



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

I, Patrycia Stone, delegate of the Secretary of the Department of Agriculture, make the following order.

Dated 4 May 2014

Patrycia Stone
Delegate of the Secretary of the Department of Agriculture

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Part 1—Preliminary

1 Name of order

This order is the *Australian Meat and Live-stock Industry (High Quality Beef Export to the European Union) Order 2014*.

2 Commencement

This order commences on the day after it is registered.

3 Authority

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

4 Schedule(s)

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

5 Definitions

(1) In this order:

2011–2012 means the quota year beginning on 1 July 2011.

2012–2013 means the quota year beginning on 1 July 2012.

2013–2014 means the quota year beginning on 1 July 2013.

2013–2014 penalty amount: see section 20.

2014–2015 means the quota year beginning on 1 July 2014.

access amount, for 2014–2015, means the total shipped weight of quota meat that may be exported to a member country of the EU in the quota year, subject to the EU reduced tariff.

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

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

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

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

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

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Note: The *AUS-MEAT Limited Australian RFP Cut Code Reference* could in 2014 be viewed on AUS-MEAT's website (<http://www.ausmeat.com.au>).

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

Note: The *AUS-MEAT Limited Australian RFP Cut Code Reference* could in 2014 be viewed on AUS-MEAT's website (<http://www.ausmeat.com.au>).

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

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

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

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

EC means the European Commission.

establishment means premises that:

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

EU means the European Union.

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

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

EXDOC means the electronic documentation system maintained by the Department.

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

first-come first-served quota entitlement means quota entitlement allocated to an exporter under subsection 27(2).

first year new entrant means an exporter who:

- (a) was not allocated a quota entitlement in 2011–2012, 2012–2013 or 2013–2014 under a former EU high quality beef order; and
- (b) was not a related entity of an exporter who had been allocated a quota entitlement in any of those quota years.

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

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

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

new entrant means an exporter who is:

- (a) a first year new entrant; or
- (b) a second year new entrant; or
- (c) a third year new entrant.

non-standard quota entitlement means quota entitlement allocated to an exporter under subsection 19(2).

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

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

quota meat means high quality beef, other than:

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

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

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

request amount means the amount of quota entitlement requested by an exporter in an application for quota entitlement.

second year new entrant means an exporter who:

- (a) was allocated a non-standard quota entitlement in 2013–2014 under a former EU high quality beef order; and
- (b) was not allocated a quota entitlement in 2011–2012 or 2012–2013 under a former EU high quality beef order; and
- (c) was not a related entity of an exporter who had been allocated a quota entitlement in 2011–2012 or 2012–2013.

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

standard quota entitlement means quota entitlement allocated to an exporter under subsection 19(1).

standard quota holder means an exporter who has been allocated a standard quota entitlement.

supplementary quota entitlement means quota entitlement allocated to an exporter under subsection 27(1).

third year new entrant means an exporter who was allocated non-standard quota entitlements in 2012–2013 and 2013–2014 under a former EU high quality beef order.

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

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

6 Related bodies corporate

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

7 Use of quota entitlement

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

8 Time

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

Part 2—Prohibition of exports

9 No export without approval and certificate—quota meat

- (1) A consignment of quota meat may only be exported by a person to a member country of the EU at the EU reduced tariff if:
 - (a) the person has received an allocation of quota entitlement under Part 3 or 4 or a transfer of quota entitlement under Part 6; and
 - (b) the export of the consignment is covered by a current approval under Part 7; and
 - (c) the exporter has obtained a certificate under Part 8 for the consignment.
- (2) On and after 2 March 2015, a consignment of quota meat may also be exported by a person to a member country of the EU at the EU reduced tariff if:
 - (a) the export of the consignment is covered by a current approval under Part 7; and
 - (b) the exporter has obtained a certificate under Part 8 for the consignment.

10 No export without certificate—grain fed high quality beef

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

Part 3—Initial allocation of quota entitlement

Division 1—General

11 Purpose of this Part

This Part sets out the initial stage of the allocation of standard quota entitlement and non-standard quota entitlement for 2014–2015.

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

12 Initial allocations—amounts to be allocated and to whom

In the first stage of allocation of quota entitlement for 2014–2015, the Secretary may allocate, in accordance with Divisions 2 and 3:

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

Division 2—Eligibility for allocation**13 Transfer of amounts of quota entitlement that prevents access to quota**

An exporter is not eligible to be allocated a quota entitlement for 2014-2015 if:

- (a) in 2012-2013 the exporter transferred 50% or more of the combined amount of:
 - (i) the exporter's standard quota entitlement for 2012-2013; and
 - (ii) the exporter's supplementary quota entitlement (if any) for 2012-2013; or
- (b) in 2013-2014 the exporter transferred 50% or more of the combined amount of:
 - (i) the exporter's standard quota entitlement for 2013-2014; and
 - (ii) the exporter's supplementary quota entitlement (if any) for 2013-2014; or
- (c) in 2012-2013 and 2013-2014, the exporter transferred 33% or more of its combined standard quota entitlement and supplementary quota entitlement (if any) for those 2 quota years.

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

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

- (a) the exporter is not a new entrant; and
- (b) the exporter has applied, in the form approved by the Secretary, to the QA Unit for an allocation of quota entitlement before close of business on 16 May 2014; and
- (c) the application includes a request amount.

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

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

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

- (a) the exporter is a new entrant; and
- (b) if the exporter is a second year new entrant or a third year new entrant—the exporter did not export more than the shipped weight of quota meat shown in approvals given to the exporter under the *Australian Meat and Live-stock Industry (High Quality Beef Export to the European Union) Order 2013* as in force immediately before the commencement of this order; and
- (c) the exporter has applied, in a form approved by the Secretary, to the QA Unit for an allocation of non-standard quota entitlement before close of business on 16 May 2014; and
- (d) the application includes a request amount of not more than 36 tonnes.

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

- (1) This section applies if:
 - (a) the process for the allocation of non-standard quota entitlement to new entrants is completed; and
 - (b) an amount of non-standard quota entitlement is unallocated.
- (2) An exporter is eligible to be allocated non-standard quota entitlement if the exporter:
 - (a) is a standard quota holder; and
 - (b) was either or both of the following:
 - (i) a third year new entrant in 2013–2014, within the meaning of the *Australian Meat and Live-stock Industry (High Quality Beef Export to the European Union) Order 2013* (the **2013 order**) as in force immediately before the commencement of this order;
 - (ii) a 3rd year new entrant in 2012–2013 within the meaning of the *Australian Meat and Live-stock Industry (High Quality Beef Export to the European Union) Order 2012* as in force immediately before the commencement of the 2013 order; and
 - (c) received less than the amount of standard quota entitlement for which the exporter applied; and
 - (d) was not allocated a total quota entitlement of more than 36 tonnes.

Division 3—Working out allocation of quota entitlements

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

- (1) The Secretary must work out a notional standard quota entitlement for an exporter who is eligible to be allocated standard quota entitlement under section 11 using the formula:

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

where:

ERS is the total weight of the exporter's recorded shipments of high quality beef to the EU in the period commencing on 1 May 2011 and ending on 30 April 2014.

TRS is the total weight of all exporters' recorded shipments of high quality beef to the EU in the period commencing on 1 May 2011 and ending on 30 April 2014.

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

18 Working out amount of quota entitlements—new entrants

- (1) If an exporter is a new entrant who is eligible for the allocation of non-standard quota entitlement under section 15, the Secretary must use the following rules to work out the exporter's non-standard quota entitlement:

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

19 Allocation of quota entitlements

- (1) The Secretary must allocate to an exporter the amount worked out for the exporter under subsection 17(2) as the exporter's standard quota entitlement for 2014–2015.
- (2) The Secretary must allocate to an exporter the amount worked out under subsection 17(3) or section 18 as the exporter's non-standard quota entitlement for 2014–2015.
- (3) If the Secretary allocates quota entitlement to an exporter, the Secretary must give the exporter a notice that states the shipped weight of quota meat that the exporter is entitled to export under the quota entitlement.

20 Reduction of allocation of quota entitlement by 2013–2014 penalty amount

- (1) This section applies if:
 - (a) an exporter has, on 2 June 2014, an unused portion of a quota entitlement allocated to the exporter under the *Australian Meat and Live-stock Industry (High Quality Beef Export to the European Union) Order 2013* as in force immediately before the commencement of this order; and
 - (b) the unused portion is more than 5% of the exporter's total quota entitlement for 2013–2014.
- (2) The unused portion is the exporter's **2013–2014 penalty amount**.

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- (3) If the exporter has been allocated a quota entitlement for 2014–2015, the Secretary must reduce any unused portion of that quota entitlement by the exporter's 2013–2014 penalty amount.

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

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

Part 4—Subsequent allocation of quota entitlement

Division 1—General

21 Purpose of this Part

This Part sets out the subsequent stages of the allocation of quota entitlement for 2014–2015.

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

22 Subsequent allocations—amounts to be allocated

- (1) In the subsequent stages of allocation of quota entitlement for 2014–2015, the Secretary may allocate, in accordance with Divisions 2 and 3, supplementary quota entitlements of quota entitlements that have become available for allocation after the allocation process in Part 3 is finalised.
- (2) In the subsequent stages of allocation of quota entitlement for 2014–2015:
 - (a) the Secretary may allocate, in accordance with Divisions 2 and 3, quota entitlements of quota entitlements that become available for allocation during the period commencing on 16 February 2015 and ending on 30 June 2015; and
 - (b) the entitlements are to be allocated on a first-come first-served basis.

Division 2—Eligibility for allocation**23 Supplementary quota entitlement**

- (1) An exporter is eligible to be allocated supplementary quota entitlement if:
 - (a) the exporter is a standard quota holder; and
 - (b) the exporter was not allocated the exporter's request amount under Part 3; and
 - (c) the exporter was not eligible to be allocated a non-standard quota entitlement under section 16.
- (2) The request amount for the allocation of supplementary quota entitlement to the exporter is taken to be:
 - (a) if the exporter applied to the QA Unit, in a form approved by the Secretary, for an allocation of supplementary quota entitlement before the close of business on 4 August 2014 and the application included a request amount—that request amount; or
 - (b) in any other case—the request amount included in the exporter's application for standard quota entitlement under paragraph 14(c) less the amount of standard quota entitlement allocated to the exporter under Part 3.
- (3) The exporter is not eligible to be allocated supplementary quota entitlement if quota entitlement allocated to the exporter for 2014–2015 under Part 3:
 - (a) has been reduced under section 20; or
 - (b) has been forfeited under section 30.

24 First-come first-served quota entitlement

- (1) An exporter is eligible to be allocated first-come first-served quota entitlement if:
 - (a) the exporter has applied, in a form approved by the Secretary, to the QA Unit for an allocation of first-come first-served quota entitlement; and
 - (b) the application includes a request amount.
- (2) The exporter is not eligible to be allocated first-come first-served quota entitlement if quota entitlement allocated to the exporter for 2014–2015 under Part 3 has been forfeited under section 30.

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Division 3—Allocation of entitlements

25 Amount of supplementary quota entitlement

- (1) The Secretary must determine the supplementary quota entitlement for an exporter who is eligible for supplementary quota entitlement under section 23.
- (2) In determining the amount of supplementary quota entitlement to allocate to the exporter, the Secretary must take the following into account:
 - (a) the exporter's record of shipment of high quality beef over the previous 3 quota years;
 - (b) the amount of supplementary quota entitlements available to all exporters requesting supplementary quota entitlements;
 - (c) the demand for supplementary quota entitlements as at 4 August 2014;
 - (d) whether the allocation would exceed the exporter's request amount.

26 Amount of first-come first-served quota entitlement

- (1) The Secretary must determine the first-come first-served quota entitlement for an exporter who is eligible for first-come first-served quota entitlement under section 24.
- (2) In determining the amount of first-come first-served quota to allocate to the exporter, the Secretary must take into account:
 - (a) the amount of first-come first-served quota entitlements available; and
 - (b) the demand for first-come first-served quota entitlements as at 16 February 2015.

27 Allocation of quota entitlement

- (1) The Secretary must allocate to an exporter who is eligible to be allocated supplementary quota entitlement under section 23 the amount of supplementary quota entitlement determined for the exporter under section 25 as part of the exporter's quota entitlement for 2014–2015.
- (2) The Secretary must allocate to an exporter who is eligible to be allocated first-come first-served quota entitlement under section 24 the amount of first-come first-served quota entitlement determined for the exporter under section 26 as part of the exporter's quota entitlement for 2014–2015.
- (3) If the Secretary allocates quota entitlement to an exporter under this Part, the Secretary must give the exporter a notice that states the shipped weight of quota meat that the exporter is entitled to export under the quota entitlement.

Part 5—Loss of allocated quota entitlement

28 Purpose of this Part

This Part sets out how quota entitlement that has been allocated to an exporter for 2014–2015 ceases to be available to the exporter.

29 When unused quota entitlement lapses

- (1) An exporter must, before 16 February 2015, give the Secretary a written declaration stating:
 - (a) how it intends to deal with any quota entitlement that will be unused on 16 February 2015; and
 - (b) whether it intends to relinquish any of the unused quota entitlement.
- (2) If the exporter:
 - (a) has unused quota entitlement on 16 February 2015; and
 - (b) did not give a declaration to the Secretary about the unused quota entitlement before 16 February 2015;
 the exporter's unused quota entitlement lapses at the beginning of 16 February 2015.
- (3) The Secretary must cancel any unused quota entitlement that lapses under subsection (2).

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

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

30 When unused quota entitlement is forfeited

Non-payment of fee

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

Export of less than 1 tonne of quota meat

- (2) If:
 - (a) an exporter's quota entitlement is 1 tonne of quota meat or more; and
 - (b) the exporter has used less than 1 tonne of the exporter's quota entitlement by 16 February 2015;
 the exporter's unused quota entitlement is forfeited at the commencement of 16 February 2015.

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Use of less than 25% of entitlement

- (3) If an exporter has used less than 25% of the exporter's quota entitlement by 16 February 2015, the exporter's unused quota entitlement is forfeited at the beginning of 16 February 2015.

Cancellation of unused quota entitlement

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

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

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

31 Entitlement that is both lapsed and forfeited

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

Part 6—Transfer of quota entitlement

32 Transferable quota entitlement

- (1) Subject to this Part, an exporter (the *transferor*) may transfer all or part of the exporter's standard quota entitlement or supplementary quota entitlement to another exporter (the *transferee*) if:
 - (a) the quota entitlement was allocated under Part 3 or 4; and
 - (b) no quota entitlement allocated to the transferor for 2014–2015 has lapsed under section 29 or been forfeited under section 30; and
 - (c) before completing the transfer, the transferor notifies the QA Unit in writing of the following:
 - (i) the name of the transferor;
 - (ii) the name of the transferee;
 - (iii) the shipped weight, in kilograms, of the quota entitlement to be transferred.

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

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

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

Note 2: See section 13 for the effect on an exporter's eligibility to be allocated quota entitlement if the exporter transferred quota entitlement in 2013–2014.

33 Non-transferable quota entitlement

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

34 Transferable quota entitlement that becomes non-transferable

If an exporter is allocated first-come first-served quota entitlement, the exporter ceases to be entitled to transfer any of the exporter's unused quota entitlement (of any kind) for 2014–2015.

Part 7—Approvals

35 How to obtain approval for exports

- (1) An exporter must apply for a separate approval for each consignment to be exported.
- (2) The application must include the following information for the consignment:
 - (a) the exporter's name;
 - (b) the exporter's export licence number;
 - (c) for the meat to be exported:
 - (i) its type; and
 - (ii) its AUS-MEAT meat type cipher; and
 - (iii) its AUS-MEAT handbook cut number; and
 - (iv) its shipped weight in kilograms; and
 - (v) whether it is chilled or frozen; and
 - (vi) if it is bone-in, or a part of the consignment is bone-in—its shipped weight in the approved form; and
 - (vii) if it is boneless, or a part of the consignment is boneless—its shipped weight in the approved form; and
 - (viii) the establishment number of the establishment that prepared the meat;
 - (d) the name of the importer;
 - (e) the name of the ship and the voyage, or the air freight carrier and flight number, to be used;
 - (f) the intended port of loading and the expected date of loading;
 - (g) the name of the final destination country;
 - (h) the intended port of discharge.
- (3) An application for approval:
 - (a) must not be made to the QA Unit before:
 - (i) the exporter receives a notice under subsection 19(3) or 27(3), about the quota entitlement to which the consignment relates; or
 - (ii) the exporter receives a quota entitlement, to which the consignment relates, on transfer under Part 6; and
 - (b) must be lodged with the QA Unit by 5 pm on 2 March 2015.
- (4) The Secretary must give an approval to export a consignment if:
 - (a) the exporter lodges an application for the approval in accordance with this section; and
 - (b) the total shipped weight of quota meat exported by the exporter, plus the shipped weight of the consignment, is not greater than the exporter's total quota entitlement for 2014–2015.

Section 36

36 Approval to export from unallocated quota entitlement

- (1) If, on or after 2 March 2015, there is an unallocated amount of quota entitlement, an exporter may apply in writing to the Secretary for approval to export a consignment of quota meat.
- (2) Subsections 35(1) and (2) apply to an application under subsection (1).
- (3) The Secretary must deal with applications under subsection (1) on a first-come first-served basis.
- (4) The Secretary must approve the export of a consignment if:
 - (a) the application for approval is in accordance with subsections 35(1) and (2); and
 - (b) the application is accompanied by the fee prescribed by the *Australian Meat and Live-stock (Quotas) Regulations 2000* for the approval; and
 - (c) the total shipped weight of quota meat that has been, or is to be, exported by all exporters, plus the shipped weight of the consignment, is not greater than the access amount.

37 Approvals for exports unlikely to be accepted into EU

An exporter who is issued with an approval on or before 17 April 2015 must notify the QA Unit in writing before 19 May 2015 if it is likely that a consignment will not be accepted for entry into a member country of the EU before 30 June 2015.

38 Duration of approvals

- (1) An approval given to an exporter under section 35 for the export of a consignment of quota meat ceases to have effect if the exporter does not receive a certificate for the consignment before the earlier of:
 - (a) 30 June 2015; and
 - (b) 3 months after the approval is given.
- (2) An approval given to an exporter under section 36 for the export of a consignment of quota meat ceases to have effect if:
 - (a) the exporter does not receive a certificate for the consignment 4 weeks after the approval is given; or
 - (b) the consignment to which the approval applies is not accepted into a member country of the EU before the end of 30 June 2015.

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

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

Section 39

Shipped weight is less than approved weight

- (2) If the shipped weight of quota meat in a consignment is less than the weight stated in the approval for the consignment, the exporter is not taken to have exported the difference between the weights if:
- (a) the identifying number of the approval is shown on the consignment information; and
 - (b) the exporter gives that information to the QA Unit by 5 pm on 2 March 2015; and
 - (c) the difference between the weights is not more than 50 kg.

Shipped weight is less than certified weight

- (3) If:
- (a) the shipped weight of a consignment is less than the weight stated in the certificate for the consignment; and
 - (b) apart from this subsection, the exporter would be taken to have exported the difference between the weights; and
 - (c) the exporter gives a copy of the certificate, annotated by the customs authority of the member country of the EU to which the consignment has been delivered to show the weight of meat exported, to the QA Unit by 5 pm on 2 March 2015;
- the exporter is not taken to have exported the difference between the weights.

No export of consignment

- (4) If the exporter:
- (a) is given approval for a consignment, but does not export the consignment; and
 - (b) gives all copies of the certificate for the consignment to the QA Unit by 5 pm on 2 March 2015;
- the exporter is not taken to have exported the weight of quota meat mentioned in the approval.

Approval ceases to have effect

- (5) If an approval for a consignment ceases to have effect before 5 pm on 2 March 2015, the exporter is not taken to have exported the weight of quota meat mentioned in the approval.

Consignment is refused entry to the EU

- (6) If:
- (a) a consignment is refused entry to the EU; and
 - (b) the exporter returns all copies of the certificate for the consignment to the QA Unit by the earlier of:
 - (i) 5 pm on 2 March 2015; and
 - (ii) 3 months after the day the consignment leaves Australia;
- the exporter is not taken to have exported the consignment.

Part 8—Certificates

40 How to obtain certificates—quota meat

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

41 How to obtain certificates—grain fed high quality beef

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

42 Certificates obtained before 1 July 2014

A certificate obtained before 1 July 2014, for a consignment that is to enter the EU on or after 1 July 2014, has no effect before 1 July 2014.

43 When certificate ceases to have effect

A certificate ceases to have effect if the consignment to which it applies is not accepted for entry into a member country of the EU before 1 July 2015.

Section 44

Part 9—Miscellaneous

44 Where to send notices and documents

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

(a) by post to:

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

(b) by email to:

quota.admin@agriculture.gov.au;

(c) by fax to:

02 6272 4585.

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

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

46 Approved forms and authorised officers

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

47 Transitional

Despite the repeal of the *Australian Meat and Live-stock Industry (High Quality Beef Export to the European Union) Order 2013* (the **2013 order**) by this order, the 2013 order, as in force immediately before the repeal, continues to apply to consignments of quota meat that are exported to the EU before the end of 30 June 2014 as if the 2013 order had not been repealed.

48 Expiry of this order

This order expires at the end of 30 June 2015 as if it had been repealed by another order.

Schedule 1—Repeal

Australian Meat and Live-stock Industry (High Quality Beef Export to the European Union) Order 2013

1 The whole of the order

Repeal the order.