption; and

(b) does not contain any non‑meat proteins or any additives; and

(c) does not contain more than 25% moisture by analysis.

***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) a female ovine animal that has at least one permanent incisor tooth in wear; or

(b) a castrated male ovine animal that:

(i) has at least one permanent incisor tooth in wear; and

(ii) 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 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 the identity of that person cannot be ascertained—is the person in charge of the operations for the preparation of meat or meat products at the establishment.

***offal*** means the organs of the thoracic and abdominal cavities, the brain, the muscular tissues of the head, the tissues of the diaphragm, the tail, the feet or tendons.

***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*** operations, means:

(a) a person who has or is to have authority to direct the operations, or an important or substantial part of them; or

(b) a person who has or is to have authority to direct a person mentioned in paragraph (a) in the exercise of that person’s authority.

***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) an entire male ovine animal that:

(i) has at least one permanent incisor tooth in wear; or

(ii) shows evidence of secondary sexual characteristics; or

(b) a castrated male ovine animal that shows evidence of secondary sexual characteristics.

***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 resources industry fixed structure (within the meaning given by the *Sea Installations Act 1987*); or

(b) a resources 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.

***sheep*** means meat derived from any ovine animal.

***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 a 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.

***Timor Sea Maritime Boundaries Treaty*** means the Treaty between Australia and the Democratic Republic of Timor‑Leste Establishing their Maritime Boundaries in the Timor Sea done at New York on 6 March 2018, as in force at the commencement of this definition.

Note: The Timor Sea Maritime Boundaries Treaty could in 2019 be viewed in the Australian Treaties Library on the AustLII website (http://www.austlii.edu.au).

***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 authorised 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*, *authorised officer*, *document*, *enter for export*, *enter for export to a specified place*, *establishment*, *examine*, *food,* *occupier*, *official mark*, *official marking device*, *order*, *premises, preparation, prescribed goods,* *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, authorised 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 authorised officer under the Act.

Note: For the meaning of ***authorised 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 ***authorised 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 authorised 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 carcases 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 authorised 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*** meansthe *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 suborder 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 ***meat extract*** and ***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.

19.2A 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 applyto 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 Decision not to apply provisions

20.1 This order applies if a person makes an application under order 18 for a notice declaring that these Orders apply to meat and meat products.

20.2 If the Secretary has not made a decision on the application within 30 days after receiving the application, the Secretary is taken to have made a decision, at the end of the 30 day period, not to give the notice to the person.

20.3 If the Secretary decides not to give a notice (except because of suborder 20.2), the Secretary must give each of the persons concerned written notice of that decision.

20.4 A notice under suborder 20.3 must state:

(a) the reasons for the decision; and

(b) that a person whose interests are affected by the decision may apply for reconsideration of the decision.

Note: For reconsideration of the Secretary’s decision, see Divisions I and II of Part 10.

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 incomplete 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 A notice under suborder 21.1 or 21.2 must state:

(a) the reasons for the decision to revoke or amend the notice; and

(b) that a person whose interests are affected by the decision may apply for reconsideration of the decision.

Note: For reconsideration of the Secretary’s decision, see Divisions I and II of Part 10.

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;

(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 any of the following areas, for consumption on the structure:

(i) the Greater Sunrise special regime area within the meaning of the *Seas and Submerged Lands Act 1973*;

(ii) the Greater Sunrise pipeline international offshore area within the meaning of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*;

(iii) the area in or above the Bayu‑Undan Gas Field within the meaning of the Timor Sea Maritime Boundaries Treaty;

(iv) the Bayu‑Undan pipeline international offshore area within the meaning of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*;

(v) the area in or above the Kitan Oil Field within the meaning of the Timor Sea Maritime Boundaries Treaty.

Note: For the meaning of ***installed***, ***resource industry structure*** and ***Timor Sea Maritime Boundaries Treaty*** see suborder 8.1.

23.2 For paragraphs 23.1(a) and 23.1(e), a resources industry mobile unit (within the meaning of the *Sea Installations Act 1987*) that is not installed in an area 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.

24.1A An application must:

(a) be given to the Secretary at least 10 working days, or such shorter period as the Secretary allows, before the proposed date of export or preparation of the meat or meat products concerned; and

(b) specify the provisions of these Orders from which the exemption is sought; and

(c) set out the reasons for seeking the exemption; and

(d) provide enough information to enable the Secretary to identify the meat or meat products (including, if practicable, the information specified in subclause 1.2 of Schedule 8).

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 are met in relation to meat and meat products to which the exemption applies.

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 earliest 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 subsection 33(3) of the *Acts Interpretation Act 1901* (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*** 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: Breach of a level 5 penal provision 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: Breach of a level 5 penal provision 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

The occupier of an establishment engaged in the preparation of meat or meat products for export for food must ensure that the applicable requirements of the Australian Meat Standard (other than the requirements of that Standard specified in Schedules 5 and 6 to these Orders as not applying) are complied with.

*Level 5 penal provision*

Note 1: Breach of a level 5 penal provision 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.

33 Occupier must comply with export standards

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, Division II of Part 4 and clause 46 of Schedule 7.

*Level 5 penal provision*

Note: Breach of a level 5 penal provision 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 in 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 or 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 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: 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 at 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 Establishments used to prepare animal food etc.

Meat and meat products for export for food must not be prepared at an establishment 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 establishment 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 fromestablishments engaged in their preparation in accordance with the requirements of:

(a) the Australian Meat Standard; and

(b) Schedule 5.

Note: See for example clause 24 of the Australian Meat Standard. See further clause 10 of Schedule 5. 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

(e) Parts 1 and 2, Division II of Part 4 and clause 46 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 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: Breach of a level 5 penal provision 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

50.1 If:

(a) an export permit is revoked; or

(b) a government certificate is cancelled;

the exporter must return the permit or certificate to an authorised officer as soon as practicable, and must take reasonable steps to do so within 10 working days.

50.2 If an exporter abandons its intention to export any meat or meat products, the exporter must:

(a) notify an authorised officer of any relevant export permits; and

(b) return any relevant government certificates it holds;

as soon as practicable, and must take reasonable steps to do so within 10 working days.

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 authorised 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: Breach of a level 5 penal provision 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 authorised officer or the Secretary see Part III, Division 7 of the Act.

Part 6—Audit

Division 1—Performance of audits

55 Secretary may require audits

55.1 The Secretary may require an audit of:

(a) operations for the preparation of meat or meat products for export for food carried on by the occupier of a registered establishment; or

(b) operations for the export of meat or meat products for food carried on by the occupier of a registered establishment or by an exporter of meat or meat products; or

(c) operations for the certification of meat or meat products.

Note: For an example of operations for the certification of meat or meat products, see Part 3 of Schedule 7 (certification of Halal meat).

55.2 The Secretary must require the audit to relate to any one or more of the following:

(a) compliance with all requirements, or specified requirements only, of the following:

(i) the Act;

(ii) these Orders;

(iii) an approved arrangement;

(iv) the conditions of approval of an approved arrangement;

(b) all aspects, or specified aspects only, of the operations;

(c) all meat and meat products exported, or for export, for food or specified meat or specified meat products only.

Note: It is a requirement that importing country requirements are complied with: see order 34.

55.3 The Secretary may require:

(a) a single audit, or a program of audits; and

(b) an audit of a particular establishment or exporter, or establishments included in specified classes.

55.4 A requirement for a program of audits does not prevent the Secretary from requiring additional, particular audits.

56 Who may conduct audits

An audit may be performed:

(a) by an authorised officer; or

(b) if so specified by the Secretary in writing—by an approved auditor.

57 Purpose of audit

The purpose of an audit is to establish whether there is compliance with the requirements specified by the Secretary under paragraph 55.2(a).

58 Notice of audit

58.1The Secretary need not give any notice of an audit.

58.2 Before an audit commences, the auditor must give the audited person a description of the scope of the audit.

58.3 If, before an audit commences, the audited person asks the auditor to produce the auditor’s identity card for inspection, the auditor must, before commencing the audit, produce his or her identity card for inspection by the audited person.

Note: For identity cards issued to authorised officers, see section 21 of the Act. For identity cards issued to approved auditors, see clause 5A of Schedule 9.

58A Audits must be conducted expeditiously

An auditor must conduct an audit as expeditiously as practicable and in a way that causes as little interference as practicable to the operations concerned.

59 Assistance must be provided

59.1 The audited person must provide such assistance required by the auditor as is reasonably necessary to enable the auditor to perform the audit.

59.2 Without limiting suborder 59.1, ***assistance*** includes:

(a) providing the auditor with access to relevant premises and vehicles; and

(b) providing information or explanations to the auditor (including making documents available); and

(c) operating any equipment; and

(d) allowing an auditor to:

(i) observe or interview employees, agents or contractors; and

(ii) observe any procedure; and

(iii) use equipment to access, examine, test, sample, record or reproduce any document or thing; and

(iv) bring equipment onto the premises at which the audit is conducted for a purpose referred to in subparagraph (iii).

Note 1: Failure to provide assistance is a ground for suspension or revocation of the approval of an approved arrangement: see paragraph 20.1(f) of Schedule 1.

Note 2: Failure by an exporter to provide assistance or consent to entry may preclude the giving of an export permit or the issue of a government certificate: see Division III of Part 1 of Schedule 8 and Part 2 of Schedule 8.

Division II—Failure to comply and audit report

60 Notification and assessment of failures to comply

60.1 If, as the result of an audit, the auditor considers that there has been a failure to comply with a requirement mentioned in paragraph 55.2(a), the auditor must:

(a) notify the audited person immediately after completing the audit; and

(b) determine whether the failure, either by itself or in combination with other failures to comply with such requirements, is a critical non‑compliance.

60.2 If, in the auditor’s opinion, the failure, by itself or in combination with other failures, amounts to a critical non‑compliance, the auditor must notify the Secretary immediately.

60.3 A ***critical non‑compliance*** is a failure to comply with a requirement referred to in paragraph 55.2(a) (by itself or in combination with other failures) that:

(a) results in, or is likely to result in, the export, or preparation for export, of meat or meat products for export for food:

(i) that is or are not wholesome;

(ii) the integrity of which is not assured; or

(iii) that is or are not traceable or cannot be recalled if required; or

(iv) that does not or do not comply with relevant importing country requirements; or

(b) prevents or is likely to prevent an accurate assessment of whether meat or meat products exported or for export for food:

(i) is or are wholesome; or

(ii) is or are traceable and can be recalled if required; or

(iii) complies with relevant importing country requirements; or

(iv) are of assured integrity.

61 Audit reports

61.1 An auditor must make a written report of an audit.

61.2 An audit report must include:

(a) the name of the auditor; and

(b) the date the audit commenced, the date it ended and the duration of the audit; and

(c) the identity of the operations that were audited; and

(d) the nature and scope of the audit, including the operations that were audited.

61.3 An audit report must state:

(a) whether, in the auditor’s opinion:

(i) the audit was satisfactorily completed or was ended before it could be satisfactorily completed; and

(ii) the applicable requirements referred to in suborder 55.2 are complied with; and

(b) the reasons for the auditor’s opinion.

61.4 An audit report must:

(a) describe each failure to comply with any applicable requirement referred to in suborder 55.2 identified by the auditor; and

(b) state whether, in the auditor’s opinion, the failure (either by itself or in combination with other failures) amounts to a critical non‑compliance or has contributed to a critical non‑compliance; and

(c) state the reasons for the auditor’s opinion.

61.5 An audit report may identify potential non‑compliance with any of the requirements referred to in paragraph 55.2(a).

61.6 Without limiting what an audit report may contain, a report may contain recommendations to take the following action:

(a) action to address the fact that a requirement is not complied with;

(b) action to address the risk of potential non‑compliance with a requirement;

(c) action to ensure that a failure to comply with a requirement does not recur;

(d) action to assess the effectiveness of an action mentioned in paragraph (a), (b) or (c).

62 Audit reports must be given to Secretary and audited person

62.1 Within 14 working days after the auditor completes an audit, the auditor:

(a) must give the audit report to the Secretary; and

(b) must give a copy of the audit report to the audited person.

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 the *Export Control (Prescribed Goods—General) Order 2005* is declared to be an official mark:

(a) a mark in accordance with the design specified in section 13.02 of the *Export Control* (*Prescribed Goods—General) Order 2005*;

(b) a mark in accordance with the design specified in section 13.03 of the *Export Control* (*Prescribed Goods—General) Order 2005*;

(c) a mark in accordance with the design specified in subsections 13.05(1) and (2) of the *Export Control* (*Prescribed Goods—General) Order 2005* and a mark in accordance with the design specified in subsections 13.05(3) and 13.05(4) of the *Export Control* (*Prescribed Goods—General) Order 2005*;

(d) a mark in accordance with the design specified in section 13.06 of the *Export Control* (*Prescribed Goods—General) Order 2005*;

(e) a mark in accordance with the design specified in section 13.10 of the *Export Control* (*Prescribed Goods—General) Order 2005*;

(f) a mark in accordance with the design specified in section 13.11 of the *Export Control* (*Prescribed Goods—General) Order 2005*;

(g) a mark in accordance with the design specified in section 13.12 of the *Export Control* (*Prescribed Goods—General) Order 2005*;

(h) a mark in accordance with the design specified in section 13.13 of the *Export Control* (*Prescribed Goods—General) Order 2005*;

(i) a mark in accordance with the design specified in section 13.15 of the *Export Control* (*Prescribed Goods—General) Order 2005*.

63.2 For the purposes of these Orders an ***official marking device*** is an official marking device declared under the *Export Control (Prescribed Goods—General) Order 2005* 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 etc of official marks and official marking devices

64.1 Section 13.18 of the *Export Control (Prescribed Goods General) Order 2005* applies.

64.2 Despite subsection 13.18(2) of the *Export Control (Prescribed Goods General) Order 2005* a person may:

(a) manufacture an official marking device for use for meat or meat products if the person is an authorised officer or is acting in accordance with a direction of an authorised officer; and

(b) manufacture an official marking device for use for meat or meat products of have in their possession an official marking device for use for meat or meat products if:

(i) the person is an authorised officer or is acting in accordance with a direction of an authorised officer; or

(ii) the person is designated in an approved arrangement as a person who may do the relevant act and the act is done in accordance with the approved arrangement.

Note: Contravention of subsection 13.18(2) of the *Export Control (Prescribed Goods—General) Order 2005* is an offence, see section 14 of the Act.

64.3 A person must not alter or interfere with an official mark applied to:

(a) meat or meat products or their packaging; or

(b) anything containing, inserted into or attached to, meat or meat products or their packaging;

64.4 However, suborder 64.3 does not apply if:

(a) the alteration or interference is authorised or required by these Orders; or

(b) the person is an authorised officer or is acting in accordance with a direction of an authorised officer; or

(c) the person is designated in the applicable approved arrangement as a person who may do the relevant act and the act is done in accordance with the approved arrangement.

Note 1: For the meaning of ***apply***, see section 3 of the Act.

Note 2: Contravention of suborder 64.3 is an offence: see section 14 of the Act.

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 section 13.05 of the *Export Control (Prescribed Goods—General) Order 2005—*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 section 13.06 or section 13.15 of the *Export Control (Prescribed Goods—General) Order 2005—*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.

Note 4: Importing country requirements may require that other importing country marks showing eligibility are only applied in specified circumstances.

65A Official mark that is the Department seal

65A.1 Orders 64 and 65 do not apply to a Departmental seal.

65A.2 In this order, ***Departmental seal*** means an official mark of a kind specified in section 13.14 of the *Export Control (Prescribed Goods—General) Order 2005*.

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 resemblingan 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:

(a) is similar to that declared under the *Export Control (Prescribed Goods—General) Order 2005* for the official mark; and

(b) differs materially from the design declared under the *Export Control (Prescribed Goods—General) Order 2005* 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 authorised officereach 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 authorised officers

Division I—Functions of authorised officers

69 Functions referred to in the Australian Meat Standard

69.1 An authorised 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 authorised 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 authorised officer only if the Secretary gives the authorised 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 68.2(b) of the Australian Meat Standard.

70 Inspections, dispositions and additional functions

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

(a) conduct inspections of animals, carcases, carcases 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; and

(c) apply a disposition:

(i) of the kind referred to in subparagraphs 5.2(a)(i) to 5.2(vii) of Schedule 5 to carcases, carcase parts, meat and meat products; and

(ii) of the kind referred to in paragraph 5.2(b) of Schedule 5 to carcase parts; and

(iii) of the kind referred to in subclause 7.2 of Schedule 7 to meat and meat products; 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 carcases and carcase parts see clauses 4 and 5 of Schedule 5.

Note 2: For example, an authorised 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, carcases, carcase parts, meat and meat products see clause 3 of Schedule 5.

70.2 Without limiting the generality of suborder 70.1 an authorised 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 authorised 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 carcases and carcase parts;

(c) implementation of procedures for notifiable diseases;

are to be performed by:

(d) a veterinary officer; or

(e) if paragraph (a) or (b) applies—an authorised 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 authorised 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 or transport 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 in 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*.

72A Application and removal of identification

72A.1 If an authorised officer retains, for the purpose of inspection, analysis, treatment, disposition or a similar purpose:

(a) anything found at premises used or apparently used for the preparation of meat or meat products; or

(b) anything found in or on a vehicle used or apparently used for the transport of meat or meat products; or

(c) an area (including any facilities, equipment or services installed there) that is part of a registered establishment or other premises used or apparently used for the preparation of meat or meat products; or

(d) a vehicle used or apparently used for the transport of meat or meat products;

he or she may identify the thing, area, premises or vehicle by attaching to it a tag or a similar means of identification.

72A.2 A person must not remove a tag or other means of identification attached by an authorised officer under suborder 72A.1 unless the person is:

(a) an authorised officer; or

(b) acting under the direction of an authorised officer.

72B Handling of goods etc. identified at registered establishment etc.

72B.1 If an authorised officer has identified a thing, area, premises or vehicle in accordance with order 72A, the thing, area, premises or vehicle must not be interfered with, used, moved or further processed until an authorised officer has given approval.

72B.2 An approval under suborder 72B.1 need not be in writing.

73 Certificates of condemnation

An authorised 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 authorised officer a written request for a certificate of condemnation; and

(b) the authorised officer is satisfied that the occupier has a system of records that enables the authorised officer to verify the ownership of the animal, carcase or carcase part.

74 Assistance to authorised officers

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

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

75 Production not to commence if authorised 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 authorised 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 authorised officers in accordance with the requirements of Schedule 10; and

(b) the production must not commence until an authorised 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 authorised officers see Schedule 10.

Division II—Directions powers of authorised officers

77 Directions to exporter

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

77.2 If an authorised officer has reasonable grounds to believe that:

(a) meat or meat products are not wholesome or have deteriorated; or

(b) meat or meat products are not eligible for export or are not eligible for export to the country to which they are intended; or

(c) the integrity of the meat or meat products is not assured;

the authorised officer may give the exporter of the meat or meat products a direction to take, or not to take, specified action.

77.3 Without limiting suborder 77.2, a direction may require any of the following:

(a) the movement of 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 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 meat and meat products.

77.4 An authorised officer may give a direction under this order only if, in the opinion of the authorised officer, it is necessary or convenient to do so to ensure that one or more of the objectives specified in suborders 3.1 and 3.2 are met.

77.5 A direction under this order may be given orally or in writing. If the direction is in writing, it must state:

(a) that non‑compliance with the direction is a criminal offence; and

(b) that the maximum penalty for the offence is a fine of 50 penalty units; and

(c) the then current amount of a penalty unit.

Note: The amount of a penalty unit is fixed by section 4AA of the *Crimes Act 1914*. At the commencement of the *Export Control (Meat and Meat Products) Amendment Order 2014 (No. 1)*,the amount was $170.

77.6 An authorised officer may amend or revoke a direction under this order. If the direction is in writing, the amendment or revocation must be made by giving a further written notice to the person to whom the direction was given.

Note: For when a direction is taken to be given to the exporter, see order 92.

78 Obligation to comply with directions

An exporter to whom an authorised officer gives a direction under this Division must comply with the direction.

*Level 5 penal provision*

Note: Breach of a level 5 penal provision is punishable by a fine of 50 penalty units, see regulation 4 of the *Export Control (Orders) Regulations 1982*.

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, compliance by the occupier 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 the occupier’s approved arrangement is varied 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 Where importing country does not require compliance

80.1 The Secretary may, on written application by the occupier of a registered establishment, give the occupier a notice stating that a specified requirement of these Orders does not apply to or in relation to meat or meat products of a specified kind prepared at the establishment to be exported to a specified country.

80.2 The application must specify:

(a) the requirement of these Orders; and

(b) the kind of meat or meat products; and

(c) the country to which the meat or meat products are to be exported.

80.3 The Secretary may give a notice under suborder 80.1 only if the Secretary is satisfied that:

(a) the relevant importing country authority does not require the requirement of these Orders to be complied with; or

(b) all the following circumstances exist:

(i) an importing country requirement differs from the requirement of these Orders;

(ii) compliance with the importing country requirement would not result in compliance with the requirement of these Orders;

(iii) the occupier’s approved arrangement contains controls that achieve the importing country requirement.

80.4 A notice under suborder 80.1 takes effect:

(a) when it is given to the occupier; or

(b) on a later day specified in the notice.

80.5 If a notice under suborder 80.1 has effect, a requirement of these Orders specified in the notice as not applying does not apply to or in relation to meat and meat products of the specified kind prepared at the establishment to be exported to the specified country.

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, by written notice to the occupier, amend or revoke a notice under suborder 80.1.

80.8 In this order:

***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, 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 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 within:

(i) 28 days after the applicant receives notice of the initial decision; or

(ii) such further period as the Secretary allows.

83 Reconsideration by the Secretary

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

83.2 If within 30 days after an application under order 82 is made, the Secretary has not reconsidered the initial decision, the Secretary is taken to have decided at the end of the 30 day period to remake the initial decision.

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 give notice of decision and give reasons

85.1 The Secretary must give the applicant written notice of the Secretary’s decision under order 83 (except a decision under suborder 83.2) within 30 days after the application was received.

85.2 The notice must:

(a) state the reasons for the decision; and

(b) 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.

Note: A failure to include a statement in the notice that an application may be made to the Administrative Appeals Tribunal for review of the decision does not affect the validity of the decision, see subsection 27A(3) of the *Administrative Appeals Tribunal Act 1975*.

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 other decisions that are excluded from the definition of ***initial decision*** in order 81.

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

91.1If 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 authorised 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: Breach of a level 1 penal provision 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

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 26 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 effectfor the purposes of these Orders as if it was accepted by the Secretary under paragraph 32.2(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 27 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 authorised 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.

99 Transitional provisions of the *Export Control (Prescribed Goods—General) Order 2005*

Section 18.02 of the *Export Control (Prescribed Goods—General) Order 2005* does not apply to the following:

(a) an administrative action taken in relation to meat and meat products;

(b) an instrument in writing made in relation to meat and meat products;

by a person under the Orders repealed by section 18.01 of the *Export Control (Prescribed Goods—General) Order 2005*.

100 Transitional provisions for the *Export Control (Meat and Meat Products) Amendment Order 2014 (No. 1)*

100.1 The amendments made by Schedule 1 to the *Export Control (Meat and Meat Products) Amendment (2014 Measures No. 1) Order 2014* (the ***Amendment Order***) apply in relation to acts, matters and things occurring after the commencement of that Order.

100.2 A direction given under Division II of Part 8 of these Orders before the commencement of the Amendment Order continues to have effect after the commencement of the Amendment Order as if the direction had been made under that Division as amended by the Amendment Order.

100.3 A requirement for an audit to be conducted under order 55 of these Orders before the commencement of the Amendment Order continues to have effect after the commencement of the Amendment Order as if the requirement for an audit to be conducted had been made under that order as amended by the Amendment Order.

101 Transitional provisions relating to the *Export Control (Meat and Meat Products) Amendment (Trade Descriptions for Sheep) Order 2019*

The amendments made by items 1 to 3 of Schedule 1 to the *Export Control (Meat and Meat Products) Amendment (Trade Descriptions for Sheep) Order 2019* apply in relation to ovine animals that are slaughtered on or after 1 July 2019.

Schedule 1—Registration and approved arrangements

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Part 1—Registration and approval of arrangement

Division 1—Application and Secretary’s decision

1 Application for registration

1.1The person who:

(a) is to be the occupier of an establishment to be used for operations to prepare meat or meat products for export for food; or

(b) is the occupier of an establishment used for operations to prepare meat or meat products otherwise than for export for food but that proposes to use the establishment for operations to prepare meat or meat products for export for food;

may apply to the Secretary for registration of the establishment and approval of an arrangement in respect of the operations.

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.

2 Information to be contained in the application

2.1 For paragraph 1.2(b), the required information is the following:

(a) the name and business address in Australia of the applicant;

(b) if the applicant is a partnership—the names and addresses in Australia of each of the partners;

(c) the name and address in Australia of each person who is to manage or control the operations to be carried on at the establishment;

(d) if the applicant 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;

(e) if the applicant 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;

(f) if the applicant 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;

(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;

(h) the location and address of the establishment;

(i) the external boundaries of the establishment;

(j) if the establishment is a ship—its name, home port and the place in Australia where it can be inspected;

(k) particulars of:

(i) the export operations to be carried on at the establishment; and

(ii) any other operations likely to affect the export operations to be carried on at the establishment.

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

2.2 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.

3 Assessment of application

3.1 For the purposes of assessing the application, the Secretary may:

(a) evaluate the arrangement; 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, by written notice, request the applicant to provide any of the following that the Secretary reasonably requires in order to decide the application:

(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 an inspection, evaluation or demonstration.

4 Secretary’s decision

4.1 The Secretary must decide the application within 60 days after the Secretary receives the application (not including any period between the Secretary giving making a request in accordance with subclause 3.2 and the applicant meeting the request).

4.2 If, within 60 days after an application is made, the Secretary has not decided the application, the Secretary is taken to have decided at the end of the 60 days not to register the establishment, and not to approve the arrangement, to which the application relates.

5 Secretary may register establishment and approve arrangement

5.1 If the Secretary is satisfied that the conditions in subclause 5.2 are met in respect of an application under clause 1 for registration of an establishment and approval of an arrangement, the Secretary must:

(a) register, the establishment in the name of the applicant as an establishment where operations for the preparation of meat and meat products of the kind specified in the registration certificate may be conducted by the occupier; and

(b) approve the proposed arrangement.

5.2 The conditions are:

(a) that operations at the establishment will be conducted in a way that ensures that the requirements of the Act and these Orders are met; and

(b) that the following persons are fit and proper persons having regard to the matters specified in section 4.05 of the *Export Control (Prescribed Goods—General) Order 2005*:

(i) the person in whose name the establishment is to be registered;

(ii) each person who is to manage or control the operations to be carried on in the establishment;

(iii) if the establishment is to be registered in the name of a partnership—each of the partners; and

(c) that all amounts payable to the Department in respect of the establishment have been paid (whether or not the amount was payable by the applicant); and

(d) that the arrangement for the preparation of meat and meat products to be undertaken at the establishment meets the requirements of clauses 11 and 12 of Schedule 2; and

(e) that 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 export permits and issuing government certificates for meat and meat products prepared at the establishment.

Note 1: For when an amount that is payable to the Department is taken to have been paid, see subclause 32.2.

Note 2: It is a requirement that importing country requirements are complied with: see order 34.

6 Notice of decision not to register establishment and approve arrangement

6.1 If, in respect of an application under clause 1 for registration of an establishment and approval of an arrangement, the Secretary decides not to register the establishment and approve the arrangement (except because of subclause 4.2), the Secretary must give the applicant written notice of that decision.

6.2 The notice must state:

(a) the reasons for the decision; and

(b) that a person whose interests are affected by the decision may apply for reconsideration of the decision.

Note: For reconsideration and review of the Secretary’s decision, see Divisions I and II of Part 10.

7 Registration number

7.1 On registration the Secretary must give the applicant a registration number for the establishment.

8 Copy of registration certificate to be supplied

8.1 The occupier of a registered establishment must prominently display at the establishment a copy of the current certificate of registration for the establishment.

*Level 1 penal provision*

Note: Breach of a level 1 penal provision is punishable by a fine of 10 penalty units, see regulation 4 of the *Export Control (Orders) Regulations 1982*.

Division II—Conditions and notification

9 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 of the registration of the establishment.

9.2 Conditions of registration for an establishment must be, in the opinion of the Secretary, for the purposes of ensuring that one or more of the objectives specified in suborders 3.1 and 3.2 are met in relation to the establishment.

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

10 Compliance with undertaking is a condition of registration

10.1 Without limiting subclause 9.1, it is a condition of registration of an establishment that an undertaking described in clause 32 (including any variation of the undertaking) given by the occupier of the establishment is complied with.

Note: For suspension or revocation for non‑payment of debts, see clause 19.

11 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 occupier of the relevant registered establishment, impose new conditions or vary or revoke a condition of the approval of the arrangement.

11.2 A condition must be, in the opinion of the Secretary, necessary or appropriate for the purpose of ensuring that one or more of the objectives specified in suborders 3.1 and 3.2 are met.

Note: For when a failure to comply with the arrangement or its conditions may result in the suspension or revocation of the approval of the arrangement, see paragraph 20.1(a).

12 Changes of which Secretary must be notified

12.1 If:

(a) the Secretary is notified of a change under subsection 4.16(1) or (2) of the *Export Control (Prescribed Goods—General) Order 2005*; and

(b) the Secretary is satisfied that the person who has commenced to manage or control the operations carried on at the establishment is a fit and proper person having regard to the matters specified in section 4.05 of the *Export Control (Prescribed Goods—General) Order 2005*;

the registration of the establishment continues to have effect.

12.2If a person who manages or controls the operations carried on at a registered establishment is convicted of a serious offence, the person must give the Secretary written notice of the conviction:

(a) if the person has not been sentenced to a term of imprisonment or has been sentenced to a term of imprisonment that is to be served only on failure to comply with another order of the court—within 7 days after the date of the conviction; or

(b) if the person has been sentenced to a term of imprisonment (other than a term of imprisonment that is to be served only on failure to comply with another order of the court)—as soon as practicable after the date of the conviction.

*Level 1 penal provision*

Note 1: For the definition of s***erious offence***, see suborder 8.1.

Note 2: Breach of a level 1 penal provision is punishable by a fine of 10 penalty units, see regulation 4 of the *Export Control (Orders) Regulations 1982*.

12.3 The occupier of a registered establishment must give to a person who manages or controls the operations carried out at the establishment a written notice that complies with subclause 12.4, and must do so as soon as practicable after the appointment of the person to manage or control the operations.

Note 1: If the Secretary has reasonable grounds to believe that the occupier of an establishment has failed to comply with a requirement of these Orders, the Secretary may suspend or revoke the approval of an arrangement for the establishment: see subclause 20.1.

Note 2: The Secretary may suspend or revoke the registration of an establishment if a person who manages or controls the establishment is convicted of a serious offence: see subclause 18.2.

12.4 The notice must set out the terms of, or have attached to it a copy of, subclause 12.2, including the penalty provision and the notes to that subclause and must state the then current value of a penalty unit.

Note: The value of a penalty unit is fixed by section 4AA of the *Crimes Act 1914*. At the commencement of the *Export Control (Meat and Meat Products) Amendment Order 2014 (No. 1)*, the value was $170.

Part 2—Variation of registration and approved arrangements

Division I—Variation of registration

13 Occupier may request variation

13.1 The occupier of a registered establishment may apply to the Secretary for approval of a variation of the registration as it applies to one or more of the following at the establishment:

(a) operations for the preparation of meat or meat products for export;

(b) the meat or meat products to be prepared.

Note: The occupier may also request that registration be terminated: see clause 24.

13.2 If, on an application under subclause 13.1, the Secretary approves the variation, the Secretary must give the occupier a new certificate of registration.

13.3 If, within 30 days after an application under subclause 13.1 is made, the Secretary has not made a decision whether to approve the variation, the Secretary is taken to have decided at the end of the 30 day period not to have approved the variation.

13.4 If, on an application under subclause 13.1, the Secretary decides not to approve the variation (except because of subclause 13.3), the Secretary must give the occupier written notice of that decision.

13.5The notice must state:

(a) the reasons for the decision; and

(b) that a person whose interests are affected by the decision may apply for reconsideration of the decision.

Note: For reconsideration and review of the Secretary’s decision, see Divisions I and II of Part 10.

Division II—Variation of approved arrangements

14 Approved arrangements may be varied

14.1 The occupier of a registered establishment may, at any time but subject to these Orders, vary the approved arrangement for the establishment.

14.2 The occupier must ensure that a record is made of each variation. The record must include a statement of the reasons for the variation.

*Level 2 penal provision*

Note 1: Breach of a level 2 penal provision 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.

15 Variations requiring approval before implementation

15.1 The occupier of a registered establishment must ensure that a variation to the approved arrangement that, by itself or in conjunction with other variations, has the potential to affect adversely:

(a) the likelihood of compliance with the requirements of the Act and these Orders; or

(b) the wholesomeness or assurance of integrity of meat and meat products at the establishment; or

(c) the ability to make an accurate assessment whether:

(i) there is compliance with requirements of the Act and these Orders; or

(ii) meat or meat products at the establishment are wholesome and their integrity assured;

does not come into effect 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; and

(f) if one or more conditions apply to the approval of the variation—the conditions are applied.

*Level 5 penal provision*

Note 1: Breach of a level 5 penal provision 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). 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 may be taken into account.

15.2 Without limiting subclause 15.1, that subclause applies to a variation that, by itself or in conjunction with other variations:

(a) identifies a person who manages or controls the operations or the person’s functions (including as it designates a person 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) a procedure, standard or other requirement referred to in suborder 79.5;

(ii) a control referred to in suborder 80.6.

15.3 If, within 30 days after an application under paragraph 15.1(d) is made, the Secretary has not made a decision whether to give a written notice, the Secretary is taken to have decided at the end of the 30 day period not to give a notice.

15.4 If the Secretary decides not to give the occupier a written notice approving the variation (except because of subclause 15.3), the Secretary must give the occupier written notice of that decision.

15.5The notice must state:

(a) the reasons for the decision; and

(b) that a person whose interests are affected by the decision may apply for reconsideration of the decision.

Note: For reconsideration and review of the Secretary’s decision, see Divisions I and II of Part 10.

15.6 The Secretary may approve a variation subject to conditions that must be complied with before the variation comes into effect.

15.7 Conditions must be for the purposes of ensuring that one or more of the objectives specified in suborders 3.1 and 3.2 are met in relation to the establishment.

16 Variations required by Secretary

16.1 The Secretary may give a written notice to the occupier of a registered establishment requiring the occupier to submit a variation to the approved arrangement for the establishment if:

(a) the Secretary considers that circumstances relating to the preparation of meat or meat products at the establishment have changed; or

(b) the Secretary considers that an importing country requirement has changed; or

(c) the Secretary is not satisfied that compliance with the controls specified in the approved 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 will be a sound basis for giving export permits and issuing government certificates for meat and meat products prepared at the establishment.

16.2 The notice must describe:

(a) the variation required; and

(b) the time by which the variation must be submitted to the Secretary.

16.3 An occupier who is given a notice under subclause 16.1 must comply with it.

Note: If the notice is not complied with, the Secretary may suspend or revoke the approval of the approved arrangement: see subclause 20.1.

16.4 Subclause 15.1 applies to a variation required under this clause.

Note: This means that it must be approved before it is implemented. It will be approved under clause 15.

17 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 or 16 only if the Secretary gives the occupier a notice approving the variation under clause 15.

Part 3—Suspension and revocation

Division I—Suspension and revocation of registration

18 When Secretary may suspend or revoke a registration

18.1 The Secretary may, by written notice to the occupier of a registered establishment, suspend or revoke the registration of the establishment, in whole or in part, if the Secretary has reasonable grounds to believe that:

(a) any of the following persons is not a fit and proper person having regard to the matters specified in section 4.05 of the *Export Control (Prescribed Goods—General) Order 2005*:

(i) if the occupier is an individual—the individual;

(ii) if the occupier is a corporation—the corporation;

(iii) if the occupier is a partnership—a member of the partnership;

(iv) a person who manages or controls the operations carried out at the establishment; or

(b) a condition of the registration (other than a condition referred to in clause 10) has not been complied with; or

(c) a person referred to in paragraph (a) has made a statement:

(i) that is false, misleading, or incomplete; or

(ii) for which there is no sound basis;

in the 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 comply with a request by an authorised officer to make available to an authorised officer a document that, under these Orders, the occupier is required to keep.

18.2 The Secretary may, by written notice to the occupier of a registered establishment, suspend or revoke the registration of the establishment if:

(a) the occupier; or

(b) a person who manages or controls operations at the establishment;

is convicted of a serious offence.

18.3 A notice under subclause 18.1 or 18.2 must state that the approval of the approved arrangement for the establishment is also suspended or revoked in whole or to the extent specified in the notice.

18.4 The revocation or suspension of the registration and approval of an approved arrangement under this clause has effect on:

(a) the day when the notice is given to the occupier; or

(b) if a later day is specified in the notice as the day it has effect—that day.

18.5 The Secretary may revoke a registration that is suspended (including one suspended in part).

19 Non‑payment of debts

19.1 If, at the end of 8 days after a notice of payment due (under clause 31) is served on the occupier of a registered establishment:

(a) the amount payable has not been paid; and

(b) the occupier has not entered into an arrangement with the Secretary to pay it;

the Secretary may, by written notice to the occupier, suspend the registration of the establishment.

19.2 If the amount has not been paid at the end of 90 days after the notice under subclause 19.1 is given to the occupier, the Secretary may, by written notice to the occupier, revoke the registration of the establishment.

Note: For when the amount is taken to have been paid, see subclause 32.2.

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 be served on the third working day after it was posted.

19.4 A notice under subclause 19.1 or 19.2 must state that the approval of the approved arrangement for the establishment is also suspended or revoked (as the case may be).

19.5 Revocation or suspension of a registration and approval under this clause takes effect:

(a) on the day when the notice is given to the occupier; or

(b) if a later day is specified in the notice as the day it has effect—that day.

19.6 This clause applies separately, and in addition, to clause 18.

Division II—Suspension and revocation of approved arrangements

20 When Secretary may suspend or revoke approval

20.1 The Secretary may, by written notice to the occupier of a registered establishment, suspend or revoke the approval of the approved arrangement for the establishment if the Secretary has reasonable grounds to believe that:

(a) the occupier has failed to comply with a requirement of the Act, these Orders, the approved arrangement for the establishment or a condition of approval of that arrangement; or

(b) compliance with the controls specified in the approved arrangement is unreliable or not effective to ensure that the matters specified in subparagraphs 5.2(e)(i) and (ii) are met; or

(c) the occupier ceases operations to prepare meat or 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:

(i) that is false, misleading, or incomplete; or

(ii) for which there is no sound basis;

in an application or other document or information given to the Secretary or required to be given under the Act, these Orders, the approved arrangement for the establishment or a condition of approval of that approved arrangement; or

(e) the occupier failed to comply with a requirement to make available to an authorised officer a document that, under the Act, these Orders, the approved arrangement for the establishment, or a condition of approval of that approved arrangement, the occupier is required to keep; or

(f) the occupier has failed to:

(i) consent to access to the establishment for the purposes of the performance of an audit or another function of an authorised officer under these Orders; or

(ii) provide assistance required as mentioned in order 59 or 74; or

(g) an authorised 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: Importing country requirements must be complied with, see order 34.

Note 2: It is an offence not to give information or documents to an authorised officer or the Secretary when required: see Division 7 of Part III of the Act.

20.2 The Secretary may revoke the approval of an arrangement that is suspended (including one suspended in part).

20.3 The revocation or suspension takes effect on:

(a) the day when the written notice is given to the occupier; or

(b) if a later day is specified in the notice of the revocation or suspension as the day it has effect—that day.

20.4 A period of suspension must not exceed 12 months. It may be extended, but only if the total period does not exceed 12 months.

Division III—General rules applying to suspensions and revocations

21 Suspension and revocation in full or in part

21.1 The suspension or revocation of registration or an approval of an arrangement may be:

(a) in full; or

(b) in respect only of one or more of the following, as specified in the notice of suspension or revocation:

(i) specified meat or meat products prepared at the establishment;

(ii) a specified stage of preparation of meat or meat products at the establishment.

22 Notice of reasons, reconsideration and period of suspension

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 the suspension or revocation.

22.2 The notice must state:

(a) the reasons for the suspension or revocation; and

(b) in the case of suspension—the period of the suspension; and

(c) that a person whose interests are affected by the suspension or revocation may apply for reconsideration of the decision to revoke or suspend.

Note: For reconsideration of the Secretary’s decision, see Divisions I and II of Part 10.

23 If grounds for suspension no longer exist

23.1 If the grounds for which registration of an establishment or the approval of an arrangement is suspended no longer exist, the Secretary may, by written notice to the occupier, revoke the suspension.

Note: For reinstatement of registration and approval of an arrangement, see clause 29.

24 Termination at occupier’s request

24.1 The occupier of a registered establishment may terminate the registration of the establishment by giving the Secretary written notice of the termination.

24.2 If the registration is terminated under subclause 24.1, the occupier’s approved arrangement is also terminated.

24.3The occupier of a registered establishment may terminate the approval of the approved arrangement for the establishment by giving the Secretary written notice of the termination.

24.4 The termination of the registration or approved arrangement may be:

(a) in full; or

(b) in respect only of one or more of the following, as specified in the notice:

(i) specified meat or meat products prepared at the establishment;

(ii) a specified stage of preparation of meat or meat products at the establishment.

24.5 The termination takes effect:

(a) 7 days after the notice is given to the Secretary; or

(b) if a later day is specified in the notice as the day it has effect—that day.

25 When registration and approved arrangement lapse

25.1 If the person in whose name an establishment is registered ceases to be the person who carries on the operations to prepare meat or meat products for export for food at the establishment and for which the establishment is registered, the registration and the approval of the approved arrangement for the establishment lapses:

(a) at the end of 7 days after the person so ceases; or

(b) if the person gives the Secretary earlier written notice of ceasing—the day the notice is given.

26 When registration ceases to have effect

26.1 The registration of an establishment ceases to have effect on the earliest of the following:

(a) the end of 12 months after the approval of the approved arrangement for the establishment ceases to have effect;

(b) the day when the revocation or termination of the registration takes effect;

(c) the day when the registration lapses.

Note: For when revocation or suspension of registration has effect, see subclauses 18.4 and 19.5. For when revocation or suspension of an approved arrangement has effect, see subclause 20.3. See also subclauses 18.3 and 19.4.

26.2 The registration of an establishment ceases to have effect in part if a circumstance referred to in paragraph 26.1(a) or (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 to have effect. For the requirement to be registered, see order 29 and order 37.

26.3 If registration of an establishment is suspended (including in part), the registration is of no effect to the extent of the suspension but the occupier of the establishment must nevertheless comply with the obligations under these Orders that would apply if the registration were not suspended.

27 When approved arrangement ceases to have effect

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

27.2 The approval of an arrangement ceases to have effect in part if a circumstance referred to in subclause 27.1 occurs in respect of that part.

Note: For when revocation or suspension of an approved arrangement has effect, see subclauses 18.4, 19.5 and 20.3.

27.3If the approval of an approved arrangement for an establishment is suspended (including in part), the approval is of no effect to the extent of the suspension but the occupier of the establishment must nevertheless comply with the obligations under these Orders that would apply if the approval were not suspended.

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

28 When the Secretary must provide new certificate of registration

28.1 The Secretary must give the occupier of a 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; or

(d) the Secretary reinstates the registration in full or in part.

29 Reinstatement

29.1 If the grounds on which the registration of an establishment is revoked in full or in part no longer exist, the Secretary may, by written notice to the occupier, reinstate the registration.

29.2 If the grounds on which the approval of an arrangement is revoked no longer exist, the Secretary may, by written notice to the occupier, reinstate the approval of the arrangement.

30 Secretary may require occupier to take action

30.1 If the registration of an establishment or the approval of an approved arrangement for an establishment ceases to have effect, the Secretary may, by written notice to the occupier of the establishment, 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 carcases, 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 carcases, carcase parts, meat or meat products prepared at the establishment;

(d) any official marks that are in the possession or under the control of the occupier;

(e) any export permits or government certificates given or issued to the occupier that are in the possession or under the control of the occupier.

Note: ***Carcase*** and ***carcase part*** are defined in suborder 8.1.

30.2 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 are met.

30.3 An occupier who is given a notice under subclause 30.1 must comply with the notice.

*Level 5 penal provision*

Note: Breach of a level 5 penal provision is punishable by a fine of 50 penalty units, see regulation 4 of the *Export Control (Orders) Regulations 1982*.

30.4 The notice must state that:

(a) non‑compliance with the direction is a criminal offence; and

(b) the maximum penalty for the offence is a fine of 50 penalty units.

Part 4—Payment of debts

31 Notice of non‑payment of debts

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

Note: For when registration may be suspended or revoked if an amount that is payable to the Department is not paid, see clause 19.

32 Undertaking for payment of debts

32.1 This clause applies if:

(a) an application is made for the registration of an establishment; and

(b) an amount (the ***amount outstanding***) 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.

32.2 For the purposes only of dealing with the application, the amount outstanding is taken to have been paid if:

(a) the applicant gives a written 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.

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

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

32.4 In considering whether to accept an undertaking, the Secretary must take into account:

(a) the financial position of the proposed occupier, so far as it is known to the Secretary; and

(b) the nature and likely cost of the operations proposed to be carried on at the establishment, so far as they are known to the Secretary; and

(c) whether the proposed occupier will be able to comply with the undertaking and meet the cost of the operations, so far as that is known to the Secretary; and

(d) any other relevant considerations.

32.5 An undertaking may be varied at any time by agreement between the Secretary and the applicant.

32.6 The Secretary may agree to a variation of an undertaking if:

(a) taking into account the matters mentioned in subclause 32.4, the Secretary considers that it is appropriate to do so; and

(b) the variation does not reduce the applicant’s liability to pay the amount outstanding.

33 Recovery of amount payable

33.1 An amount payable under an undertaking under clause 32 (including as varied) in respect of the period during which the establishment to which the undertaking relates is registered in the name of the person giving the undertaking:

(a) is a debt due to the Commonwealth; and

(b) may be recovered in a court of summary jurisdiction.

34 How payments must be applied

34.1 A payment under an undertaking under clause 32 reduces the amount outstanding to the extent of the payment.

34.2 If:

(a) an undertaking under clause 32 relates to 2 or more amounts outstanding; or

(b) a person bound by 2 or more undertakings under clause 32 makes a payment in respect of any of the undertakings;

the Secretary may determine the order in which payments are to be applied to reduce the amounts outstanding.

35 Refund of excess amounts paid

35.1 If the sum of payments made under an undertaking under clause 32 in respect of an amount outstanding, being payments made by or on behalf of the original debtor, exceeds the amount outstanding, the excess must be refunded to the person who gave the undertaking.

36 Liability of original debtor

36.1Except as provided for by subclause 34.1, the liability of the original debtor to pay the amount outstanding is not affected by an undertaking under clause 32 or by payments made under such an 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 writtenrecord made of:

(a) the methods, procedures, tests, monitoring and other evaluations used to verify compliance; and

(b) the results of the verification.

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

Corrective action

4.1If 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: Breach of a level 5 penal provision 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 authorised 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: Breach of a level 5 penal provision 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 authorised 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 countr***y ***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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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 authorised officers

Amenities at slaughter establishments or where authorised officers are permanently located

3.1. Establishments:

(a) engaged in the slaughter of animals; or

(b) at which two or more authorised officers are permanently located;

must provide authorised 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 authorised 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 authorised officers.

Amenities at other establishments

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

(a) an office for the exclusive use of authorised officers when at the establishment; and

(b) access to toilet facilities;

that are appropriate for the authorised 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 authorised 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 authorised 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 authorised 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 Authorised 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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1. Requirements for potable water

PART 2—ANIMAL FOOD AND PHARMACEUTICAL MATERIAL

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 to be used to verify that the requirements of paragraph 1.1(c) are 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 6 2011* developedby the National Health and Medical Research Council in collaboration with the National Resource Management Ministerial Council. At the commencement of the *Export Control (Meat and Meat Products) Amendment Order 2014 (No. 1)*, these guidelines were accessible on the Internet at http://www.nhmrc.gov.au/\_files\_nhmrc/publications/attachments/eh52\_aust\_drinking\_water\_guidelines\_update\_120710\_0.pdf

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

4.1Meat 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.

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9. Temperature controls for and after processing raw 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.

1.2The 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

3.1A decision or disposition and the conditions and other requirements specified in such a decision or disposition applied by an authorised officer to animals, carcases, 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 authorised 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 authorised officer under these Orders; and

(b) a variation of such a decision or disposition, its conditions and requirements.

Post mortem inspections

4.1 In complying with clause 10.5 of the Australian Meat Standard, the following inspection procedures do not have to be followed:

(a) the procedures specified for “other tissues and organs” in Table 2 of Schedule 2 to the Australian Meat Standard;

(b) the procedures specified for “other tissues” in Table 3 of Schedule 2 to the Australian Meat Standard.

Post mortem dispositions applied to carcases and carcase parts

5.1 Clause10.12 of the Australian Meat Standard does not apply.

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

(a) for carcases 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 authorised officer may apply a disposition to carcases, carcase parts, meat and meat products at any other time, see suborder 70.3. An authorised 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.

Division III—Chilling, freezing, thawing and tempering

Chilling

8.1 The refrigeration for chilling applied to carcases and carcase parts is taken to comply with paragraphs 11.6(a), (b) or (c) of the Australian Meat Standard only if the control measures for the refrigeration process specified in the approved arrangement are complied with.

Note 1: The effectiveness of the refrigeration process is assessed through use of the Refrigeration Index criteria, see subclauses 10A.1 and 10A.2.

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.

Temperature controls for and after processing raw meat

9.1Despite clause 12.4 of the Australian Meat Standard the processing of meat removed from refrigeration need only take place in a temperature controlled environment of no warmer than 10˚C if the processing is likely to result in a temperature of warmer than 7˚C on any of the surfaces of the meat.

9.2After the processing of raw meat is completed:

(a) the requirements of paragraph 12.5(a) to 12.5(c) of the Australian Meat Standard must be complied with; or

(b) the meat must be frozen in accordance with subclause 8.2.

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

9.3The refrigeration for chilling raw meat after the process is completed is taken to comply with subparagraphs 12.5(b)(i) and 12.5(b)(ii) of the Australian Meat Standard if the refrigeration achieves a temperature of no warmer than 7˚C on all surfaces of the raw meat.

Note: The effectiveness of the refrigeration process is assessed through use of the Refrigeration Index criteria: see subclauses 10A.1 and 10A.2.

Storage, handling and transport

10.1 The temperature requirements of subparagraphs 15.2(a)(i) and 15.2(a)(ii) of the Australian Meat Standard are taken to be complied with if the meat and meat products concerned are stored and handled at a temperature of no warmer than 7˚C on any of their surfaces.

10.2 The temperature requirement of paragraph 15.7(a) of the Australian Meat Standard is complied with if the meat and meat products concerned:

(a) are at a temperature no warmer than 7°C on any of their surfaces; or

(b) are still being reduced in temperature in accordance with the approved arrangement.

Note: Where product is still being reduced in temperature, the effectiveness of the refrigeration process is assessed through use of the Refrigeration Index criteria, see subclauses 10A.1 and 10A.2.

10.3 The temperature requirements of subparagraphs 24.3(a)(i) and (ii) of the Australian Meat Standard are complied with if the meat and meat products concerned:

(a) are transported at a temperature no warmer than 7°C on any of their surfaces; or

(b) are still being reduced in temperature in accordance with the approved arrangement.

Note: Where product is still being reduced in temperature, the effectiveness of the refrigeration process is assessed through use of the Refrigeration Index criteria, see subclauses 10A.1 and 10A.2

Assessing the effectiveness of refrigeration

10A.1The control measures for chilling applied to meat and meat products must achieve therefrigeration index criteria.

10A.2Subclause 10A.1 applies only to assessing the effectiveness of the process of refrigeration applied to a carcase, carcase part and raw meat from the time it is first placed under refrigeration until it is:

(a) maintained continuously at a temperature of no warmer than 7˚C at all sites of microbiological concern; or

(b) further processed in accordance with Part 13 of the Australian Meat Standard.

Note: The Australian Meat Standard clause 11.3 requires that carcases and carcase parts are placed under refrigeration within 2 hours of stunning.

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

12.1The thawing of meat is taken to comply with paragraph 12.11(a) of the Australian Meat Standard if it results in a temperature of no warmer than 7˚C on any of the surfaces of the meat.

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 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 authorised 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.

Division VI—Transport

Transport of meat and meat products

15A.1 Meat and meat products for export must not be loaded into a meat transport vehicle for transport between registered establishments unless the meat transport vehicle:

(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) is equipped or provided with an appropriate and adequate means of refrigeration; and

(e) has an accurate measuring device to assess whether the requirements of these Orders are complied with during transport and loading; and

(f) is maintained in a good state of repair and working order having regard to its use; and

(g) is capable of being secured by seal.

Note: For the handling of product at load‑in, see subclauses 5.1, 15.2 and 15.3 of the Australian Meat Standard.

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 authorised 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 authorised 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 section 13.11 of the *Export Control (Prescribed Goods—General) Order 2005*.

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 section 13.11 of the *Export Control (Prescribed Goods—General) Order 2005* 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.

Note: For animal disease or integrity reasons, a seal may need to be applied to a container system unit intended for transport by air where it transits another country: see *Manual of Importing Country Requirements (MICoR)*, published by the Department of Agriculture, Fisheries and Forestry. At the commencement of the *Export Control (Meat and Meat Products) Amendment (2014 Measures No. 1) Order 2014* this document was accessible on the Internet at http://www.daff.gov.au/micor, but access to the document requires a password.

20.2 Subclause 20.1 is not taken to be complied with unless the seal is applied by a person who may, under clause 15 of Schedule 6 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

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.

1.2The 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 a bovine, ovine, porcine or caprine animal—one of the following descriptions as applicable:

(i) beef;

(ii) bull;

(iii) veal;

(iiia) sheep;

(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

(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***, ***sheep***, ***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.

1.4Meat 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;

(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

4.1Information 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.

4.2For the purposes of paragraph 1.2(b) and clause 4.1 of this Schedule:

(a) the description beef offal is taken to be accurate if it is applied to offal derived from beef, veal or bull carcases; and

(b) the description pork offal is taken to be accurate if it is applied to offal derived from pork, sow or boar carcases; and

(c) the description mutton offal is taken to be accurate if it is applied to offal derived from mutton, lamb or ram carcases.

Note: For the meaning of ***offal*** see 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; or

(b) applied to any label, tag or seal attached to the meat or meat products; or

(c) applied to the covering or packaging of the meat or meat products; or

(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 carcases and carcase parts

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

10.2 The official mark must be applied as soon as practical after the carcase and carcase 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.

10.3The official mark must be applied to a conspicuous part of the carcase or carcase 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.

Note 3: Importing countries may require a mark to be applied to carcases, carcase parts and cartons.

Official marks for carcases and carcase 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 section 13.03 of the *Export Control (Prescribed Goods—General) Order 2005*; and

(b) in any other case—the official mark the design of which is specified in section 13.02 of the *Export Control (Prescribed Goods—General) Order 2005*.

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 section 13.02 of the *Export Control (Prescribed Goods—General) Order 2005* 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 carcases and carcase parts specified under clause 10 of this Schedule.

Halal meat

13.1 An official mark the design of which is specified in section 13.05 of the *Export Control (Prescribed Goods—General) Order 2005* 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.

13.4The official mark must be applied to a conspicuous part of the Halal meat, itslabel, 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 or Territory inspection and audit arrangements

14.1Despite 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 section 13.13 of the *Export Control (Prescribed Goods—General) Order 2005*; and

(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 section 13.12 of the *Export Control (Prescribed Goods—General) Order 2005*;

if all of the following circumstances exist:

(c) the carcases and carcase parts are passed for human consumption by a State or Territory meat safety inspector;

(d) the approved arrangement for the carcases and carcase parts provides for the preparation of meat and meat products for export under State or Territory inspection and audit arrangements;

(e) the meat and meat products derived from the carcases 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 section 13.12 or 13.13 (as the case may be) of the *Export Control (Prescribed Goods—General) Order 2005* may be applied to them.

Note 1: For the meaning of State or 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 or 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) an authorised officer, or a person acting in accordance with a direction of an authorised officer; or

(b) a person designated in the applicable approved arrangement as a person who may apply the mark concerned.

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 section 13.05 of the *Export Control (Prescribed Goods—General) Order 2005*) 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 section 13.06 or section 13.15 of the *Export Control (Prescribed Goods—General) Order 2005—*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*, *Importing Country Requirements* published by the Department. This document is available at http://www.daff.gov.au.

17.2 An official mark (other than an official mark the design of which is specified in section 13.05, 13.12 and 13.13 of the *Export Control (Prescribed Goods—General) Order 2005*) 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 section 13.05 of the *Export Control (Prescribed Goods—General) Order 2005* 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;

(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.

2.3Meat 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: or 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 meatand 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 carcase that meets the carcase criteria; and

(b) meet the meat quality assessments;

specified for Grain Fed (symbol GF), for Grain Fed Finished (symbol GFF) or for Grain Fed Young Beef (symbol GFYG) in the *Australian Meat Industry Classification System Manual 1*.

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.

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: 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

7.1If 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 authorised 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 authorised officer if it is suspected that integrity is compromised see clause 10 of Schedule 2.

7.2 An authorised officer may apply one of the following dispositions to the meat or meat products if there are reasonable grounds to believe that the integrity of the meat and meat products for export for food is not assured:

(a) unsuitable for export as food;

(b) unsuitable for export as food to a specified country.

Note: For the requirement to comply with a disposition, see clause 3 of Schedule 5.

7.3 Without limiting subclause 7.2, the integrity of meat or meat products may be considered not to be assured if:

(a) an official mark applied to the meat or meat products (or to any other thing referred to in Division I of Part 2 of Schedule 6) has been applied, altered or interfered with contrary to orders 64 to 66; or

(b) a requirement of Schedule 6 or 7 is not met in relation to meat or meat products.

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 on 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 or meat products may be exported from Australia;

(ii) the importing country requirements for the meat or meat products;

(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).

8.3 The information and declarations required to be given by subclauses 8.1 and 8.2 must be given in a form approved by the Secretary.

Note: Electronic message formats should be UNEDIFACT compliant.

Information must be given to the consignee

9.1For 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*. Forelectronic signatures see section 10 of the *Electronic Transactions Act 1999*.

Who may make the declaration

10.1A 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 authorised officers this needs to be set out in the approved arrangement, see clause 11 of Schedule 2. See also order 80.

Requirements for declaration

11.1A 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).

Receipt of meat and meat products

11A.1 If meat or 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 or the information does not accompany the meat or meat products; or

(b) the information referred to in clause 8 received by the establishment or accompanying the meat or 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 authorised 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 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

14.1A 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: Breach of a level 5 penal provision is punishable by a fine of 50 penalty units, see regulation 4 of the *Export Control (Orders) Regulations 1982*.

Certifications

15.1The 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

17.1The 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: Breach of a level 5 penal provision 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

18.1The 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.

18.2An Islamic Organisation that engages in operations for the certification of Halal meat must comply with requirements of clauses 2 to 5 of Schedule 2.

18.3For the purposes of subclause 18.2:

(a) in suborders 3.1, 4.1 and 5.1 of Schedule 2 each reference to the Act, order 31 and Division II of Part 3 of these Orders is taken to be a reference to these Orders that apply to the Islamic Organisation; and

(b) in suborders 5.1 and 5.3 of Schedule 2 each reference to establishment is taken to be a reference to Islamic Organisation.

Notification of changes to relevant persons

19.1If 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: Breach of a level 5 penal provision is punishable by a fine of 50 penalty units, see regulation 4 of the *Export Control (Orders) Regulations 1982*.

19.2The 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) if the Islamic Organisation is a individual:

(i) he or she is convicted of a serious offence; or

(ii) he or she becomes bankrupt; or

(iii) he or she executes a deed of arrangement or a deed of assignment under Part X of the *Bankruptcy Act 1966*;

(b) if the Islamic Organisation is a corporation:

(i) the Islamic Organisation is convicted of a serious offence; or

(ii) a court orders that the Islamic Organisation be wound up; or

(iii) a resolution is passed that it be wound up voluntarily; or

(iv) it enters into administration as defined in section 435C of the *Corporations Act 2001*;

(c) if the Islamic Organisation is the occupier is a partnership:

(i) any of the partners is convicted of a serious offence; or

(ii) the partnership is dissolved;

(d) a person who manages or controls the certification operations or who makes a certification for the Islamic Organisation is convicted of a serious offence.

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

Record keeping

20.1The 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: Breach of a level 5 penal provision 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 authorised 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.

21.4The 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 section 4.05 of the *Export Control (Prescribed Goods—General) Order 2005*; 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 Australiaof 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.

22.3If 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

23.1The 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.

23.2The 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

24.1The 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: Breach of a level 2 penal provision is punishable by a fine of 20 penalty units, see regulation 4 of the *Export Control (Orders) Regulations 1982*.

Variations requiring approval before implementation

25.1The 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: Breach of a level 5 penal provision 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: Breach of a level 5 penal provision is punishable by a fine of 50 penalty units, see regulation 4 of the *Export Control (Orders) Regulations 1982*.

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.

26.2The 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

28.1The 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 authorised 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 authorised 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 Australiaof 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

30.1If 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.

30.2If 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

33.1The 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

35.1The approval of an arrangement ceases to have effect if the approval is revoked, lapses or is terminated.

35.2The approval of an arrangement ceases to have effect for the period of its suspension.

Reinstatement

36.1If 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

37.1If 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: Breach of a level 5 penal provision 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.

***propert***y means a farm, feedlot or saleyard.

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) a declaration of the kind referred to in subparagraphs 52.1(f)(v) or 53.1(c)(iv) accompanies the animal.

Note: For the requirement for the occupier to make documents such as the declaration available to an authorised officer or approved auditor during an audit, see order 59. For penal provisions applying to failures to give information or documents to an authorised officer or the Secretary, see Division 7 of Part III of the Act.

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 has 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 be 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

46.1An 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.

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 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:

(i) come from an accredited property; and

(ii) be identified with an animal identification tag that enables it to be traced to the property from which it came; 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 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 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) 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 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.

56.2If 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 An authorised officer may, at any time, conduct an inspection of an accredited property.

57.2 An inspection may relate to compliance with one or more of the following:

(a) the requirements of this Part that apply to the property;

(b) an undertaking given by the manager of the property under this Part.

57.3 Without limiting subclause 57.1, in conducting an inspection, an authorised officer may:

(a) inspect records held at the property; or

(b) carry out testing to determine whether animals at the property have been treated with HGP.

57.4If an authorised officer requests the manager of an accredited property to produce specified records held at the property for inspection by the authorised officer, the manager of the property must, as soon as reasonably practicable, produce the records to the authorised officer.

57.5 If, before an inspection commences, the manager of the accredited property requests the authorised officer to produce the authorised officer’s identity card, the authorised officer must, before commencing the inspection, produce his or her identity card to the manager.

Note 1: For identity cards issued to authorised officers, see section 21 of the Act.

Note 2: For enforcement powers, see Division 7 of Part 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.

58.2The 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) the manager has failed to make available to an authorised officer a document that, under these Orders the manager is required to keep; or

(d) the manager has failed to comply with subclause 57.4; or

(e) the manager has failed to consent to the access to the property by an authorised officer, or has failed to provide reasonable assistance to the authorised officer, for the purposes of the authorised officer performing functions or exercising powers under these Orders (including carrying out testing of animals).

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

59.1If 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

1.1An 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 applications 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 authorised 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 authorised 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 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 authorised 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 authorised 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 lastprepared 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 authorised 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 authorised 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 authorised 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 given.

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.

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 authorised officer prevails

12.1If an export permit is inconsistent with:

(a) a notice requiring action to be taken given by an authorised officer under order 76; or

(b) a disposition applied by an authorised 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

15.1A 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

15.2The Secretary may issue a government certificate under clause 14 for meat and meat products prepared for export under State or 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 or 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 or Territory inspection and audit arrangements.

Note: For the meaning of ***State or 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

16.1For 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 be given see section 24A of the Act.

If the system is inoperative

17.1If 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

18.1An 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

19.1An 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

21.1The 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.

1.2The 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;

(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.

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).

4.2 If, within 30 days after an application is made, the Secretary had not made a decision whether to approve the applicant as an auditor, the Secretary is taken to have decided at the end of the 30 day period not to have approved the applicant as an auditor.

Approval by the Secretary

5.1The 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 section 4.05 of the *Export Control (Prescribed Goods—General) Order 2005;* 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.

Identity cards

5A.1 The Secretary must cause to be issued to an approved auditor an identity card in a form approved by the Secretary.

5A.2 If a person in possession of an identity card issued to the person under subclause 5A.1 ceases to be an approved auditor, the person must immediately return the identity card to an authorised officer.

*Level 1 penal provision*

Note: Breach of a level 1 penal provision is punishable by a fine of up to 10 penalty units: see regulation 4 of the *Export Control (Orders) Regulations 1982*.

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:

(i) that is false, misleading, or incomplete; or

(ii) for which there is no sound basis.

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.

8.2The 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.

9.3The 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

10.1The 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

11.1The 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 person is not a fit and proper person having regard to the matters specified in section 4.05 of the *Export Control (Prescribed Goods—General) Order 2005*; 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 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:

(i) that is false, misleading, or incomplete; or

(ii) for which there is no sound basis.

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.

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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 three months 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 authorised officer is required, production must not commence until an authorised 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 authorised officers;

(d) the matters referred to in  paragraphs 17.03(3)(a) and (b) and subsection 17.03(4) of the *Export Control (Prescribed Goods—General) Order 2005*;

(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 s***ee 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 I 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 authorised 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 authorised 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 subclause11.1 in respect of the application and of the reasons for the decision*.*

Application to Administrative Appeals Tribunal

13.1 Subject to the *Administrative Appeals Tribunal Act 1975* 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 Divisions I and II of Part 10 of these Orders

16.1Clause 5 and clauses 8 to 15 inclusive are to be read, as applicable, in lieu of Divisions I and II of Part 10 of these Orders.

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.

20.3If 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 mustattempt 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 noticeto 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.

22.2For 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.

24.3If 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 Subject to the *Administrative Appeals Tribunal Act 1975* 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 Divisions I and II of Part 10 of these Orders

30.1 Clause 24 to 29 inclusive are to be read, as applicable, in lieu of Divisions I and II of Part 10 of these Orders.

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.

Endnotes

Endnote 1—About the endnotes

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

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

**Abbreviation key—Endnote 2**

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

**Legislation history and amendment history—Endnotes 3 and 4**

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

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

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

**Editorial changes**

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

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

**Misdescribed amendments**

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

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

Endnote 2—Abbreviation key

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

Endnote 3—Legislation history

| Name | Registration | Commencement | Application, saving and transitional provisions |
| --- | --- | --- | --- |
| Export Control (Meat and Meat Products) Orders 2005 | 3 Feb 2005 (F2005L00154) | 1 July 2005 |  |
| Export Control (Meat and Meat Products) Amendment Orders 2005 (No. 1) | 28 Apr 2005 (F2005L00998) | 30 Apr 2005 | — |
| Export Control (Meat and Meat Products) Amendment Orders 2005 (No. 2) | 30 June 2005 (F2005L01857) | 1 July 2005 | — |
| Export Control (Meat and Meat Products) Amendment Orders 2006 (No. 1) | 7 June 2006 (F2006L01737) | 8 June 2006 | — |
| Export Control (Meat and Meat Products) Amendment Orders 2007 (No. 1) | 11 Oct 2007 (F2007L04040) | 12 Oct 2007 | — |
| Export Control (Meat and Meat Products) Amendment Orders 2008 No. 1) | 16 Oct 2008 (F2008L03834) | 17 Oct 2008 | — |
| Export Control (Meat and Meat Products) Amendment Orders 2011 No. 1) | 9 Sept 2011 (F2011L01861) | 1 Oct 2010 (o. 2 and *Gazette* 2011, No. S140) | — |
| Export Control (Meat and Meat Products) Amendment (2014 Measures No. 1) Order 2014 | 29 July 2014 (F2014L01038) | 1 Sept 2014 | — |
| Export Control (Meat and Meat Products) Amendment (Trade Description Grain Fed) Order 2018 | 11 Dec 2018 (F2018L01735) | 12 Dec 2018 (s 2(1) item 1) | — |
| Export Control (Meat and Meat Products) Amendment (Trade Descriptions for Sheep) Order 2019 | 25 Mar 2019 (F2019L00364) | 1 July 2019 (s 2(1) item 1) | — |
| Export Control Legislation Amendment (Timor Sea Maritime Boundaries Treaty) Order 2019 | 28 Aug 2019 (F2019L01112) | Sch 1 (items 16–22): 30 Aug 2019 (s 2(1) item 1) | — |

Endnote 4—Amendment history

| Provision affected | How affected |
| --- | --- |
| **Part 1** |  |
| **Division I** |  |
| o 2 | am. 2005 No. 1 |
|  | rep LA s 48D |
| o 3 | am F2014L01038 |
| o 4 | am. 2005 No. 1; F2014L01038 |
| Note to o 4.5 | rs F2014L01038 |
| o 5 | rs. 2005 No. 1 |
|  | am F2014L01038 |
| o 6 | am. 2005 No. 1 |
|  | rs F2014L01038 |
| **Division II** |  |
| o 8 | am 2005 No 1; F2014L01038; F2019L00364; F2019L01112 |
| o 9 | am F2014L01038 |
| Note to o 11 | am. 2005 No. 1 |
| **Part 2** |  |
| **Division I** |  |
| Note to o 13.2 | am. 2005 No. 1 |
| **Division II** |  |
| o 20 | rs F2014L01038 |
| o 21 | am F2014L01038 |
| **Division III** |  |
| o 23 | am 2005 No 1; F2014L01038; F2019L01112 |
| **Division IV** |  |
| o 24 | am F2014L01038 |
| o 25 | am. 2005 No. 1; F2014L01038 |
| o 27 | am F2014L01038 |
| Note to o 27 | am F2014L01038 |
| **Part 3** |  |
| **Division I** |  |
| o 29 | am. 2007 No. 1 |
| Note to o 29.2 | rs F2014L01038 |
| Note 1 to o 30 | rs F2014L01038 |
| **Division II** |  |
| o 32 | rs F2014L01038 |
| Note to o 32.2 Renumbered Note 1 | 2005 No. 1 |
|  | rs F2014L01038 |
| Note 2 to o 32.2 | ad. 2005 No. 1 |
|  | rs F2014L01038 |
| o 33 | rs F2014L01038 |
| **Part 4** |  |
| **Division II** |  |
| o 37 | am F2014L01038 |
| o 38 | am F2014L01038 |
| o 40 | am F2014L01038 |
| Note 1 to o 42 | am. 2005 No. 1 |
| o 43 | am. 2005 No. 1 |
| Note to o 43 | am. 2005 No. 1 |
| o 46 | am. 2005 No. 1 |
| **Part 5** |  |
| Division I | rep F2014L01038 |
| o 48 | rep F2014L01038 |
| **Division II** |  |
| Note 1 to o 49 | rs F2014L01038 |
| o 50 | rs F2014L01038 |
| o 51 | am F2014L01038 |
| Note 1 to o 54 | rs F2014L01038 |
| Note 3 to o 54 | am F2014L01038 |
| **Part 6** |  |
| Part 6 | rs F2014L01038 |
| **Division 1** |  |
| o 55 | rs F2014L01038 |
| o 56 | rs F2014L01038 |
| o 57 | rs F2014L01038 |
| o 58 | rs F2014L01038 |
| o 58A | ad F2014L01038 |
| o 59 | rs F2014L01038 |
| **Division II** |  |
| o 60 | rs F2014L01038 |
| o 61 | rs F2014L01038 |
| o 62 | rs F2014L01038 |
| **Part 7** |  |
| **Division I** |  |
| o 63 | am. 2005 No. 1 |
| **Division II** |  |
| o 64 | am. 2005 No. 1 |
|  | rs. 2005 No. 2 |
|  | am F2014L01038 |
| o 65 | am. 2005 No. 1 |
| Note 4 to o 65 | ad. 2005 No. 1 |
| o 65A | ad F2014L01038 |
| o 66 | am. 2005 Nos. 1 and 2 |
| o 67 | am F2014L01038 |
| **Part 8** |  |
| Part 8 heading | rs F2014L01038 |
| **Division I** |  |
| Division I heading | rs F2014L01038 |
| o 69 | am F2014L01038 |
| o 70 | am. 2005 No. 1; F2014L01038 |
| Note 3 to o 70.1 | am. 2005 No. 1 |
| o 71 | am F2014L01038 |
| o 72 | am F2014L01038 |
| Note to o 72.1 | am. 2005 No. 1 |
| o 72A | ad F2014L01038 |
| o 72B | ad F2014L01038 |
| o 73 | am F2014L01038 |
| o 74 | am F2014L01038 |
| o 75 | am F2014L01038 |
| **Division II** |  |
| Division II | rs F2014L01038 |
| o 76 | rep F2014L01038 |
| o 77 | rs F2014L01038 |
| o 78 | rs F2014L01038 |
| **Part 9** |  |
| **Division 1** |  |
| o 79 | am F2014L01038 |
| o 80 | rs F2014L01038 |
| **Part 10** |  |
| **Division I** |  |
| o 82 | am F2014L01038 |
| o 83 | rs F2014L01038 |
| o 85 | rs F2014L01038 |
| **Division II** |  |
| Note to o 86 | rs. 2005 No. 1 |
| o 87 | rep F2014L01038 |
| **Division III** |  |
| o 91 | am F2014L01038 |
| Note to o 91.4 | rs F2014L01038 |
| **Division V** |  |
| o 93 | rep F2014L01038 |
| o 94 | am F2014L01038 |
| Note to o 94.1 | am F2014L01038 |
| Note to o 95.4 | am F2014L01038 |
| o 98 | am F2014L01038 |
| o 99 | ad. 2005 No. 1 |
| o 100 | ad F2014L01038 |
| o 101 | ad F2019L00364 |
| **Schedule 1** |  |
| Schedule 1 | am. 2005 Nos. 1 and 2; 2006 No. 1; 2008 No. 1 |
|  | rs F2014L01038 |
| **Schedule 2** |  |
| Schedule 2 | am. 2005 No. 1; F2014L01038 |
| **Schedule 3** |  |
| Schedule 3 | am. 2005 No. 1: F2014L01038 |
| **Schedule 4** |  |
| Schedule 4 | am F2014L01038 |
| **Schedule 5** |  |
| Schedule 5 | am 2005 Nos. 1 and 2; F2014L01038 |
| **Schedule 6** |  |
| Schedule 6 | am. 2005 Nos. 1 and  2; F2014L01038 |
| **Schedule 7** |  |
| Schedule 7 | am 2005 No. 1; F2014L01038; F2018L01735 |
| **Schedule 8** |  |
| Schedule 8 | am F2014L01038 |
| **Schedule 9** |  |
| Schedule 9 | am 2005 No. 1; F2014L01038 |
| **Schedule 10** |  |
| Schedule 10 heading | rs F2014L01038 |
| Schedule 10 | am. 2005 No. 1; 2011 No. 1; F2014L01038 |