

Export Control (Meat and Meat Products) Amendment (2014 Measures No. 1) Order 2014

I, Barnaby Joyce, Minister for Agriculture, make the following order.

Dated: 22 July  2014

Barnaby Joyce

Minister for Agriculture

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1 Name of order

This order is the *Export Control (Meat and Meat Products) Amendment (2014 Measures No. 1) Order 2014*.

2 Commencement

This order commences on 1 September 2014.

3 Authority

This order is made under the *Export Control (Orders) Regulations 1982.*

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Export Control (Meat and Meat Products) Orders 2005

1 Paragraph 3.3(a)

Omit “authorized”, substitute “authorised”.

2 Paragraph 3.3(b)

After “the approval of approved arrangements,”, insert “the registration of establishments,”.

3 Suborder 4.5 (note)

Repeal the note, substitute:

Note: For high penalty provisions see, for example, subsections 8(3), 8A(1) and 8B(1) of the Act.

4 Suborder 4.8

Omit “making”, substitute “marking”.

5 Suborder 4.9

Omit “authorized”, substitute “authorised”.

6 Suborder 5.2

Repeal the suborder, substitute:

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.

7 Order 6

Repeal the order, substitute:

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.

8 Suborder 8.1 (paragraph (c) of the definition of *an amount that is payable to the Department*)

Omit “resect”, substitute “respect”.

9 Suborder 8.1

Insert:

***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.

10 Suborder 8.1 (definition of *Australian Meat Standard*)

Repeal the definition, substitute:

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

11 Suborder 8.1

Insert:

***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.

12 Suborder 8.1 (definition of *Food Standards Code*)

Repeal the definition, substitute:

***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.

13 Suborder 8.1 (note 1 at the end of the definition of *importing country requirement*)

Repeal the note, substitute:

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.

14 Suborder 8.1 (definition of *installed*)

Omit “*Sea Installation Act 1987*”, substitute “*Sea Installations Act 1987*”.

15 Suborder 8.1 (subparagraph (b)(ii) of the definition of *occupier*)

Repeal the subparagraph, substitute:

(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.

16 Suborder 8.1 (definition of *person who manages or controls*)

Repeal the definition, substitute:

***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.

17 Suborder 8.1 (paragraph (a) of the definition of *resource industry structure*)

Omit “*Sea Installation Act 1987*”, substitute “*Sea Installations Act 1987*”.

18 Suborder 8.1 (definition of *veterinary officer*)

Omit “authorized”, substitute “authorised”.

19 Suborder 8.1 (note at the end of the definition of *working day*)

Omit “*authorized*”, substitute “*authorised*”.

20 Suborder 8.1 (note at the end of the definition of *working day*)

Omit “*prescribed goods, premises, preparation,*”, substitute “*premises, preparation, prescribed goods,*”.

21 Order 9 (heading)

Repeal the heading, substitute:

Meat safety inspectors, authorised officers and veterinary officers

22 Order 9

Omit “authorized” (wherever occurring), substitute “authorised”.

23 Order 20

Repeal the order, substitute:

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.

24 Paragraph 21.2(a)

Omit “complete”, substitute “incomplete”.

25 Suborder 21.4

Repeal the suborder, substitute:

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.

26 Suborder 23.2

Omit “*Sea Installation Act 1987*”, substitute “*Sea Installations Act 1987*”.

27 After suborder 24.1

Insert:

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).

28 Suborder 25.2

Omit “is met”, substitute “are met”.

29 Order 27

Omit “earlier”, substitute “earliest”.

30 Order 27 (note)

Omit “the *Acts Interpretation Act 1901* s33 (3A)”, substitute “subsection 33(3) of the *Acts Interpretation Act 1901*”.

31 Suborder 29.2 (note)

Repeal the note, substitute:

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*.

32 Order 30 (note 1)

Repeal the note, substitute:

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*.

33 Order 32

Repeal the order, substitute:

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.

34 Order 33

Repeal the order, substitute:

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*.

35 Order 37

Omit “in an establishment”, substitute “at an establishment”.

36 Order 38

Omit “in an establishment”, substitute “at an establishment”.

37 Order 40 (heading)

Repeal the heading, substitute:

Establishments used to prepare animal food etc.

38 Order 40

Omit “in premises”, substitute “at an establishment”.

39 Paragraph 40(d)

Omit “premises”, substitute “establishment”.

40 Division I of Part 5

Repeal the Division.

41 Order 49 (note 1)

Repeal the note, substitute:

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*.

42 Order 50

Repeal the order, substitute:

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.

43 Order 51

Omit “authorized”, substitute “authorised”.

44 Order 54 (note 1)

Repeal the note, substitute:

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*.

45 Order 54 (note 3)

Omit “authorized”, substitute “authorised”.

46 Part 6

Repeal the Part, substitute:

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.

47 Suborder 64.2

Omit each mention of “authorized”, substitute “authorised”.

48 Suborder 64.3

Repeal the suborder (including the notes), substitute:

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.

49 After order 65

Insert:

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*.

50 Order 67

Omit “authorized”, substitute “authorised”.

51 Part 8 (heading)

Repeal the heading, substitute:

Part 8—Functions and directions powers of authorised officers

52 Division I of Part 8 (heading)

Repeal the heading, substitute:

Division I—Functions of authorised officers

53 Order 69

Omit “authorized” (wherever occurring), substitute “authorised”.

54 After subparagraph 70.1(c)(ii)

Insert:

(iii) of the kind referred to in subclause 7.2 of Schedule 7 to meat and meat products; and

55 Order 70

Omit “authorized” (wherever occurring), substitute “authorised”.

56 Paragraph 71(e)

Omit “if paragraphs (a) or (b) apply — an authorized”, substitute “if paragraph (a) or (b) applies—an authorised”.

57 Suborder 72.1

Omit “authorized”, substitute “authorised”.

58 Paragraph 72.1(a)

Omit “the preparation transfer or loading of meat or meat products”, substitute “the preparation or transport of meat or meat products”.

59 After order 72

Insert:

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.

60 Order 73

Omit “authorized” (wherever occurring), substitute “authorised”.

61 Order 74 (heading)

Repeal the heading, substitute:

Assistance to authorised officers

62 Order 74

Omit “authorized” (wherever occurring), substitute “authorised”.

63 Order 75 (heading)

Repeal the heading, substitute:

Production not to commence if authorised officer not present

64 Order 75

Omit “authorized” (wherever occurring), substitute “authorised”.

65 Division II of Part 8

Repeal the Division, substitute:

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*.

66 Suborder 79.4

Omit “If the notice has effect then compliance with the procedure, standard or other requirement specified in the notice”, substitute “If the notice has effect, compliance by the occupier with the procedure, standard or other requirement specified in the notice”.

67 Suborder 79.5

Omit “a variation is made to the approved arrangement”, substitute “the occupier’s approved arrangement is varied”.

68 Order 80

Repeal the order, substitute:

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.

69 Suborder 82.1

Omit “made under these Orders”.

70 Paragraph 82.2(b)

Repeal the paragraph, substitute:

(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.

71 Order 83

Repeal the order, substitute:

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.

72 Order 85

Repeal the order, substitute:

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*.

73 Order 87

Repeal the order.

74 Suborder 91.1

Omit “authorized”, substitute “authorised”.

75 Suborder 91.4 (note)

Repeal the note, substitute:

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*.

76 Order 93

Repeal the order.

77 Suborder 94.1 (note)

Omit “effect see clause 27 of Schedule 1”, substitute “effect, see clause 26 of Schedule 1”.

78 Suborder 94.3

Omit “paragraph 33.2 (b)”, substitute “paragraph 32.2(b)”.

79 Suborder 95.4 (note)

Omit “effect see clause 28 of Schedule 1”, substitute “effect, see clause 27 of Schedule 1”.

80 Order 98 (heading)

Repeal the heading, substitute:

98 Transitional approvals—provision of services of authorised officers

81 At the end of Division V of Part 10

Add:

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.

82 Schedule 1

Repeal the Schedule, substitute:

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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.

83 Subclause 7.2 of Schedule 2 (note 1)

Repeal the note, substitute:

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*.

84 Subclause 7.2 of Schedule 2 (note 2)

Omit “authorized”, substitute “authorised”.

85 Subclause 9.2 of Schedule 2 (note)

Repeal the note, substitute:

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*.

86 Subclause 10.1 of Schedule 2

Omit “authorized”, substitute “authorised”.

87 Schedule 3, Table of Contents

Omit “authorized” (wherever occurring), substitute “authorised”.

88 Division II of Part 1 of Schedule 3 (heading)

Repeal the heading, substitute:

Division II—Facilities for authorised officers

89 Heading before subclause 3.1 of Schedule 3

Repeal the heading, substitute:

Amenities at slaughter establishments or where authorised officers are permanently located

90 Subclauses 3.1 and 3.2 of Schedule 3

Omit “authorized” (wherever occurring), substitute “authorised”.

91 Subclause 4.1 of Schedule 3

Omit “authorized” (wherever occurring), substitute “authorised”.

92 Paragraph 5.1(b) of Schedule 3

Omit “authorized”, substitute “authorised”.

93 Subclause 6.1 of Schedule 3

Omit “authorized”, substitute “authorised”.

94 Subclause 7.2 of Schedule 3

Omit “authorized”, substitute “authorised”.

95 Subclause 8.2 of Schedule 3

Omit “authorized”, substitute “authorised”.

96 Schedule 4, Table of Contents

Omit the entry for clause 2.

97 Subclause 1.2 of Schedule 4

Repeal the subclause (including the notes), substitute:

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

98 Subclause 2.1 of Schedule 4

Repeal the subclause (including the heading).

99 Schedule 5, Table of Contents

Omit the entry for clause 4, substitute:

4. Post mortem inspection

100 Schedule 5, Table of Contents

Omit the entries for clauses 6 and 7.

101 Schedule 5, Table of Contents

Omit the entry for clause 8, substitute:

8. Chilling

102 Schedule 5, Table of Contents

Omit the entry for clause 12, substitute:

12. Thawing

103 Schedule 5, Table of Contents

Omit the entry for Division IV

104 Schedule 5, Table of Contents

Add:

*Division VI — Transport*

15A.       Transport of meat and meat products

105 Subclauses 3.1 and 3.2 of Schedule 5

Omit “authorized” (wherever occurring), substitute “authorised”.

106 Subclause 4.1 of Schedule 5

Repeal the subclause (including the heading), substitute:

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.

107 Subclause 5.1 of Schedule 5

Repeal the subclause, substitute:

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

108 Subclause 5.2 of Schedule 5 (note 2)

Omit “authorized” (wherever occurring), substitute “authorised”.

109 Subclauses 6.1 and 7.1 of Schedule 5

Repeal the subclauses (including the headings).

110 Subclause 8.1 of Schedule 5

Repeal the subclause (including the heading), substitute:

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.

111 Subclause 8.2 of Schedule 5

Repeal the subclause.

112 At the end of subclause 9.3 of Schedule 5

Add:

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

113 Subclauses 10.2 and 10.3 of Schedule 5

Repeal the subclauses, substitute:

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

114 Subclauses 12.1 and 12.2 of Schedule 5

Repeal the subclauses.

115 Subclause 12.3 of Schedule 5

Renumber as subclause 12.1.

116 Division IV of Part 1 of Schedule 5

Repeal the Division.

117 Paragraph 15.1(c) of Schedule 5

Omit “authorized”, substitute “authorised”.

118 At the end of Part 1 of Schedule 5

Add:

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.

119 Subclauses 16.1 and 16.2 of Schedule 5

Omit “authorized” (wherever occurring), substitute “authorised”.

120 At the end of subclause 20.1 of Schedule 5

Add:

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.

121 Schedule 6, Table of Contents

Omit the entry for clause 14, substitute:

14. Official marks for State or Territory inspection and audit arrangements

122 Paragraph 1.2(b) of Schedule 6

Omit “an bovine”, substitute “a bovine”.

123 Subclause 10.1 of Schedule 6

Omit “a authorized”, substitute “an authorised”.

124 Heading before subclause 14.1 of Schedule 5

Repeal the heading, substitute:

Official marks for State or Territory inspection and audit arrangements

125 subclause 14.1 of Schedule 6 (Note 1)

Omit “State and Territory”, substitute “State or Territory”.

126 subclause 14.1 of Schedule 6 (Note 2)

Omit “State and Territory”, substitute “State or Territory”.

127 Paragraph 14.1(b) of Schedule 6

Omit “psection”, substitute “section”.

128 Paragraph 14.1(d) of Schedule 6

Omit “State and Territory”, substitute “State or Territory”.

129 Paragraph 15.1(a) of Schedule 6

Omit “authorized” (wherever occurring), substitute “authorised”.

130 Schedule 7, Table of Contents

Add:

11A. Receipt of meat and meat products

131 Schedule 7, Table of Contents

Omit the entry for clause 48

132 Subclause 7.1 of Schedule 7

Omit “authorized” (wherever occurring), substitute “authorised”.

133 After subclause 7.1 of Schedule 7

Insert (after the notes):

**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.

134 Paragraph 8.1(c) of Schedule 7

Omit “dates which”, substitute “dates on which”.

135 Paragraph 8.1(h) of Schedule 7

Repeal the paragraph, substitute:

(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;

136 After subclause 8.2 of Schedule 7

Insert:

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.

137 Subclause 10.1 of Schedule 7 (note)

Omit “authorized”, substitute “authorised”.

138 At the end of Part 2 of Schedule 7

Add:

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.

139 Subclause 14.1 of Schedule 7 (note)

Repeal the note, substitute:

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*.

140 Subclause 17.1 of Schedule 7 (note 1)

Repeal the note, substitute:

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*.

141 Subclause 19.1 of Schedule 7 (note)

Repeal the note, substitute:

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*.

142 Subclause 20.1 of Schedule 7 (note 1)

Repeal the note, substitute:

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*.

143 Subclause 20.1 of Schedule 7 (note 5)

Omit “authorized”, substitute “authorised”.

144 Subclause 24.1 of Schedule 7 (note)

Repeal the note, substitute:

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*.

145 Subclause 25.1 of Schedule 7 (note)

Repeal the note, substitute:

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*.

146 Subclause 25.2 of Schedule 7 (note 2)

Repeal the note, substitute:

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*.

147 Paragraph 28.1(d) of Schedule 7

Omit “authorized” (wherever occurring), substitute “authorised”.

148 Subclause 28.1 of Schedule 7 (note)

Omit “authorized” (wherever occurring), substitute “authorised”.

149 Subclause 37.3 of Schedule 7 (note)

Repeal the note, substitute:

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*.

150 Subclause 39.1 of Schedule 7 (definition of *tail tag*)

Repeal the definition.

151 Paragraph 40.1(b) of Schedule 7

Repeal the paragraph.

152 Paragraph 40.1(c) of Schedule 7

Renumber as paragraph (b).

153 Subclause 40.1 of Schedule 7 (note 1)

Repeal the note, substitute:

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.

154 Subclause 40.1 of Schedule 7 (note 2)

Repeal the note.

155 Paragraph 41.1(b) of Schedule 7

Omit “and tail tag have”, substitute “has”.

156 Subclause 48.1 of Schedule 7

Repeal the subclause (including the heading).

157 Paragraph 52.1(d) of Schedule 7

Repeal the paragraph, substitute:

(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

158 Subparagraph 52.1(f)(vii) of Schedule 7

Repeal the subparagraph.

159 Subparagraph 52.1(f)(viii) of Schedule 7

Renumber as subparagraph (vii).

160 Subparagraph 53.1(b)(iv) of Schedule 7

Omit “has a tail tag attached to its tail and”.

161 Subparagraph 53.1(c)(vi) of Schedule 7

Repeal the subparagraph.

162 Subparagraph 53.1(c)(vii) of Schedule 7

Renumber as subparagraph (vi).

163 Subparagraph 54.1(a)(ii) of Schedule 7

Omit “, has a tail tag attached to its tail”.

164 Subclause 57.1 of Schedule 7

Repeal the subclause (including the heading), substitute:

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.

**57.4** If 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.

165 Paragraphs 58.3(c) and (d) of Schedule 7

Repeal the paragraphs, substitute:

(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).

166 Schedule 8, Table of Contents

Omit “authorized” (wherever occurring), substitute “authorised”.

167 Subclause 1.1 of Schedule 8 (note 2)

Omit “application”, substitute “applications”.

168 Subclause 3.1 of Schedule 8 (heading)

Repeal the heading, substitute:

Verification of compliance performed by an authorised officer

169 Subclause 3.1 of Schedule 8

Omit “authorized” (wherever occurring), substitute “authorised”.

170 Subclause 3.1 of Schedule 8 (note 1)

Omit “, 7”.

171 Subclause 4.1 of Schedule 8

Omit “authorized”, substitute “authorised”.

172 Subclause 5.2 of Schedule 8 (note)

Omit “authorized”, substitute “authorised”.

173 Paragraph 6.1(a) of Schedule 8

Omit “authorized”, substitute “authorised”.

174 Paragraph 7.3(a) of Schedule 8

Omit “authorized”, substitute “authorised”.

175 Subclause 9.1 of Schedule 8

Omit “at the time it is generated”, substitute “at the time it is given”.

176 Subclause 12.1 of Schedule 8 (heading)

Repeal the heading, substitute:

Notice to comply given by authorised officer prevails

177 Subclause 12.1 of Schedule 8

Omit “authorized” (wherever occurring), substitute “authorised”.

178 Subclause 15.2 of Schedule 8

Omit “State and Territory” (wherever occurring), substitute “State or Territory”.

179 Subclause 15.2 of Schedule 8 (note)

Repeal the note, substitute:

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

180 Schedule 9, after clause 5 of Table of Contents

Add:

5A.       Identity Cards

181 Subparagraph 1.2(b)(iii) of Schedule 9

Repeal the subparagraph, substitute:

(iii) operations for the certification of meat and meat products;

182 After subclause 4.1 of Schedule 9

Insert:

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.

183 After subclause 5.3 of Schedule 9

Insert:

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*.

184 Paragraph 6.1(b) of Schedule 9

Repeal the paragraph, substitute:

(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.

185 Paragraph 11.1(a) of Schedule 9

Omit “applicant”, substitute “person”.

186 Paragraph 11.1(e) of Schedule 9

Repeal the paragraph, substitute:

(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.

187 Schedule 10 (heading)

Repeal the heading, substitute:

Schedule 10—Provision of services of authorised officers

188 Subclause 1.2 of Schedule 10 (note 2)

Omit “authorized” (wherever occurring), substitute “authorised”.

189 Paragraph 2.1(c) of Schedule 10

Omit “authorized”, substitute “authorised”.

190 Paragraph 2.1(d) of Schedule 10

Omit “paragraphs 17.03 (3) (a) and 17.04 (3) (b) and subsection 17.04 (4)”, substitute “paragraphs 17.03(3)(a) and (b) and subsection 17.03(4)”.

191 Subparagraphs 9.1(b) and (c) of Schedule 10

Omit “authorized”, substitute “authorised”.