



Export Control (Meat and Meat Products) Rules 2021

I, Andrew Edgar Francis Metcalfe AO, Secretary of the Department of Agriculture, Water and the Environment, make the following rules.

Dated 19 March 2021

Andrew Edgar Francis Metcalfe AO
Secretary of the Department of Agriculture, Water and the Environment

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Chapter 1—Preliminary

Part 1—Preliminary

1-1 Name

This instrument is the *Export Control (Meat and Meat Products) Rules 2021*.

1-2 Commencement

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

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	At the same time as section 3 of the <i>Export Control Act 2020</i> commences.	3 am (A.C.T.) 28 March 2021

Note: This table relates only to the provisions of this instrument as originally made.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

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

1-3 Authority

This instrument is made under the *Export Control Act 2020*.

1-4 Simplified outline of this instrument

General

This instrument prescribes matters and makes other provision in relation to certain meat and meat products (prescribed meat and meat products) for the purposes of the *Export Control Act 2020* (the Act).

Prescribed meat or meat products must not be exported from Australian territory unless the conditions prescribed by this instrument (prescribed export conditions) are complied with. A person may commit an offence or be liable to a civil penalty if prescribed meat or meat products are exported in contravention of prescribed export conditions (see Division 4 of Part 1 of Chapter 2 of the Act).

This instrument prescribes other matters and makes other provision in relation to the export of meat and meat products, including in relation to the following:

Section 1-4

- (a) exemptions;
- (b) government certificates;
- (c) accredited properties;
- (d) registered establishments;
- (e) approved arrangements;
- (f) export licences;
- (g) export permits;
- (h) notices of intention to export;
- (i) trade descriptions;
- (j) official marks and official marking devices;
- (k) audits;
- (l) assessments;
- (m) functions and powers of authorised officers;
- (n) records;
- (o) samples;
- (p) damaged or destroyed meat or meat products.

Structure of this instrument and Chapter numbering

This instrument is arranged in Chapters that have the same number and name as the corresponding Chapters in the Act. For example, the provisions of this instrument that are made for the purposes of Chapter 3—Accredited properties of the Act are included in Chapter 3—Accredited properties of this instrument.

Part 2—Interpretation

Division 1—Definitions

1-5 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including the following:

- (a) Australian territory;
- (b) authorised officer;
- (c) export;
- (d) export operations;
- (e) integrity;
- (f) prepare;
- (g) prescribed agriculture law;
- (h) produce;
- (i) Regulatory Powers Act.

In this instrument:

accredited, in relation to a property, means accredited under Chapter 3 of the Act.

accredited farm means a farm that is accredited for a kind of export operations in relation to prescribed meat or meat products.

accredited feedlot means a feedlot that is accredited for a kind of export operations in relation to prescribed meat or meat products.

accredited property means an accredited farm, an accredited feedlot or an accredited saleyard.

accredited saleyard means a saleyard that is accredited for a kind of export operations in relation to prescribed meat or meat products.

Act means the *Export Control Act 2020*, and includes:

- (a) legislative instruments made under the *Export Control Act 2020*; and
- (b) the Regulatory Powers Act as it applies in relation to the *Export Control Act 2020*.

animal means a bovine animal, bubaline animal, camelid animal, caprine animal, cervid animal, ovine animal, porcine animal or soliped animal.

Note: Examples are cattle and bison (bovine animals), Asian water buffalo (bubaline animals), camels (camelid animals), goats (caprine animals), deer (cervid animals), sheep (ovine animals), pigs (porcine animals) and horses and donkeys (soliped animals).

animal food has the same meaning as in the Australian Meat Standard.

animal identification tag means a device for permanently identifying a single animal.

Note: NLIS-accredited devices (for example electronic ear tags for cattle) are devices for permanently identifying a single animal. The National Livestock Identification System

Section 1-5

could in 2021 be viewed on the National Livestock Identification System website (<https://nlis.com.au>).

applied, in relation to an official mark, has the meaning given by subsection 8-23(1).

Note: For ***applied***, in relation to a trade description, see section 247 of the Act.

approved auditor means an individual who is approved under subsection 273(1) of the Act to conduct an audit referred to in section 9-1 of this instrument.

assessment of meat or meat products means an assessment of meat or meat products under Part 2 of Chapter 9 of the Act.

Note: See also Part 2 of Chapter 9 of this instrument.

Australian Meat Industry Classification System means the Australian Meat Industry Classification System published by AUS-MEAT Limited, as that System exists at the commencement of this instrument.

Australian Meat Standard means Australian Standard AS 4696:2007, *Australian Standard for the Hygienic Production and Transportation of Meat and Meat Products for Human Consumption*, as that Standard exists at the commencement of this instrument.

Australian meat standards classification body means the body responsible for setting trade description and classification standards for meat and meat products for export from Australian territory.

Note: At the commencement of this instrument, the body responsible for setting trade description and classification standards for meat and meat products derived from bovine, caprine or ovine animals for export from Australian territory was AUS-MEAT Limited.

batch has the same meaning as in the Australian Meat Standard.

beef means meat derived from:

- (a) a female bovine animal; or
- (b) a castrated male bovine animal; or
- (c) an entire male bovine animal showing no evidence of secondary sexual characteristics.

boar pork means meat derived from:

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

bobby calf means a bovine animal that:

- (a) is less than 30 days old; and
- (b) weighs less than 80 kg live weight.

bull, when used in a trade description, means meat derived from the carcase of:

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

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

carcase has the same meaning as in the Australian Meat Standard.

carcase part has the same meaning as in the Australian Meat Standard.

carton includes a case, crate and barrel.

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

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

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

date of packaging, for packaged meat or meat products, means:

- (a) for further processed meat products (other than canned meat products):
 - (i) unless subparagraph (ii) applies—the date the further processing is completed; or
 - (ii) if the further processing is carried out during a working shift that starts on a day and ends on the following day—the date the shift started; or
- (b) for canned meat products:
 - (i) unless subparagraph (ii) applies—the date the cans are closed; or
 - (ii) if the canning is carried out during a working shift that starts on a day and ends on the following day—the date the shift started; or
- (c) for any other packaged meat or meat products:
 - (i) unless subparagraph (ii) applies—the date the first packaging was completed; or
 - (ii) if the first packaging is carried out during a working shift that starts on a day and ends on the following day—the date the first packaging started.

dressings has the same meaning as in the Australian Meat Standard.

equipment has the same meaning as in the Australian Meat Standard.

essential services has the same meaning as in the Australian Meat Standard.

EU export meat means prescribed meat or meat products that meet the requirements for export to a member state of the European Union as food.

EU export meat production operations means export operations to produce bovine animals from which EU export meat is to be derived.

EU-listed establishment means an establishment that is included in a list of establishments published by the European Commission in accordance with Article 12 of Regulation (EC) No 854/2004, as that list exists from time to time.

Note: An establishment is included in the list if it meets the requirements of the European Union for operations to prepare meat or meat products for export to a member state of the European Union as food. The list could in 2021 be viewed on the European Commission's website (<https://ec.europa.eu>).

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EU vendor declaration, for a bovine animal that is transferred from an accredited property, means a declaration that:

- (a) is in writing and in a form approved by the Secretary; and
- (b) is signed by:
 - (i) the manager of the accredited property; or
 - (ii) a person who is designated in the notice of accreditation given by the Secretary in relation to the accredited property as a person who may sign the declaration.

exporter of prescribed meat or meat products means:

- (a) the applicant for an export permit for the meat or meat products; or
- (b) if an export permit has been issued for the meat or meat products—the holder of the export permit.

external auditor, in relation to an audit of a quality assurance system accredited by the Australian meat standards classification body, means a person appointed by that body to conduct an audit of the quality assurance system.

external reviewer, in relation to a review of export operations carried out at an accredited property, means an officer of the European Commission.

facilities includes hygiene and sanitation facilities.

feedlot means a place where animals are, or are to be, confined and fed high energy rations to maximise growth for the purpose of slaughter.

further process has the same meaning as in the Australian Meat Standard.

goat, when used in a trade description, means meat derived from a caprine animal.

HACCP has the same meaning as in the Australian Meat Standard.

HACCP plan means a plan that meets the requirements for HACCP plans specified in the Australian Meat Standard.

Note: See clause 3.11 of the Australian Meat Standard.

Halal certificate means a government certificate that:

- (a) is jointly issued in relation to prescribed meat or meat products by an Islamic organisation and the Secretary; and
- (b) certifies that the meat or meat products:
 - (i) are Halal meat; and
 - (ii) have maintained their integrity as Halal meat.

Note 1: For an Islamic organisation to issue Halal certificates jointly with the Secretary:

- (a) the organisation must be the holder of an approved arrangement for Halal meat certification operations; and
- (b) an approved arrangement for operations to prepare Halal meat for export at a registered establishment must provide that the organisation may issue a Halal certificate in relation to Halal meat prepared for export at the establishment (see section 2-13).

Note 2: See also item 2 of the table in section 2-4, and section 2-12, in relation to Halal certificates.

Halal meat means:

- (a) prescribed meat derived from animals that have been slaughtered in accordance with Islamic rites; or
- (b) meat products containing only prescribed meat derived from animals that have been slaughtered in accordance with Islamic rites.

Note: For particular requirements for a proposed arrangement for operations to prepare Halal meat at a registered establishment for export, see section 5-3.

Halal meat certification operations means operations in relation to certifying prescribed meat or meat products as Halal meat.

HGP (short for hormonal growth promotant) means a veterinary chemical product that:

- (a) contains a substance that is, or a mixture of substances that are, responsible for oestrogenic, androgenic, gestagenic or thyrostatic activity to enhance growth or production in cattle; and
- (b) is registered for use for this purpose in Australia under section 14 of the Agvet Code set out in the Schedule to the *Agricultural and Veterinary Chemicals Code Act 1994*.

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

ineligible breeding bull means a live male bovine animal:

- (a) that is held on an accredited farm for the purpose of breeding, but was not born on an accredited farm; and
- (b) that has not been treated with an HGP.

ineligible breeding female means a live bovine animal:

- (a) that is a cow (other than a cow with a calf or calves at foot), a heifer or a pregnant female; and
- (b) that is held on an accredited farm for the purpose of breeding, but was not born on an accredited farm; and
- (c) that has not been treated with an HGP.

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

- (a) a constituent of:
 - (i) meat; or
 - (ii) meat products (including raw materials); or
- (b) a processing aid for meat or meat products.

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

Islamic organisation means a person or body that is recognised by a relevant importing country authority as a person or body that may carry out Halal meat certification operations in relation to prescribed meat or meat products for importation into that country from Australian territory.

Section 1-5

Note: The Halal meat certification operations must be carried out in accordance with an approved arrangement (see item 2 of the table in section 2-4).

lamb means meat derived from an ovine animal that:

- (a) is under 12 months of age; or
- (b) does not have any permanent incisor teeth in wear.

loaded for export has the meaning given by section 1-6.

meat means any part of an animal (including an animal carcase and offal) that is slaughtered other than in a wild state.

meat export licence:

- (a) means an export licence granted to a person to carry out export operations in relation to prescribed meat or meat products that are derived from bovine animals, caprine animals or ovine animals; and
- (b) includes an export licence of that kind that has been renewed.

meat extract means a meat product that:

- (a) is derived from meat that has been passed as fit for human consumption; and
- (b) does not contain any non-meat proteins or additives; and
- (c) does not contain more than 25% moisture by analysis.

meat inspection service means an assessment of meat or meat products under Part 2 of Chapter 9 of the Act.

meat product means a product containing meat.

meat transport vehicle means a conveyance that is used to transport or transfer prescribed meat or meat products, and includes the meat carrying compartment of the conveyance.

MICoR means the *Manual of Importing Country Requirements* published by the Department.

Note: MICoR could in 2021 be viewed on the Department's website (<http://www.awe.gov.au>), but access to the document requires a password.

mutton means meat derived from:

- (a) a female ovine animal that has at least one permanent incisor tooth in wear; or
- (b) a castrated male ovine animal that:
 - (i) has at least one permanent incisor tooth in wear; and
 - (ii) shows no evidence of secondary sexual characteristics.

notifiable disease has the same meaning as in the Australian Meat Standard.

offal means any of the following parts of an animal:

- (a) organs of the thoracic and abdominal cavities;
- (b) brain;
- (c) muscular tissues of the head;
- (d) tissues of the diaphragm;

- (e) tail;
- (f) feet;
- (g) tendons.

pharmaceutical material has the same meaning as in the Australian Meat Standard.

pork means meat derived from:

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

potable, in relation to water, means water that is acceptable for human consumption.

Note: For guidance, see the *Australian Drinking Water Guidelines (2011)* developed by the National Health and Medical Research Council. The Guidelines could in 2021 be viewed on the National Health and Medical Research Council's website (<http://www.nhmrc.gov.au>).

prescribed meat means meat that is prescribed goods under Division 1 of Part 1 of Chapter 2.

prescribed meat and meat products means meat and meat products that are prescribed goods under Division 1 of Part 1 of Chapter 2.

prescribed meat or meat products means meat or meat products that are prescribed goods under Division 1 of Part 1 of Chapter 2.

prescribed meat products means meat products that are prescribed goods under Division 1 of Part 1 of Chapter 2.

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

property identification code means the identification code allocated to a property by the body responsible for stock identification in the State or Territory where the property is located.

ram, when used in a trade description, means meat derived from:

- (a) an entire male ovine animal that:
 - (i) has at least one permanent incisor tooth in wear; or
 - (ii) shows evidence of secondary sexual characteristics; or
- (b) a castrated male ovine animal that shows evidence of secondary sexual characteristics.

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

registered, in relation to an establishment, means registered under Chapter 4 of the Act.

Section 1-5

registered establishment means an establishment that is registered for a kind of export operations in relation to prescribed meat or meat products.

relevant importing country authority means the authority or body that is responsible for regulating the importation of meat or meat products into that country from Australian territory.

resources industry structure means:

- (a) a resources industry fixed structure (within the meaning of the *Sea Installations Act 1987*); or
- (b) a resources industry mobile unit (within the meaning of that Act) that is not a vessel.

restricted slaughter animal means an animal to which a disposition in accordance with paragraph 8.9(b) of the Australian Meat Standard (ante-mortem dispositions) has been applied.

Note: An animal may be passed for slaughter subject to conditions (see paragraph 8.9(b) of the Australian Meat Standard).

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

- (a) that shows no evidence of eruption of permanent incisor teeth; and
- (b) that has been reared in accordance with the specifications for rosé veal in the Australian Meat Industry Classification System; and
- (c) the carcase of which is more than 100 kg and not more than 200 kg by reference to hot dress carcase weight; and
- (d) that, in the case of a male animal, shows no evidence of secondary sexual characteristics.

saleyard ID means the identification number allocated to a saleyard by the body responsible for stock identification in the State or Territory where the saleyard is located.

sheep, when used in a trade description, means meat derived from an ovine animal.

shelf-stable has the same meaning as in the Australian Meat Standard.

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

slaughter has the same meaning as in the Australian Meat Standard.

slaughter floor meat inspection service means a meat inspection service that provides an inspection of carcasses or carcase parts on the slaughter floor of an abattoir.

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

State or Territory controlling body means a State or Territory body that is responsible for the enforcement of the Australian Meat Standard as it applies in relation to meat or meat products in relation to which export operations are carried out in that State or Territory.

Section 1-6

State or Territory inspection and audit arrangement means an arrangement made by the Secretary with a State or Territory controlling body that provides for:

- (a) the inspection of meat and meat products in relation to which export operations are carried out at registered establishments in that State or Territory; and
- (b) the audit of those export operations.

State or Territory meat safety inspector means an individual who holds qualifications referred to in paragraph (b) of the definition of ***meat safety inspector*** in clause 1.3 of the Australian Meat Standard.

tallow means rendered fat or oil extracted from animal tissue.

thawing has the same meaning as in the Australian Meat Standard.

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

Note: The Treaty is in Australian Treaty Series 2019 No. 16 ([2019] ATS 16) and could in 2021 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

treated with an HGP: an animal is taken to have been treated with an HGP in the circumstances described in section 3-2.

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

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

verify has the same meaning as in the Australian Meat Standard.

veterinary officer means an authorised officer:

- (a) who holds a veterinarian qualification recognised in Australia; and
- (b) whose most recent instrument of authorisation under subsection 291(11) of the Act specifies that the person is a veterinary officer.

wholesome has the same meaning as in the Australian Meat Standard.

1-6 Meaning of ***loaded for export***

Meat or meat products are ***loaded for export*** if the meat or meat products:

- (a) are placed into a container system unit at a registered establishment for export; or
- (b) are loaded into or onto an aircraft or a vessel for export without first being placed into a container system unit.

Section 1-7

Division 2—Other interpretation provisions

1-7 References to authorised officer and meat safety inspector

- (1) For the purposes of this instrument and subject to subsections (2) and (3), a reference in the Australian Meat Standard to a meat safety inspector is to be read as a reference to an authorised officer.

Note: An authorised officer may perform all of the functions of a meat safety inspector specified in the Australian Meat Standard (see section 9-21 of this instrument).

- (2) A reference in this instrument to an authorised officer, or a reference in the Australian Meat Standard to a meat safety inspector, when used in relation to any of the following at an establishment where a veterinary officer is located:

- (a) assessing information in relation to an animal that is given to an authorised officer;
- (b) inspecting animals and applying decisions or dispositions to animals;
- (c) inspecting restricted slaughter animals, or their carcasses or carcase parts, and applying decisions or dispositions to restricted slaughter animals or their carcasses or carcase parts;

is to be read as a reference to:

- (d) a veterinary officer; or
- (e) an authorised officer acting under the supervision of a veterinary officer.

- (3) A reference in this instrument to an authorised officer, or a reference in the Australian Meat Standard to a meat safety inspector, when used in relation to implementing procedures for notifiable diseases at an establishment where a veterinary officer is located, is to be read as a reference to a veterinary officer.

1-8 Modifications of certain terms used in the Australian Meat Standard

- (1) For the purposes of this instrument, the Australian Meat Standard is taken to be modified as provided by this section.
- (2) The definition of **dried meat** in clause 1.3 of the Australian Meat Standard is taken to be omitted and the following definition is taken to be substituted:

dried meat does not include slow-dried cured meat.

- (3) A reference in the Australian Meat Standard to a meat business is to be read as a reference to an establishment where operations to prepare meat or meat products for export are carried out or, if the context requires, the occupier of such an establishment.
- (4) A reference in the Australian Meat Standard to a meat transport vehicle is to be read as a reference to that term as defined by section 1-5 of this instrument.
- (5) A reference in the Australian Meat Standard to the operator or proprietor of meat premises is to be read as a reference to the occupier of an establishment.

Note: **Establishment** has the same meaning as **premises** (see the definition of **establishment** in section 12 of the Act).

1-9 Circumstances in which alternative procedure, standard or other requirement is taken to meet requirements of Australian Meat Standard

If:

- (a) the Australian Meat Standard requires a particular technique (the *Australian Meat Standard technique*) to be implemented in carrying out operations to prepare prescribed meat or meat products for export; and
- (b) under section 4-3, meeting that requirement is a condition of the registration of the registered establishment where operations to prepare the meat or meat products for export are carried out; and
- (c) an approved arrangement that covers operations to prepare the meat or meat products for export provides for an alternative procedure, standard or other requirement to be implemented in carrying out those operations;

then, for the purposes of this instrument, the implementation of the alternative procedure, standard or other requirement in carrying out those operations is taken to meet the requirement to implement the Australian Meat Standard technique in carrying out those operations.

Note 1: The holder of the approved arrangement may need to apply to the Secretary under paragraph 161(1)(b) of the Act to approve a variation of the arrangement to implement an alternative procedure, standard or other requirement in carrying out operations to prepare prescribed meat or meat products for export.

Note 2: The holder of the approved arrangement may commit an offence or be liable to a civil penalty under section 163 of the Act if:

- (a) the approved arrangement needs to be varied to provide for an alternative procedure, standard or other requirement to be implemented in carrying out operations to prepare prescribed meat or meat products for export; and
- (b) the variation is implemented; and
- (c) the variation has not been approved by the Secretary under paragraph 161(2)(a) of the Act, or the variation has been approved under that paragraph but the Secretary has not given the holder notice of the approval under section 162 of the Act.

Chapter 2—Exporting goods

Part 1—Goods

Division 1—Prescribed goods

2-1 Meat and meat products that are prescribed goods

- (1) For the purposes of subsection 28(1) of the Act and subject to subsections (3) and (4) of this section, goods that:
- (a) are meat or meat products derived from a bovine animal, bubaline animal, camelid animal, caprine animal, cervid animal, ovine animal, porcine animal or soliped animal; and
 - (b) are intended to be exported as food;
- are prescribed for the purposes of the Act.

Note 1: Examples of animals referred to in paragraph (a) are cattle and bison (bovine animals), Asian water buffalo (bubaline animals), camels (camelid animals), goats (caprine animals), deer (cervid animals), sheep (ovine animals), pigs (porcine animals) and horses and donkeys (soliped animals).

Note 2: For *food*, see section 12 of the Act.

Note 3: Meat or meat products covered by this subsection are taken not to be prescribed goods for the purposes of the Act in the circumstances prescribed by section 2-2 of this instrument (see the definition of *prescribed goods* in section 12 of the Act).

- (2) If:
- (a) meat or meat products of a kind referred to in a paragraph of subsection (3) are intended to be exported to a country (the *importing country*) as food; and
 - (b) for the purpose of meeting an importing country requirement of that country, one or more requirements of the Act must be complied with;
- then, for the purposes of subsection 28(1) of the Act, the meat or meat products that are intended to be exported to the importing country are prescribed for the purposes of the Act.

Example: Meat extracts would be prescribed meat products if a requirement of the Act would need to be complied with in relation to the meat extracts for the purpose of meeting an importing country requirement.

Note: The Act will apply to meat and meat products to which this subsection applies in the same way as it applies to goods prescribed for the purposes of the Act under subsection (1).

- (3) The following goods are not prescribed for the purposes of subsection 28(1) of the Act unless subsection (2) of this section applies in relation to the goods:
- (a) soup, soup powder or soup concentrate derived from meat;
 - (b) meat extracts;
 - (c) tallow derived from meat;
 - (d) gelatine derived from meat;
 - (e) regenerated collagen products derived from meat;
 - (f) any other meat or meat products that are not covered by subsection (1) of this section;

- (g) meat products containing less than 5% mass of meat;
- (h) meat or meat products for export in a consignment of not more than 10 kilograms;
- (i) meat or meat products for export to New Zealand for consumption in New Zealand.

Note: Meat or meat products covered by subsection (1) that are for export to New Zealand but are not for consumption in New Zealand (for example, meat or meat products covered by subsection (1) that are exported to New Zealand for further processing and export from New Zealand) are prescribed goods.

- (4) The following goods are not prescribed for the purposes of subsection 28(1) of the Act:
- (a) meat or meat products that are animal food;
 - (b) meat or meat products that are pharmaceutical material.

2-2 Meat and meat products that are taken not to be prescribed goods

For the purposes of subsection 28(4) of the Act, meat and meat products covered by subsection 2-1(1) or (2) of this instrument are taken not to be prescribed goods for the purposes of the Act if the meat or meat products:

- (a) are stores for the use of passengers and crew on an aircraft or a vessel on a flight or voyage from Australian territory; or
- (b) are for the service of an aircraft or a vessel on a flight or voyage from Australian territory; or
- (c) are imported into Australian territory and held in bond at all times before being exported; or
- (d) are imported into Australian territory and then exported in the same covering in which, and with the same trade description with which, they were imported; or
- (e) are consigned to an external Territory for consumption in that Territory; or
- (f) are consigned to a resources industry structure that is installed in any of the following areas, for consumption on the structure:
 - (i) the Greater Sunrise special regime area within the meaning of the *Seas and Submerged Lands Act 1973*;
 - (ii) the Greater Sunrise pipeline international offshore area within the meaning of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*;
 - (iii) the area in or above the Bayu-Undan Gas Field within the meaning of the Timor Sea Maritime Boundaries Treaty;
 - (iv) the Bayu-Undan pipeline international offshore area within the meaning of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*;
 - (v) the area in or above the Kitan Oil Field within the meaning of the Timor Sea Maritime Boundaries Treaty.

Note: A resources industry structure that is not installed is taken to be a vessel (see the *Sea Installations Act 1987*).

Division 2—Prohibited export and prescribed export conditions

2-3 Purpose and application of this Division

- (1) This Division is made for the purposes of section 29 of the Act.
- (2) This Division applies in relation to prescribed meat and meat products.
 - Note 1: See Division 1 of this Part in relation to goods that are prescribed meat and meat products.
 - Note 2: Meat and meat products are taken not to be prescribed goods in the circumstances prescribed by section 2-2 of this instrument (see the definition of *prescribed goods* in section 12 of the Act).
- (3) However, a provision of this Division (the *relevant provision*) does not apply in relation to prescribed meat or meat products if:
 - (a) the meat or meat products are to be exported in a circumstance referred to in subsection 52(1) or (3) of the Act; and
 - (b) an exemption from the relevant provision is in force in relation to the meat or meat products under Part 2 of Chapter 2 of the Act.

2-4 Export of prescribed meat or meat products is prohibited unless prescribed conditions are complied with

The export from Australian territory of prescribed meat or meat products is prohibited unless the conditions specified in the items in the following table are complied with.

Prescribed export conditions for prescribed meat or meat products	
Item	Prescribed export conditions
1	Importing country requirements All importing country requirements relating to the meat or meat products, and the operations to prepare them for export, must be met.
2	Halal certificates If the relevant importing country authority for the meat or meat products, or the exporter of the meat or meat products, requires a Halal certificate for the meat or meat products, Halal meat certification operations must be carried out in relation to the meat or meat products by an Islamic organisation in accordance with an approved arrangement held by the Islamic organisation for those certification operations. At the time the operations are carried out, the approved arrangement must not be suspended in relation to those operations.
3	Export to European Union If the meat or meat products are derived from bovine animals and are for export to a member state of the European Union as food: (a) the animals (unless they are bobby calves) must be sourced from a property that is accredited for EU export meat production operations and, at the time the animals are sourced, the accreditation of the property must not be suspended in relation to those operations; and (b) the registered establishment where operations to prepare the meat or meat products for export are carried out must be an EU-listed establishment.
4	Registered establishment

Section 2-4

Prescribed export conditions for prescribed meat or meat products	
Item	Prescribed export conditions
	Operations to prepare the meat or meat products for export must be carried out at an establishment that is registered for those operations in relation to the meat or meat products. At the time the operations are carried out, the registration of the establishment must not be suspended in relation to those operations.
5	Approved arrangement An approved arrangement covering operations to prepare the meat or meat products for export at the registered establishment referred to in item 4 must be in force. At the time the operations are carried out, the approved arrangement must not be suspended in relation to those operations.
6	Meat export licence If the meat or meat products are derived from a bovine animal (other than a buffalo) or a caprine animal or an ovine animal: (a) the exporter must hold a meat export licence to carry out operations to export the meat or meat products; and (b) the meat export licence must be in force and not suspended at the time the meat or meat products are exported.
7	Notice of intention to export A person prescribed by section 8-2 must give the Secretary, at the time prescribed by section 8-4, a notice of intention to export a consignment of, or including, the meat or meat products.
8	Export permit The exporter of the meat or meat products must hold an export permit for the meat or meat products and the export permit must be in force and not suspended at the time the meat or meat products are exported.
Note 1:	Other conditions may apply in addition to the conditions set out in the above table. For example, prescribed meat products described as biodynamic may also be prescribed organic goods under the <i>Export Control (Organic Goods) Rules 2021</i> . The export as food of the meat products would also be subject to export conditions prescribed by that instrument.
Note 2:	In addition to the conditions in item 3 of the above table, the conditions in items 4, 5 and 6 of the table must be complied with in relation to the preparation of meat or meat products derived from bovine animals that are for export to a member state of the European Union as food.
Note 3:	In addition to the conditions in item 6 of the above table, the conditions in items 4 and 5 of the table must be complied with in relation to the preparation of meat or meat products derived from an animal referred to in item 6 that are for export as food.
Note 4:	A person may commit an offence or be liable to a civil penalty if prescribed goods are exported in contravention of prescribed export conditions (see Division 4 of Part 1 of Chapter 2 of the Act).
Note 5:	The manager of an accredited property may commit an offence or be liable to a civil penalty if export operations in relation to which accreditation of the property has been suspended are carried out while the accreditation is suspended (see section 100 of the Act).
Note 6:	The occupier of a registered establishment may commit an offence or be liable to a civil penalty if export operations in relation to which registration of the establishment has been suspended are carried out while the registration is suspended (see section 136 of the Act).

Chapter 2 Exporting goods

Part 1 Goods

Division 2 Prohibited export and prescribed export conditions

Section 2-4

- Note 7: The holder of an approved arrangement may commit an offence or be liable to a civil penalty if export operations in relation to which an approved arrangement has been suspended are carried out while the arrangement is suspended (see section 177 of the Act).
- Note 8: An export permit that is suspended under subsection 231(1) of the Act remains in force while it is suspended. However, while the permit is suspended, it does not authorise the export of the goods for which it was issued (see subsection 232(2) of the Act).

Part 2—Exemptions

2-5 Application of this Part

This Part applies in relation to prescribed meat or meat products (in this Part called **relevant goods**).

Note 1: See Division 1 of Part 1 of this Chapter in relation to goods that are prescribed meat and meat products.

Note 2: Meat and meat products are taken not to be prescribed goods in the circumstances prescribed by section 2-2 of this instrument (see the definition of **prescribed goods** in section 12 of the Act).

2-6 Period for making application for exemption

For the purposes of subparagraph 53(3)(f)(i) of the Act, the period within which an application for an exemption in relation to relevant goods must be made is the period of 120 days ending on the day that is 10 business days before the following:

- (a) if operations to prepare the relevant goods for export have started—the date it is proposed to export the relevant goods;
- (b) in any other case—the date it is proposed to start carrying out those operations.

Note 1: The Secretary may allow a different period (see subparagraph 53(3)(f)(ii) of the Act).

Note 2: An application for an exemption must comply with the requirements in subsection 53(3) of the Act.

2-7 Conditions of exemption—matters to which Secretary must have regard

For the purposes of subsection 55(2) of the Act, a matter to which the Secretary must have regard is whether imposing a condition on an exemption in relation to relevant goods will ensure that one or more objects of the Act will be met in relation to the goods.

2-8 Period of effect of exemption

For the purposes of paragraph 57(b) of the Act, an exemption granted under paragraph 54(1)(a) of the Act remains in force (unless it is revoked under section 59 of the Act):

- (a) for 12 months starting on the day the exemption takes effect; or
- (b) if another period is specified in the instrument of exemption—for the specified period.

Note: The exemption takes effect on the date stated in the instrument of exemption under paragraph 56(1)(e) of the Act (see paragraph 57(a) of the Act).

Section 2-9

2-9 Variation of conditions of exemption—matters to which Secretary must have regard

For the purposes of subsection 58(3) of the Act, a matter to which the Secretary must have regard is whether varying a condition of an exemption in relation to relevant goods will ensure that one or more objects of the Act will be met in relation to the goods.

2-10 Revocation of exemption—matters to which Secretary must have regard

For the purposes of subsection 59(2) of the Act, a matter to which the Secretary must have regard in considering whether to revoke an exemption in relation to relevant goods is whether the conditions of the exemption have been, or are being, complied with.

Part 3—Government certificates

2-11 When government certificate may be issued in relation to meat or meat products

For the purposes of subsections 62(1) and (2) of the Act, a government certificate may be issued in relation to meat or meat products that are to be, or that have been, exported.

2-12 Halal certificates

For the purposes of subsections 62(1) and (2) of the Act, a Halal certificate may be issued in relation to Halal meat that is to be exported to a country if:

- (a) the relevant importing country authority requires a Halal certificate in relation to Halal meat that is to be imported into that country from Australian territory; or
- (b) the exporter of the Halal meat requires a Halal certificate for the Halal meat.

Note: For *Halal certificate*, see section 1-5.

2-13 Issuing bodies for Halal certificates

- (1) For the purposes of section 63 of the Act, the following are jointly an issuing body for a Halal certificate:
 - (a) a relevant Islamic organisation;
 - (b) the Secretary.
- (2) For the purposes of subsection (1), an Islamic organisation is a ***relevant Islamic organisation*** if:
 - (a) the organisation is the holder of an approved arrangement for Halal meat certification operations; and
 - (b) an approved arrangement for operations to prepare Halal meat for export at a registered establishment provides that the organisation may issue a Halal certificate in relation to Halal meat prepared for export at the establishment.

2-14 Declaration to accompany application for government certificate

- (1) For the purposes of paragraph 65(2)(d) of the Act, if a government certificate in relation to meat or meat products is required to meet importing country requirements, the application for the government certificate must be accompanied by a declaration by the applicant that importing country requirements relating to the meat or meat products have been met, or will be met before the meat or meat products are imported into the importing country.

Note 1: For when requirements to give information (including a declaration) in writing can be met by an electronic communication, see section 9 of the *Electronic Transactions Act 1999*. For electronic signatures, see section 10 of that Act.

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Note 2: A government certificate (other than a certificate issued by electronic means) must be retained in a secure place when it is not being used (see section 11-4).

- (2) A declaration must be in a form approved by the Secretary.
- (3) A declaration:
 - (a) must not be made if there are no reasonable grounds for making it; and
 - (b) must not be false or misleading; and
 - (c) must be signed and dated by the person who made it.

Note: A person may commit an offence or be liable to a civil penalty if the person provides false or misleading information or documents (see sections 137.1 and 137.2 of the *Criminal Code* and sections 368 and 369 of the Act).

2-15 Circumstances for refusing to issue government certificate

Circumstances relating to all meat or meat products

- (1) For the purposes of paragraph 67(3)(g) of the Act, each of the following circumstances is prescribed in relation to an application for a government certificate in relation to meat or meat products:
 - (a) a condition or disease is present in Australian territory that is likely to affect the acceptability of the meat or meat products to the importing country;
 - (b) the export of the meat or meat products could result in trade in the export of goods from Australian territory being adversely affected;
 - (c) the applicant for the certificate failed:
 - (i) to return a government certificate as required by section 2-17 of this instrument; or
 - (ii) to retain a government certificate in a secure place in accordance with section 11-4 of this instrument; or
 - (iii) to provide facilities and assistance to an auditor as required by section 271 of the Act.

Circumstances relating only to prescribed meat or meat products

- (2) For the purposes of paragraph 67(3)(g) of the Act and without limiting subsection (1) of this section, each of the following circumstances is prescribed in relation to an application for a government certificate in relation to prescribed meat or meat products:
 - (a) a prescribed export condition that applies in relation to the meat or meat products has not been complied with;
 - (b) the applicant for the certificate failed to comply with a direction given to the applicant under subsection 305(1) of the Act (to deal with non-compliance with the requirements of the Act);
 - (c) an export permit is not in force for the meat or meat products;
 - (d) if:
 - (i) operations to prepare the meat or meat products for export were carried out under a State or Territory inspection and audit arrangement; and
 - (ii) those operations were covered by an approved arrangement;

Section 2-16

the relevant importing country authority for the meat or meat products has not specified in writing that it will accept meat or meat products of that kind that have been prepared for export under a State or Territory inspection and audit arrangement.

Note: Other grounds for the issuing body to refuse to issue a government certificate in relation to prescribed meat or meat products are set out in paragraphs 67(3)(a) to (f) of the Act.

2-16 Changes that require holder of certificate to give additional or corrected information to the issuing body

For the purposes of paragraph 74(1)(b) of the Act, each of the following changes is prescribed in relation to meat or meat products in relation to which a government certificate is in force:

- (a) there are reasonable grounds to suspect that the integrity of the meat or meat products cannot be ensured;
- (b) there are reasonable grounds to suspect that an importing country requirement relating to the meat or meat products will not be, or is not likely to be, met before the meat or meat products are imported into the importing country;
- (c) for prescribed meat or meat products—there are reasonable grounds to suspect that a prescribed export condition relating to the meat or meat products has not been complied with in circumstances where the condition should have been complied with.

2-17 Return of government certificate

- (1) For the purposes of paragraph 76(1)(a) of the Act, each of the following is a circumstance in which a government certificate in relation to meat or meat products must be returned to an issuing body:
 - (a) the meat or meat products are no longer intended to be exported to the country in relation to which the certificate was issued;
 - (b) the certificate has been revoked under section 75 of the Act.
- (2) For the purposes of paragraph 76(1)(b) of the Act, the period within which a government certificate in relation to meat or meat products must be returned to an issuing body is 10 business days starting on the day the event referred to in paragraph (1)(a) or (b) of this section (as applicable) occurs.
- (3) This section does not apply in relation to a government certificate that was issued by electronic means.

Section 3-1

Chapter 3—Accredited properties

Part 1—Introduction

3-1 Application of this Chapter

This Chapter applies in relation to the accreditation of a property that is a farm, a feedlot or a saleyard for a kind of export operations in relation to prescribed meat or meat products.

3-2 When an animal is taken to have been treated with an HGP

For the purposes of this instrument, an animal is taken to have been *treated with an HGP* if:

- (a) the animal, or its carcase or any of its carcase parts, is identified as having been treated with an HGP by the application of a triangular ear punch; or
- (b) a marker indicative of treatment with an HGP is found during inspection or other handling of the animal or its carcase or any of its carcase parts; or
- (c) residue of an HGP above physiologically normal levels is detected in the animal, or its carcase or any of its carcase parts, during residue testing.

Note: Examples of other handling of an animal, its carcase or carcase parts are dressing or processing.

Part 2—Requirements for accreditation etc.

Division 1—Requirements for accreditation

3-3 Purpose of this Division

For the purposes of paragraph 79(2)(b) of the Act, this Division prescribes requirements that must be met for a property to be accredited for EU export meat production operations.

Note: The requirements in this Division also apply in relation to an application to renew the accreditation of the property (see paragraph 84(2)(a) of the Act).

3-4 Requirements for farms

The requirements for a farm are as follows:

- (a) the farm has a property identification code;
- (b) if bovine animals are held on the farm—none of those animals has been, or is to be, treated with an HGP;
- (c) there are no HGPs on the farm.

Note 1: For *property identification code*, see section 1-5.

Note 2: For when an animal is taken to have been treated with an HGP, see section 3-2.

3-5 Requirements for feedlots

- (1) The requirements for a feedlot are as follows:
 - (a) the feedlot has a property identification code;
 - (b) if bovine animals that are to be slaughtered to derive EU export meat are held in the feedlot—none of those animals has been, or is to be, treated with an HGP;
 - (c) there is a management system in place for the EU export meat production operations for which the feedlot is to be accredited.
- (2) The management system required by paragraph (1)(c) must:
 - (a) ensure that all bovine animals held in the feedlot can be traced and identified; and
 - (b) ensure that all bovine animals held in the feedlot that are to be slaughtered to derive EU export meat are kept separate at all times from other animals held in the feedlot; and
 - (c) ensure that each bovine animal transferred to the feedlot that is to be slaughtered to derive EU export meat:
 - (i) has an animal identification tag attached; and
 - (ii) is accompanied by an original EU vendor declaration for the animal; and
 - (iii) can be traced to the accredited property from where the animal was transferred; and

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- (d) set out the manner in which the conditions of accreditation of the feedlot for export operations in relation to prescribed meat or meat products will be met.

- Note 1: For **animal identification tag**, see section 1-5.
- Note 2: An EU vendor declaration may be in any form that is approved by the Secretary (see the definition of **EU vendor declaration** in section 1-5).
- Note 3: It is a condition of accreditation that the management system must be implemented (see section 3-18).

3-6 Requirements for saleyards

- (1) The requirements for a saleyard are as follows:
 - (a) the saleyard has a property identification code and a saleyard ID;
 - (b) if bovine animals that are to be slaughtered to derive EU export meat are held at the saleyard—none of those animals has been, or is to be, treated with an HGP;
 - (c) there is a management system in place for the EU export meat production operations for which the saleyard is to be accredited.
- (2) The management system required by paragraph (1)(c) must:
 - (a) ensure that all bovine animals held at the saleyard that are to be slaughtered to derive EU export meat are kept separate at all times from other animals held at the saleyard; and
 - (b) ensure that each bovine animal transferred to the saleyard that is to be slaughtered to derive EU export meat:
 - (i) has an animal identification tag attached; and
 - (ii) is accompanied by an original EU vendor declaration for the animal; and
 - (iii) except if the animal is a bobby calf—can be traced to the accredited property from where the animal was transferred; and
 - (iv) if the animal is a bobby calf—can be traced to the property from where the animal was transferred (whether the property is an accredited property or not); and
 - (c) ensure that details of how the conditions of accreditation have been, and continue to be, met are recorded; and
 - (d) ensure that compliance with this instrument by users of the saleyard is monitored; and
 - (e) set out the manner in which the conditions of accreditation of the saleyard for export operations in relation to prescribed meat or meat products will be met.

- Note 1: An EU vendor declaration may be in any form that is approved by the Secretary (see the definition of **EU vendor declaration** in section 1-5).
- Note 2: It is a condition of accreditation that the management system must be implemented (see section 3-24).

Division 2—Other matters relating to accreditation

3-7 Other information to be stated in notice of decision to accredit property

For the purposes of paragraph 81(i) of the Act, the following information is prescribed in relation to a property that is accredited for EU export meat production operations:

- (a) the property identification code for the property;
- (b) each person (other than the manager of the accredited property) who may sign an EU vendor declaration relating to bovine animals that are transferred from the property.

3-8 Period of effect of accreditation of farm

- (1) For the purposes of subsection 82(5) of the Act, the accreditation of a farm for EU export meat production operations remains in force for a period of 12 months starting on the day the accreditation takes effect.

Note 1: The Secretary must give written notice of the date the accreditation takes effect (see paragraph 81(d) of the Act).

Note 2: The last day of the 12 month period is the expiry date for the accreditation unless an expiry date set under subsection 79(4) or 84(3) or paragraph 90(1)(c) or (d) of the Act is in force in relation to the accreditation. The accreditation of the farm remains in force until the end of the expiry date unless, before that date, it is renewed under Part 3 of the Act or revoked (see subsection 82(2) of the Act).

- (2) Subsection (1) does not apply in relation to the renewed accreditation of a farm for EU export meat production operations.

Note: The Secretary may set an expiry date for the renewed accreditation of a property (see subsection 84(3) of the Act). If there is no expiry date for the renewed accreditation, the accreditation remains in force unless it is revoked (see subsection 82(1) of the Act).

Part 3—Conditions of accreditation

Division 1—Conditions for accredited farms

3-9 Purpose of this Division

For the purposes of paragraph 80(1)(b) of the Act, this Division prescribes conditions of the accreditation of a farm for EU export meat production operations.

- Note 1: If the accreditation of the farm is renewed, these conditions also apply in relation to the renewed accreditation of the farm (see section 3-27).
- Note 2: The manager of an accredited property may commit an offence or be liable to a civil penalty if a condition of the accreditation of the property is contravened (see section 106 of the Act).

3-10 Requirements for accreditation continue to be met

The requirements for accreditation of a farm prescribed by section 3-4 must continue to be met in relation to the farm after it is accredited.

3-11 Identification and traceability

- (1) Each bovine animal (other than a mature ineligible breeding bull) held on an accredited farm on the date the accreditation takes effect (the **accreditation date**), or born on the farm after the accreditation date, must have an animal identification tag attached to the animal by the earliest of the following:
 - (a) if the animal was not weaned before the accreditation date—the day the animal is weaned;
 - (b) the day the animal is transferred to another accredited property or an EU-listed establishment;
 - (c) the day after the end of the period of 12 months starting on the accreditation date.
- (2) Each bovine animal admitted to an accredited farm after the accreditation date for the farm must:
 - (a) if the animal is not a mature ineligible breeding bull—have an animal identification tag attached to the animal before it is admitted to the farm; and
 - (b) if the animal is a mature ineligible breeding bull—be identified by another method approved by the body responsible for stock identification in the State or Territory where the farm is located; and
 - (c) be traceable to the property the animal came from before it was admitted to the farm; and
 - (d) if the animal is to be slaughtered to derive EU export meat—be accompanied by an original EU vendor declaration for the animal.

Note: An EU vendor declaration may be in any form that is approved by the Secretary (see the definition of **EU vendor declaration** in section 1-5).

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- (3) Each bovine animal that is to be slaughtered to derive EU export meat, and is transferred from an accredited farm to another accredited property or an EU-listed establishment, must have an animal identification tag attached to it that enables each property where the animal has been to be identified.

3-12 Bovine animals must not be treated with an HGP

Bovine animals held on an accredited farm must not have been treated, or be treated, with an HGP.

3-13 Integrity

- (1) Bovine animals (other than ineligible breeding bulls and ineligible breeding females) must not be transferred to an accredited farm from a property that is not an accredited property at the time of the proposed transfer.
- (2) Ineligible breeding bulls or ineligible breeding females must not be transferred to an accredited farm from a property that is not an accredited property at the time of the proposed transfer, unless the Secretary has approved the transfer.

Note 1: The Secretary may approve a single form for an application for approval to transfer ineligible breeding bulls or ineligible breeding females to an accredited farm from a property that is not accredited and an application for accreditation of the farm.

Note 2: Ineligible breeding bulls and ineligible breeding females may be transferred between accredited properties without the approval of the Secretary.

- (3) If:
- (a) a consignment of bovine animals that are to be slaughtered to derive EU export meat is transferred from an accredited farm to another accredited property or to an EU-listed establishment; and
 - (b) all animals in the consignment meet the requirements for export to a member state of the European Union as food;
- an original EU vendor declaration for each animal must be given to the consignee.
- Note: An EU vendor declaration may be in any form that is approved by the Secretary (see the definition of **EU vendor declaration** in section 1-5).
- (4) An EU vendor declaration for an animal in a consignment must not be given to the consignee under subsection (3) unless all animals in the consignment meet the requirements for export to a member state of the European Union as food.

3-14 Records

The manager of an accredited farm must ensure that a record is made of the following:

- (a) all admissions of bovine animals to the farm;
- (b) all transfers of bovine animals from the farm;
- (c) all other transactions and movements of bovine animals on the farm, including births, deaths, sales and losses;
- (d) the number of animal identification tags purchased for use on the farm;
- (e) if any animal identification tags purchased for use on the farm were lost or stolen—details of the loss or theft, including:

Chapter 3 Accredited properties

Part 3 Conditions of accreditation

Division 1 Conditions for accredited farms

Section 3-14

- (i) the number of animal identification tags lost or stolen; and
- (ii) when the loss or theft occurred; and
- (iii) the kind of animal identification tags lost or stolen;
- (f) any other matter necessary to demonstrate that the conditions prescribed by this Division have been, and are being, complied with.

Note: The manager of the accredited farm must retain each record made under this section for at least 2 years (see section 11-7).

Division 2—Conditions for accredited feedlots

3-15 Purpose of this Division

For the purposes of paragraph 80(1)(b) of the Act, this Division prescribes conditions of the accreditation of a feedlot for EU export meat production operations.

Note 1: If the accreditation of the feedlot is renewed, these conditions also apply in relation to the renewed accreditation of the feedlot (see section 3-27).

Note 2: The manager of an accredited property may commit an offence or be liable to a civil penalty if a condition of the accreditation of the property is contravened (see section 106 of the Act).

3-16 Requirements for accreditation continue to be met

The requirements for accreditation of a feedlot prescribed by section 3-5 must continue to be met in relation to the feedlot after it is accredited.

3-17 Identification, traceability and integrity

- (1) Bovine animals that are to be slaughtered to derive EU export meat must not be transferred to an accredited feedlot from a property that is not an accredited property at the time of the proposed transfer.
- (2) If bovine animals held in an accredited feedlot are to be slaughtered to derive EU export meat and are sold before slaughter, the National Livestock Identification System Database must be updated on the day of the sale to record the new owner of the animals.

Note: The National Livestock Identification System Database could in 2021 be viewed on the National Livestock Identification System website (<https://nlis.com.au>).

- (3) Bovine animals held in an accredited feedlot that are to be slaughtered to derive EU export meat must not have been treated, or be treated, with an HGP.
- (4) If:
 - (a) a consignment of bovine animals that are to be slaughtered to derive EU export meat is transferred from an accredited feedlot to another accredited property or to an EU-listed establishment; and
 - (b) no animals in the consignment have been treated with an HGP;an original EU vendor declaration for each animal must be given to the consignee.

Note: An EU vendor declaration may be in any form that is approved by the Secretary (see the definition of **EU vendor declaration** in section 1-5).

- (5) An EU vendor declaration for an animal in a consignment must not be given to the consignee under subsection (4) if any animal in the consignment has been treated with an HGP.

Section 3-18

3-18 Feedlot management system must be implemented

- (1) The management system required by paragraph 3-5(1)(c) in relation to the EU export meat production operations covered by the accreditation of a feedlot, including any variations of the management system approved by the Secretary under subsection 87(2) of the Act, must be implemented.
- (2) The manager of the accredited feedlot must not implement a variation of the management system in relation to the EU export meat production operations unless:
 - (a) the manager has applied to the Secretary under subsection 87(1) of the Act to vary the management system; and
 - (b) the variation has been approved under subsection 87(2) of the Act; and
 - (c) notice of the approval has been given to the manager under section 88 of the Act.

3-19 Records

The manager of an accredited feedlot must ensure that a record is made of the following:

- (a) all admissions of bovine animals to the feedlot;
- (b) all transfers of bovine animals from the feedlot;
- (c) the number of animal identification tags purchased for use in the feedlot;
- (d) if any animal identification tags purchased for use in the feedlot were lost or stolen—details of the loss or theft, including:
 - (i) the number of animal identification tags lost or stolen; and
 - (ii) when the loss or theft occurred; and
 - (iii) the kind of animal identification tags lost or stolen;
- (e) any other matter necessary to demonstrate that the conditions prescribed by this Division have been, and are being, complied with.

Note: The manager of the accredited feedlot must retain each record made under this section for at least 2 years (see section 11-7).

Division 3—Conditions for accredited saleyards

3-20 Purpose of this Division

For the purposes of paragraph 80(1)(b) of the Act, this Division prescribes conditions of the accreditation of a saleyard for EU export meat production operations.

Note 1: If the accreditation of the saleyard is renewed, these conditions also apply in relation to the renewed accreditation of the saleyard (see section 3-27).

Note 2: The manager of an accredited property may commit an offence or be liable to a civil penalty if a condition of the accreditation of the property is contravened (see section 106 of the Act).

3-21 Requirements for accreditation continue to be met

The requirements for accreditation of a saleyard prescribed by section 3-6 must continue to be met in relation to the saleyard after it is accredited.

3-22 Identification and traceability

- (1) The status of each bovine animal that is admitted to an accredited saleyard and that is to be slaughtered to derive EU export meat, as stated in the original EU vendor declaration for the animal, must be confirmed using the National Livestock Identification System Database before the animal is offered for sale.

Note: The National Livestock Identification System Database could in 2021 be viewed on the National Livestock Identification System website (<https://nlis.com.au>).

- (2) If a bovine animal that is to be slaughtered to derive EU export meat is sold at an accredited saleyard, the manager of the saleyard must:
 - (a) make a record of the sale; and
 - (b) ensure that the National Livestock Identification System Database is updated, no later than the day the animal is transferred from the saleyard, to record the new owner of the animal.

Note: The manager of the accredited saleyard must retain each record made under paragraph (b) for at least 2 years (see section 11-7).

3-23 Bovine animals must not be treated with an HGP

Bovine animals that are to be slaughtered to derive EU export meat and are held at an accredited saleyard must not be treated with an HGP.

3-24 Saleyard management system must be implemented

- (1) The management system required by paragraph 3-6(1)(c) in relation to the EU export meat production operations covered by the accreditation of a saleyard, including any variations of the management system approved by the Secretary under subsection 87(2) of the Act, must be implemented.

Section 3-25

- (2) The manager of the accredited saleyard must not implement a variation of the management system in relation to the EU export meat production operations unless:
- (a) the manager has applied to the Secretary under subsection 87(1) of the Act to vary the management system; and
 - (b) the variation has been approved under subsection 87(2) of the Act; and
 - (c) notice of the approval has been given to the manager under section 88 of the Act.

3-25 Records

The manager of an accredited saleyard must ensure that a record is made of the following:

- (a) all admissions of bovine animals to the saleyard;
- (b) each bovine animal sold at the saleyard that is intended to be slaughtered to derive EU export meat;
- (c) the number of animal identification tags purchased for use at the saleyard;
- (d) if any animal identification tags purchased for use at the saleyard were lost or stolen—details of the loss or theft, including:
 - (i) the number of animal identification tags lost or stolen; and
 - (ii) when the loss or theft occurred; and
 - (iii) the kind of animal identification tags lost or stolen;
- (e) any other matter necessary to demonstrate that the conditions prescribed by this Division have been, and are being, complied with.

Note: The manager of the accredited saleyard must retain each record made under this section for at least 2 years (see section 11-7).

Part 4—Renewal of accreditation

3-26 Period within which application to renew accreditation must be made

For the purposes of paragraph 83(4)(a) of the Act, the period within which an application to renew the accreditation of an accredited property must be made is the period of 60 days starting on the day that is 180 days before the expiry date for the accreditation.

Note 1: For example, if the accreditation of a property expires on 8 July in a year (other than a leap year), an application for renewal can be made at any time between 9 January and 10 March in that year.

Note 2: An application to renew the accreditation of a property will only need to be made if there is an expiry date for the accreditation (see subsection 83(1) of the Act).

Note 3: The Secretary may decide not to renew the accreditation of a property if the requirements prescribed by Part 2 of this Chapter are not continuing to be met in relation to the property (see paragraph 84(2)(a) of the Act).

3-27 Conditions of renewed accreditation

For the purposes of paragraph 85(b) of the Act, the following conditions are prescribed:

- (a) for an accredited farm—the conditions prescribed by Division 1 of Part 3 of this Chapter;
- (b) for an accredited feedlot—the conditions prescribed by Division 2 of Part 3 of this Chapter;
- (c) for an accredited saleyard—the conditions prescribed by Division 3 of Part 3 of this Chapter.

Part 5—Variation of accreditation

3-28 Alteration of boundaries of property (other than because of increase in area)

- (1) For the purposes of subparagraph 87(1)(b)(i) of the Act, an alteration (a ***prescribed alteration***) of the boundaries of a property (other than because of an increase in the area of the property) is prescribed.

Note: Section 3-29 of this instrument deals with varying the accreditation of a property if the area of the property has increased.

- (2) For the purposes of paragraph 87(3)(b) of the Act, the following requirements are prescribed for an application to approve a variation of the accreditation of a property so that it covers a prescribed alteration:
- (a) if the property is an accredited farm or an accredited feedlot—the body responsible for stock identification in the State or Territory where the farm or feedlot is located must have permitted the alteration of the boundaries of the farm or feedlot associated with the property identification code for the farm or feedlot;
 - (b) if the property is an accredited saleyard—the body responsible for property boundaries in the State or Territory where the saleyard is located must have approved the alteration of the boundaries of the saleyard associated with the property identification code for the saleyard.

3-29 Carrying out export operations on additional part of property or on another property

- (1) For the purposes of subparagraph 87(1)(b)(ii) of the Act, a circumstance is that the area of the property has increased.
- (2) For the purposes of paragraph 87(3)(b) of the Act, the following requirements are prescribed for an application to approve a variation of the accreditation of a property so that it covers export operations being carried out on an additional part of the property, or on another property, if the area of the property has increased:
- (a) if the property is an accredited farm or an accredited feedlot—the body responsible for stock identification in the State or Territory where the farm or feedlot is located must have approved the new boundaries of the farm or feedlot associated with the property identification code for the farm or feedlot;
 - (b) if the property is an accredited saleyard—the body responsible for property boundaries in the State or Territory where the saleyard is located must have approved the new boundaries of the saleyard associated with the property identification code for the saleyard.

Part 6—Revocation of accreditation

3-30 Other grounds for revocation

For the purposes of paragraph 102(1)(h) of the Act, it is a ground for revocation of the accreditation of an accredited property that the manager of the property failed to provide facilities and assistance reasonably required by an external reviewer for the purpose of conducting a review of export operations carried out at the accredited property.

Note: A review referred to in this section is not an audit under Part 1 of Chapter 9 of the Act.

Section 3-31

Part 7—Obligations of managers of accredited properties etc.

3-31 Circumstances of which Secretary must be notified

For the purposes of subsection 108(1) of the Act, a circumstance is that a person who is designated in the notice of accreditation given by the Secretary in relation to an accredited property as a person who may sign an EU vendor declaration for a bovine animal is no longer performing that function.

3-32 Accredited properties that no longer have a manager or in relation to which manager has changed

- (1) For the purposes of subsection 109(3) of the Act, this section makes provision for and in relation to an accredited property that no longer has a manager or in relation to which there has been a change of manager.
- (2) The accreditation of the property is suspended for the period of 60 days (the *suspension period*), starting on the day the former manager of the property ceased to be the manager of the property, unless the suspension is revoked under subsection (4) before the end of that period.
- (3) If there has been a change in the manager of the property, the person who has become the manager (the *new manager*) must, as soon as practicable after becoming the new manager, give the Secretary a written notice stating that the person is the new manager of the property.
- (4) If:
 - (a) the Secretary receives a notice from the new manager of the property under subsection (3) before the end of the suspension period; and
 - (b) the Secretary is satisfied that:
 - (i) the requirements prescribed by Part 2 of this Chapter for the property will continue to be met under the new manager; and
 - (ii) there is no reason why the suspension of the accreditation under subsection (2) should not be revoked;the Secretary must revoke the suspension of the accreditation.
- (5) If the Secretary has not revoked the suspension of the accreditation of the property under subsection (4) before the end of the suspension period:
 - (a) the Secretary is taken to have decided to revoke the accreditation of the property under Division 2 of Part 6 of Chapter 3 of the Act on the day after the end of that period; and
 - (b) subsection 102(2) of the Act does not apply in relation to the revocation.

Note: A decision to revoke the accreditation of a property is a reviewable decision under Part 2 of Chapter 11 of the Act (see section 381 of the Act).

Part 8—Matters relating to applications

3-33 Application of this Part

This Part applies in relation to the following applications:

- (a) an application under section 78 of the Act to accredit a property for a kind of export operations in relation to prescribed meat or meat products;
- (b) an application under section 83 of the Act to renew the accreditation of a property for a kind of export operations in relation to prescribed meat or meat products;
- (c) an application under section 87 of the Act to do any of the following in relation to a property that is accredited for a kind of export operations in relation to prescribed meat or meat products:
 - (i) vary the accreditation, or the particulars relating to the accreditation, of the property;
 - (ii) approve a variation of the accreditation of the property;
 - (iii) vary the conditions of the accreditation of the property.

3-34 Documents to accompany application

- (1) For the purposes of paragraph 377(1)(d) of the Act, an application that relates to a farm or a feedlot must be accompanied by:
 - (a) a copy of a document showing the address of the farm or feedlot; and
 - (b) if the application relates to accreditation for EU export meat production operations—a written undertaking by the manager of the farm or feedlot that the conditions of accreditation of the farm or feedlot prescribed by Division 1 or 2 of Part 3 of this Chapter (as the case requires) will be complied with in relation to export operations in relation to prescribed meat or meat products carried out at the farm or feedlot.

Note 1: Examples of documents showing the address of a property include a rates notice and a government property map.

Note 2: The Secretary may accept any document previously given to the Secretary in connection with an application made under the Act, or a notice of intention to export a consignment of prescribed meat or meat products given under the Act, as satisfying any requirement to give that document under subsection 377(1) of the Act (see subsection 377(3) of the Act).

- (2) For the purposes of paragraph 377(1)(d) of the Act, an application that relates to accreditation of a saleyard for EU export meat production operations must be accompanied by a written undertaking by the manager of the saleyard that the conditions of accreditation of the saleyard prescribed by Division 3 of Part 3 of this Chapter will be complied with in relation to export operations in relation to prescribed meat or meat products carried out at the saleyard.

3-35 Initial consideration period

For the purposes of subsection 379(3) of the Act, the initial consideration period for an application is 120 days.

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Note: The consideration period for an application starts on the day after the day the Secretary receives the application (see subsection 379(4) of the Act).

3-36 Period within which request relating to application must be complied with

For the purposes of paragraph 379(10)(b) of the Act, the period of 6 months is prescribed.

Chapter 4—Registered establishments

Part 1—Requirements for registration

4-1 Purpose of this Part

For the purposes of paragraphs 112(2)(c) and (f) of the Act, this Part prescribes requirements that must be met for an establishment to be registered for operations to prepare prescribed meat or meat products for export.

Note 1: The requirements in this Part also apply in relation to an application to renew the registration of the establishment (see section 4-17).

Note 2: Other requirements that must be met are provided by paragraphs 112(2)(a), (b) and (e) of the Act. In addition, an approved arrangement covering operations to prepare the meat or meat products for export must be in force (see paragraph 112(2)(d) of the Act and item 5 of the table in section 2-4 of this instrument).

4-2 Operations must be carried out in a way that will ensure requirements of the Act are complied with

Operations to prepare prescribed meat or meat products for export must be carried out at an establishment in a way that will ensure that the requirements of the Act are complied with.

4-3 Requirements of Australian Meat Standard must be met

- (1) The requirements of the Australian Meat Standard, as modified by a provision of this instrument, must be met in relation to operations to prepare prescribed meat or meat products for export that are carried out at an establishment.

Note: See Division 2 of Part 2 of Chapter 1 of this instrument for modifications of the Australian Meat Standard.

Excepted provisions of the Australian Meat Standard

- (2) Subsection (1) does not apply in relation to the requirements set out in the following provisions of the Australian Meat Standard:
- (a) clauses 3.1 to 3.10 (management and production practices);
 - (b) clause 10.12 (post-mortem dispositions for carcasses and carcase parts);
 - (c) clause 16.7 (identification of packaged meat or meat products);
 - (d) section 18 (record keeping);
 - (e) section 22 (management of wholesomeness during transport);
 - (f) any other provision excepted under another provision of this instrument.

4-4 Equipment, facilities and essential services

- (1) An establishment must have:
- (a) the buildings, equipment, facilities and essential services that are necessary to ensure that operations to prepare prescribed meat or meat products for export can be carried out at the establishment in accordance with the requirements of this instrument; and

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- (b) accurate measuring devices to assess compliance with those requirements.

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

- (2) An establishment must have toilet facilities.

Note: If animals are to be slaughtered at the establishment, or there is a permanent position for one or more Commonwealth authorised officers at the establishment, there must be a toilet room for the exclusive use of the authorised officers (see subsections 4-9(1) and (2)).

4-5 Areas where post-mortem inspections are carried out

An establishment must have an area for post-mortem inspections of carcasses or carcase parts to be carried out that is constructed and set up to ensure that it is not encroached upon by equipment or persons (other than authorised officers or State or Territory meat safety inspectors carrying out the inspections).

4-6 Meat examination facility

- (1) An establishment must have a meat examination facility that:
 - (a) is within a refrigerated area; and
 - (b) is maintained at a temperature no warmer than 10 °C during export operations; and
 - (c) is set up to ensure that authorised officers performing functions in the facility can do so unimpeded; and
 - (d) is able to be secured.
- (2) Authorised officers who need to perform functions in the meat examination facility must be given sufficient access to the facility to enable them to perform those functions unimpeded, but the facility need not be for the exclusive use of authorised officers.

4-7 Slaughter establishments must have laboratory facility

- (1) An establishment where animals are slaughtered must have a laboratory facility that:
 - (a) is in a separate room; and
 - (b) is suitably equipped; and
 - (c) has ready access to a telephone; and
 - (d) is set up to ensure that authorised officers performing functions in the facility can do so unimpeded; and
 - (e) is able to be secured.
- (2) Authorised officers who need to perform functions in the laboratory facility must be given sufficient access to the facility to enable them to perform those functions unimpeded, but the facility need not be for the exclusive use of authorised officers.

4-8 Secure storage area

- (1) An establishment where prescribed meat or meat products are loaded for export must have an area where all prescribed meat and meat products required to be held under security can be stored.
- (2) The storage area must:
 - (a) be separate from other parts of the establishment; and
 - (b) be able to be secured; and
 - (c) be constructed and used in a way that:
 - (i) does not jeopardise the security of prescribed meat or meat products held in the area; and
 - (ii) does not affect the ability to ensure the integrity of prescribed meat or meat products held in the area.

4-9 Amenities for Commonwealth authorised officers

Establishments where animals slaughtered or with permanent positions for Commonwealth authorised officers

- (1) The following amenities must be provided at an establishment where animals are slaughtered or there is a permanent position for one or more Commonwealth authorised officers:
 - (a) an office;
 - (b) a dining room;
 - (c) a change room;
 - (d) a shower room;
 - (e) a toilet room;
 - (f) a rest room where amenities are provided for female authorised officers.
- (2) The amenities must be:
 - (a) separate from, but may be in the same building as, amenities provided for employees; and
 - (b) suitable, and suitably and conveniently located; and
 - (c) for the exclusive use of Commonwealth authorised officers.
- (3) The office required under paragraph (1)(a) must be equipped with the following:
 - (a) a telephone;
 - (b) a connection to a computer terminal;
 - (c) a lockable metal cabinet;
 - (d) for each Commonwealth authorised officer requiring the use of the office—a desk, chair and locker;
 - (e) if hand washing and drying facilities are not conveniently located nearby—those facilities.

Other establishments

- (4) An establishment (other than an establishment referred to in subsection (1)) must provide an office for the exclusive use of Commonwealth authorised officers when they are at the establishment.

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- (5) The office required by subsection (4) must be appropriate for the authorised officers to perform functions at the establishment.
- (6) To avoid doubt, this section applies in addition to sections 4-4 to 4-8.

Part 2—Conditions of registration

4-10 Purpose of this Part

For the purposes of paragraph 113(1)(b) of the Act, this Part prescribes conditions of the registration of an establishment for operations to prepare prescribed meat or meat products for export.

Note 1: If the registration of the establishment is renewed, these conditions also apply in relation to the renewed registration of the establishment (see paragraph 118(b) of the Act).

Note 2: The occupier of a registered establishment may commit an offence or be liable to a civil penalty if a condition of the registration of the establishment is contravened (see section 144 of the Act).

4-11 Requirements for registration continue to be met

The requirements for registration of an establishment prescribed by Part 1 of this Chapter must continue to be met in relation to the establishment after it is registered.

Note: For requirements relating to establishments (including ensuring compliance with requirements of the Act and meeting certain requirements of the Australian Meat Standard), see sections 4-2 to 4-8. For requirements relating to establishments where authorised officers perform functions, see section 4-9.

4-12 Certificate of registration must be displayed

A copy of the current certificate of registration for an establishment must be prominently displayed at the establishment.

4-13 Notice of certain matters must be given to persons who manage or control export operations at registered establishment

- (1) The occupier of a registered establishment must give each person who manages or controls operations to prepare prescribed meat or meat products for export at the establishment a written notice:
 - (a) setting out the terms of section 374 of the Act (which requires such persons to notify the Secretary of certain convictions or orders to pay a pecuniary penalty); and
 - (b) stating that the person may be liable for a civil penalty if the person fails to comply with that section.
- (2) The notice must be given to each person:
 - (a) as soon as practicable after the occupier receives the certificate of registration for the establishment; or
 - (b) if a person starts to manage or control operations to prepare prescribed meat or meat products for export at the establishment after the occupier receives the certificate of registration for the establishment—as soon as practicable after the person starts to manage or control those operations.

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4-14 List of persons who manage or control export operations at registered establishment

The occupier of a registered establishment must keep and maintain a list of persons who manage or control, or who have managed or controlled, operations to prepare prescribed meat or meat products for export at the establishment.

4-15 Meat inspection services

- (1) This section applies if an approved arrangement for operations to prepare prescribed meat or meat products for export at a registered establishment:
 - (a) provides that an authorised officer must be present at the establishment while operations of that kind are carried out; or
 - (b) is subject to a condition that requires an authorised officer to be present at the establishment while operations of that kind are carried out.

Allocation of meat inspection services to establishment

- (2) The occupier of the registered establishment must, before commencing operations to prepare prescribed meat or meat products for export at the establishment, have a preliminary allocation of meat inspection services for the establishment.

Note: Division 1 of Part 6 of this Chapter deals with applications for meat inspection services to be allocated to an establishment.

Notice of proposed changes to establishment

- (3) If meat inspection services are allocated to a registered establishment under Part 6 of this Chapter, the occupier of the establishment must, as soon as practicable, notify the Secretary in writing of any proposed changes to the construction of the establishment, or the operations to be carried out at the establishment, that may affect the allocation of the meat inspection services.

Note: Certain alterations of registered establishments (including an addition to the establishment) must not be made without approval (see paragraph 120(1)(b) and section 122 of the Act).

Part 3—Renewal of registration

4-16 Period within which application to renew registration must be made

For the purposes of paragraph 116(4)(a) of the Act, the period within which an application to renew the registration of an establishment must be made is the period of 60 days starting on the day that is 180 days before the expiry date for the registration.

Note 1: For example, if the registration of an establishment expires on 8 July in a year (other than a leap year), an application for renewal can be made at any time between 9 January and 10 March in that year.

Note 2: An application to renew the registration of an establishment will only need to be made if there is an expiry date for the registration (see subsection 116(1) of the Act).

4-17 Requirements for renewal of registration

For the purposes of paragraphs 117(2)(e) and (g) of the Act, the requirements prescribed by Part 1 of this Chapter are prescribed in relation to an establishment that is registered to prepare prescribed meat or meat products for export.

Note: Other requirements are provided by paragraphs 117(2)(a) to (d) of the Act. In addition, an approved arrangement covering operations to prepare the meat or meat products for export must be in force (see paragraph 117(2)(f) of the Act and item 5 of the table in section 2-4 of this instrument).

Part 4—Variation of registration

4-18 Alterations for which approval is not required

For the purposes of subsection 122(2) of the Act, an alteration of a registered establishment is prescribed if it does not affect compliance with the conditions of registration of the establishment.

Part 5—Matters relating to applications

4-19 Application of this Part

This Part applies in relation to the following applications:

- (a) an application under section 111 of the Act to register an establishment for operations to prepare prescribed meat or meat products for export;
- (b) an application under section 116 of the Act to renew the registration of an establishment for operations to prepare prescribed meat or meat products for export;
- (c) an application under section 120 of the Act to do any of the following in relation to an establishment that is registered for operations to prepare prescribed meat or meat products for export:
 - (i) vary the registration, or the particulars relating to the registration, of the establishment;
 - (ii) approve an alteration of the establishment;
 - (iii) vary the conditions of the registration of the establishment.

4-20 Initial consideration period

For the purposes of subsection 379(3) of the Act, the initial consideration period for an application is 120 days.

Note: The consideration period for an application starts on the day after the day the Secretary receives the application (see subsection 379(4) of the Act).

4-21 Period within which request relating to application must be complied with

For the purposes of paragraph 379(10)(b) of the Act, the period of 6 months is prescribed.

Part 6—Meat inspection services

Division 1—Allocation of meat inspection services

4-22 Application for allocation of meat inspection services to establishment

- (1) The occupier of an establishment where operations to prepare prescribed meat or meat products for export are to be carried out may apply to the Secretary for a preliminary allocation of meat inspection services to the establishment.

Note 1: The occupier of certain registered establishments must, before commencing operations to prepare prescribed meat or meat products for export at the registered establishment, have a preliminary allocation of meat inspection services for the establishment (see section 4-15).

Note 2: For *establishment*, see section 12 of the Act. For *registered establishment*, see section 1-5 of this instrument.

- (2) The application must:
- (a) if the Secretary has approved, in writing, a manner for making an application—be made in an approved manner; and
 - (b) if the Secretary has approved a form for making an application:
 - (i) include the information required by the form; and
 - (ii) be accompanied by any documents required by the form; and
 - (c) be made at least 90 days before operations to prepare prescribed meat or meat products for export at the establishment are to commence; and
 - (d) set out details of the intended operations, including:
 - (i) the months, weeks, days and hours the operations are intended to be carried out; and
 - (ii) the number of chains at the establishment; and
 - (iii) the number of chains, and the chain speeds, for each type of animal from which prescribed meat or meat products are to be derived.

Note: Examples of types of animals are cattle, bison and goats.

- (3) An application is taken not to have been made if the application does not comply with the requirements referred to in subsection (2).

4-23 Preliminary allocation

- (1) As soon as practicable after receiving an application under subsection 4-22(1) for meat inspection services to be allocated to an establishment, the Secretary must determine the preliminary allocation of meat inspection services to the establishment. The preliminary allocation may be zero.
- (2) In determining the preliminary allocation of meat inspection services to the establishment, the Secretary must have regard to the following:
- (a) the overall requirements of the industry for meat inspection services;
 - (b) Australia's international obligations;
 - (c) any staffing formula agreed to by the Department and the relevant union or unions of authorised officers;

- (d) the availability of authorised officers to carry out meat inspection services;
 - (e) management practices at the establishment in relation to meat inspection services;
 - (f) the need to protect the health and safety of authorised officers while they are carrying out their duties in or around the establishment;
 - (g) the construction of the establishment;
 - (h) the intended operations of the establishment.
- (3) Meat inspection services may be allocated to the establishment on any of the following bases, or on any combination of them:
- (a) an annual basis;
 - (b) a monthly basis;
 - (c) a weekly basis.
- (4) Without limiting subsection (3), meat inspection services other than slaughter floor meat inspection services may be allocated to the establishment on either or both of the following bases:
- (a) a daily basis;
 - (b) an hourly basis.

Note: For *slaughter floor meat inspection service*, see section 1-5.

4-24 Notice of preliminary allocation

- (1) As soon as practicable after determining the preliminary allocation of meat inspection services to an establishment under section 4-23, the Secretary must give the occupier of the establishment a written notice stating the preliminary allocation of meat inspection services to the establishment.
- (2) If the Secretary considers it appropriate, the notice under subsection (1) may also include advice suggesting ways the occupier could reduce the allocation of meat inspection services to the establishment.

4-25 Procedure following notice of preliminary allocation

Acceptance of preliminary allocation and memorandum of agreed intent

- (1) If the occupier of an establishment accepts the preliminary allocation of meat inspection services to the establishment, the Secretary and the occupier must complete a memorandum of agreed intent in the form approved by the Secretary.
- (2) If, within 7 days after the occupier of an establishment receives notice of the preliminary allocation of meat inspection services to the establishment:
- (a) the occupier does not apply under subsection (3) for a review of the Secretary's determination of the preliminary allocation; or
 - (b) the Secretary does not give the occupier notice of a revised allocation of meat inspection services to the establishment under subsection 4-26(2); or
 - (c) the occupier and the Secretary do not complete a memorandum of agreed intent;

the Secretary's determination of the preliminary allocation is taken to be a memorandum of agreed intent between the Secretary and the occupier.

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Disputed preliminary allocation and review

- (3) If the occupier of an establishment does not accept the preliminary allocation of meat inspection services to the establishment, the occupier may, within 7 days after receiving notice of the preliminary allocation, apply to the Secretary, in writing, for the establishment of a committee to review the Secretary's determination of the preliminary allocation.

Note: See section 4-28 in relation to the establishment of a review committee.

4-26 Revised allocation

- (1) This section applies if:
- (a) the notice given to the occupier of an establishment under section 4-24 included advice as referred to in subsection (2) of that section; and
 - (b) the occupier implements some or all of the suggestions in the advice; and
 - (c) the implementation of the suggestions means that the preliminary allocation of meat inspection services to the establishment needs to be revised.
- (2) The Secretary must, as soon as practicable:
- (a) determine a revised allocation of meat inspection services to the establishment; and
 - (b) give the occupier a written notice stating the revised allocation.

4-27 Procedure following notice of revised allocation

- (1) This section applies if the Secretary gives the occupier of an establishment notice of a revised allocation of meat inspection services to the establishment under subsection 4-26(2).

Acceptance of revised allocation and memorandum of agreed intent

- (2) If the occupier accepts the revised allocation, the Secretary and the occupier must complete a memorandum of agreed intent in the form approved by the Secretary.
- (3) If, within 7 days after the occupier receives notice of the revised allocation:
- (a) the occupier does not apply under subsection (4) for a review of the Secretary's determination of the revised allocation; or
 - (b) the occupier and the Secretary do not complete a memorandum of agreed intent;

the Secretary's determination of the revised allocation is taken to be a memorandum of agreed intent between the Secretary and the occupier.

Disputed revised allocation and review

- (4) If the occupier does not accept the revised allocation, the occupier may, within 7 days after receiving notice of the revised allocation, apply to the Secretary, in writing, for the establishment of a committee to review the Secretary's determination of the revised allocation.

Note: See section 4-28 in relation to the establishment of a review committee.

4-28 Review of Secretary's determination

Establishment of review committee

- (1) If the occupier of an establishment makes an application under subsection 4-25(3) or 4-27(4), the Secretary must establish a committee (the **review committee**) comprising the following:
 - (a) the occupier or a representative of the occupier;
 - (b) an SES employee, or an acting SES employee, in the Department;
 - (c) a meat industry representative nominated by the occupier;
 - (d) if the occupier did not accept the preliminary allocation or the revised allocation (as the case may be) of meat inspection services to the establishment because of a staffing issue—a representative of each relevant union of authorised officers.
- (2) The Secretary must convene the first meeting of the review committee.

Review of Secretary's determination

- (3) The review committee must review:
 - (a) the application for review; and
 - (b) the advice (if any) included in the notice given to the occupier under section 4-24; and
 - (c) the determination to which the application relates.
- (4) As soon as practicable and not later than 14 days after its first meeting, the review committee must give a written recommendation to the Secretary on the appropriate allocation of meat inspection services to the establishment.

4-29 Determination of new allocation

- (1) As soon as practicable after receiving a recommendation from a review committee under subsection 4-28(4) in relation to an application for review of the allocation of meat inspection services to an establishment, the Secretary must determine a new allocation of meat inspection services to the establishment.

Note: A decision to determine a new allocation of meat inspection services to an establishment is a reviewable decision (see section 11-1 of this instrument and Part 2 of Chapter 11 of the Act). The notice under subsection (4) of this section must also include the reasons for the decision (see subsection 382(1) of the Act).

- (2) In making a determination under subsection (1), the Secretary must have regard to:
 - (a) the review committee's recommendation; and
 - (b) the matters referred to in subsection 4-23(2).
- (3) The Secretary's determination under subsection (1):
 - (a) replaces any earlier determination of the Secretary of an allocation of meat inspection services to the establishment; and
 - (b) is taken to be a memorandum of agreed intent between the Secretary and the occupier of the establishment.

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Notice of new allocation

- (4) After determining a new allocation of meat inspection services to the establishment, the Secretary must give the occupier of the establishment a written notice stating the new allocation of meat inspection services to the establishment.
- (5) The notice under subsection (4) must be given to the occupier as soon as practicable and not later than 45 days after the day the relevant application for review was received by the Secretary.

Division 2—Variation of meat inspection services

4-30 Application to vary allocation of meat inspection services

- (1) The occupier of a registered establishment with an allocation of meat inspection services may apply to the Secretary, in writing, to vary the allocation.

Form of application

- (2) An application under this section must:
- (a) if the Secretary has approved, in writing, a manner for making an application—be made in an approved manner; and
 - (b) if the Secretary has approved a form for making an application:
 - (i) include the information required by the form; and
 - (ii) be accompanied by any documents required by the form.

Variations to reduce allocation

- (3) If the occupier wishes to vary the registered establishment's allocation of meat inspection services by reducing the allocation of meat inspection services:
- (a) for meat inspection services allocated to the registered establishment on an hourly basis—the application must be made at least 7 days before the proposed variation is to start; and
 - (b) for meat inspection services allocated to the registered establishment other than on an hourly basis—the application must be made at least 30 days before the proposed variation is to start.

Other variations of allocation

- (4) If the occupier wishes to vary the registered establishment's allocation of meat inspection services (other than by reducing or increasing the allocation of meat inspection services), the application must be made:
- (a) at least 90 days before the proposed variation is to start; or
 - (b) if the Secretary allows a shorter period—at least that period before the proposed variation is to start.

Note 1: For example, an application may be made to change the proportion of third party authorised officers and Commonwealth authorised officers carrying out inspection services.

Note 2: Section 4-31 deals with applications for additional meat inspection services.

- (5) On receiving an application under this section, the Secretary must decide:
- (a) to vary the allocation of meat inspection services to the establishment as applied for; or
 - (b) to refuse to vary the allocation.

Note: A decision to refuse to vary an allocation of meat inspection services to an establishment is a reviewable decision (see section 11-1 of this instrument and Part 2 of Chapter 11 of the Act). The notice under subsection (7) of this section must also include the reasons for the decision (see subsection 382(1) of the Act).

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- (6) In making a decision under subsection (5), the Secretary must have regard to the matters referred to in subsection 4-23(2).

Notice of decision

- (7) As soon as practicable after making a decision under subsection (5), the Secretary must give the occupier of the establishment written notice of the decision.
- (8) This section does not apply in relation to a variation to which section 4-31 (additional meat inspection services) or 4-32 (shutdown) applies.

4-31 Application for additional allocation of meat inspection services

- (1) The occupier of a registered establishment with an allocation of meat inspection services may apply to the Secretary, in writing, for additional meat inspection services to be allocated to the establishment.

Form of application

- (2) An application under this section must:
- (a) if the Secretary has approved, in writing, a manner for making an application—be made in an approved manner; and
 - (b) if the Secretary has approved a form for making an application:
 - (i) include the information required by the form; and
 - (ii) be accompanied by any documents required by the form.

Services allocated on annual basis

- (3) If meat inspection services are allocated to a registered establishment on an annual basis:
- (a) an application may be made for additional meat inspection services to be allocated on a monthly or a weekly basis; and
 - (b) the application must be made at least 14 days before the proposed additional meat inspection services are to start.

Services allocated on monthly basis

- (4) If meat inspection services are allocated to a registered establishment on a monthly basis:
- (a) an application may be made for additional meat inspection services to be allocated on a weekly basis; and
 - (b) the application must be made at least 14 days before the proposed additional meat inspection services are to start.

Services allocated on weekly basis

- (5) If meat inspection services are allocated to a registered establishment on a weekly basis:
- (a) an application may be made for additional meat inspection services to be allocated on a weekly basis or a daily basis; and
 - (b) the application must be made:

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- (i) for additional meat inspection services on a weekly basis—at least 14 days before the proposed additional meat inspection services are to start; or
- (ii) for additional meat inspection services on a daily basis—at least 7 days before the proposed additional meat inspection services are to start.

Services allocated on daily basis

- (6) If meat inspection services are allocated to a registered establishment on a daily basis:
 - (a) an application may be made for additional meat inspection services to be allocated on a daily basis; and
 - (b) the application must be made at least 7 days before the proposed additional meat inspection services are to start.

Services allocated on hourly basis

- (7) If meat inspection services are allocated to a registered establishment on an hourly basis:
 - (a) an application may be made for additional meat inspection services to be allocated on an hourly basis; and
 - (b) the application must be made at least 7 days before the proposed additional meat inspection services are to start.

Decision on application and notice

- (8) On receiving an application under this section, the Secretary must decide:
 - (a) to allocate the additional meat inspection services to the establishment applied for; or
 - (b) to refuse to allocate the additional meat inspection services.

Note: A decision to refuse to allocate additional meat inspection services to a registered establishment is a reviewable decision (see section 11-1 of this instrument and Part 2 of Chapter 11 of the Act). The notice under subsection (9) of this section must also include the reasons for the decision (see subsection 382(1) of the Act).

- (9) As soon as practicable after making a decision under subsection (8), the Secretary must give the occupier of the establishment written notice of the decision.
- (10) If an application under this section is not made before the time referred to in subsections (3) to (7), the Secretary must make a decision under subsection (8) as soon as possible if it is reasonable in the circumstances to do so.

Termination of additional meat inspection services

- (11) If additional meat inspection services are allocated to a registered establishment under this section, and the application for the additional services specified the period during which the additional services were to be provided, the Secretary must not terminate any of the additional services until the end of the specified period unless the occupier of the establishment has given notice under

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section 4-34 that the occupier wishes to terminate some, or all, of the additional meat inspection services.

4-32 Notification that meat inspection services not required during shutdown period

- (1) The occupier of a registered establishment to which meat inspection services are allocated on an annual basis, or on an annual basis and another basis (for example a monthly basis), may notify the Secretary, in writing, that the meat inspection services are not required for a period (which must be a continuous period of at least 14 days) specified in the notice.
- (2) The notice must be given at least 14 days before the start of the specified period.

4-33 Variation by Secretary of allocation of meat inspection services

- (1) This section applies if:
 - (a) there is a change (a **relevant change**) to any of the following matters:
 - (i) the overall requirements of the industry for meat inspection services;
 - (ii) Australia's international obligations in relation to the export of prescribed meat or meat products;
 - (iii) any staffing formula agreed to by the Department and the relevant union or unions of authorised officers;
 - (iv) the availability of authorised officers to carry out meat inspection services;
 - (v) the need to protect the health and safety of authorised officers while they are performing functions or exercising powers under the Act in or at a registered establishment;
 - (vi) the construction of a particular registered establishment where meat inspection services are carried out;
 - (vii) the intended operations of a particular registered establishment where meat inspection services are carried out;
 - (viii) the management practices in relation to meat inspection services of a particular registered establishment; or
 - (b) an audit report under section 9-5 includes a recommendation that the allocation of meat inspection services to a particular registered establishment where meat inspection services are carried out be varied for a specified period of time.
- (2) The Secretary may vary the allocation of meat inspection services to registered establishments affected by a relevant change or to a registered establishment referred to in paragraph (1)(b).
- (3) If the Secretary varies the allocation of meat inspection services to a registered establishment under this section, the Secretary must notify the occupier of the registered establishment, in writing, of:
 - (a) the varied allocation of meat inspection services to the establishment; and
 - (b) if the establishment is a registered establishment referred to in paragraph (1)(b)—the date the varied allocation ceases to have effect.

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Note: The Secretary may direct that meat inspection services not be carried out at a registered establishment if a cost-recovery charge in relation to meat inspection services provided at the establishment remains unpaid after becoming due and payable (see section 406 of the Act).

Reconsideration of varied allocation

- (4) If:
- (a) the occupier of a registered establishment is notified of a varied allocation of meat inspection services under subsection (3); and
 - (b) the occupier does not agree with the varied allocation;
- the occupier may apply to the Secretary, in writing, for reconsideration of the varied allocation.
- (5) On receiving an application from the occupier of a registered establishment under subsection (4), the Secretary must enter into negotiations with the occupier in relation to the varied allocation.
- (6) If, at the completion of negotiations under subsection (5), the occupier of the registered establishment and the Secretary cannot reach agreement:
- (a) the Secretary must seek to reach agreement with a representative (the ***occupier's representative***) of the relevant industry organisation nominated by the occupier; and
 - (b) if the Secretary cannot reach agreement with the occupier's representative—the Secretary must, having considered the views put to the Secretary by the occupier and the occupier's representative and the matters referred to in paragraph (1)(a), determine a new allocation of meat inspection services to the registered establishment.
- Note: A decision to determine a new allocation of meat inspection services to an establishment is a reviewable decision (see section 11-1 of this instrument and Part 2 of Chapter 11 of the Act). The notice under paragraph (7)(b) of this section must also include the reasons for the decision (see subsection 382(1) of the Act).
- (7) If the Secretary determines a new allocation of meat inspection services to a registered establishment under paragraph (6)(b):
- (a) the varied allocation to the registered establishment made under subsection (2) ceases to have effect; and
 - (b) the Secretary must, as soon as practicable and not later than 45 days after the day the application for reconsideration of the varied allocation was received, give the occupier of the registered establishment a written notice stating:
 - (i) that a new allocation of meat inspection services to the registered establishment has been determined; and
 - (ii) the new allocation of meat inspection services to the registered establishment.

4-34 Notification of termination of meat inspection services

- (1) The occupier of a registered establishment to which meat inspection services are allocated may notify the Secretary, in writing, that the occupier wishes to terminate some, or all, of the meat inspection services (including any additional

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meat inspection services allocated to the registered establishment under section 4-31).

- (2) The notice must be given at least 14 days before the proposed termination of the meat inspection services.

Chapter 5—Approved arrangements

Part 1—Approved arrangements for export operations other than Halal meat certification operations

Division 1—Requirements for approval

5-1 Purpose of this Division

For the purposes of paragraph 151(2)(d) of the Act, this Division prescribes other requirements that must be met for approval of a proposed arrangement for export operations in relation to prescribed meat or meat products (other than Halal meat certification operations).

5-2 Other requirements—proposed arrangement for operations to prepare prescribed meat or meat products

- (1) This section applies in relation to a proposed arrangement for operations to prepare prescribed meat or meat products for export at a registered establishment.

General requirements
- (2) The proposed arrangement must record that the applicant for approval of the arrangement is committed:
 - (a) to meeting the objects referred to in section 3 of the Act that are applicable to the operations and the prescribed meat or meat products to be covered by the arrangement; and
 - (b) to complying with the requirements of the Act in relation to those operations.
- (3) The proposed arrangement must cover each stage of the operations.
- (4) The proposed arrangement must record details of the following matters:
 - (a) the applicant's management practices;
 - (b) the organisational structure of the applicant;
 - (c) the resources to be provided to carry out the operations to be covered by the arrangement;
 - (d) the personnel who are to carry out the operations and the training those personnel receive;
 - (e) the system of controls to be implemented to ensure that the conditions prescribed by Subdivisions B to H of Division 2 of this Part will be complied with in relation to the operations to be covered by the arrangement;
 - (f) any other system of controls to be implemented to ensure that there will be reasonable grounds for issuing:
 - (i) an export permit for the prescribed meat or meat products to be covered by the arrangement; or

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- (ii) a government certificate in relation to the prescribed meat or meat products to be covered by the arrangement.
- (5) The matters required to be recorded in the proposed arrangement by paragraphs (4)(a) to (d) must be appropriate to ensure compliance with the requirements of the Act in relation to the operations to be covered by the arrangement.
- (6) If compliance with the requirements of the Act (not including section 5-5 of this instrument) will not be sufficient to ensure that all importing country requirements relating to the operations and the prescribed meat or meat products to be covered by the proposed arrangement will be met, the arrangement must:
 - (a) identify each importing country requirement that will not be met; and
 - (b) record details of the control measures to be implemented to ensure that each importing country requirement referred to in paragraph (a) will be met.

Note: It is a condition of an approved arrangement for export operations in relation to prescribed meat or meat products that all importing country requirements relating to export operations carried out in relation to the meat or meat products in accordance with the arrangement, and the meat or meat products, are met (see section 5-5).

Requirement for HACCP plan

- (7) The proposed arrangement must provide for the implementation of an HACCP plan for each stage of the operations to prepare the prescribed meat or meat products for export.
- Note: See clause 3.11 of the Australian Meat Standard for the requirements for HACCP plans.

Requirement relating to meat or meat products that are not for export etc.

- (8) If operations to prepare meat or meat products that are not for export, or are animal food or pharmaceutical material, are also to be carried out at the registered establishment, the proposed arrangement must:
 - (a) specifically provide for those operations; and
 - (b) record details of the procedures (including any system of controls) to be implemented for the segregation, identification and security of prescribed meat or meat products prepared at the establishment to ensure the wholesomeness and integrity of the prescribed meat or meat products.

Note: See section 5-32 for restrictions on operations to prepare prescribed meat or meat products carried out at an establishment where operations to prepare meat or meat products that are not for export, or that are animal food or pharmaceutical material, are carried out.

Requirement relating to potable water

- (9) If the proposed arrangement provides for potable water to be used in carrying out operations to prepare prescribed meat or meat products for export, the arrangement must record details of the system of controls (including in relation to treatment, testing and verification) to be implemented to ensure that the water will be free from:
 - (a) harmful substances; and

- (b) pathogenic organisms.

Requirement relating to refrigeration

- (10) If the proposed arrangement provides for refrigeration for chilling to be applied to carcasses or carcass parts, the arrangement must provide for control measures to be implemented to ensure that the refrigeration index criteria for the carcasses or carcass parts is achieved as described in section 5-13 (assessing the effectiveness of refrigeration).

5-3 Other requirements—proposed arrangement for operations to prepare Halal meat

- (1) This section applies in relation to a proposed arrangement for operations to prepare Halal meat for export at a registered establishment if a Halal certificate will be required for the Halal meat.
- (2) The proposed arrangement must specify:
- (a) each Muslim slaughterman for the Halal meat; and
 - (b) each Islamic organisation that will be permitted to issue a Halal certificate in relation to Halal meat prepared for export at the establishment.

Note: Each Islamic organisation specified under paragraph (b) must be the holder of an approved arrangement for Halal meat certification operations (see section 2-13).

- (3) To avoid doubt, this section applies in addition to section 5-2.

Division 2—Conditions of approved arrangement

Subdivision A—Purpose of this Division

5-4 Purpose of this Division

- (1) For the purposes of paragraph 152(1)(b) of the Act, this Division prescribes conditions of an approved arrangement for a kind of export operations in relation to prescribed meat or meat products (other than Halal meat certification operations).
- (2) A provision of this Division applies in relation to an approved arrangement referred to in subsection (1) if the provision relates to a kind of export operations that are covered by the arrangement.

Note 1: If an approved arrangement is renewed, the conditions also apply in relation to the renewed approved arrangement (see paragraph 157(1)(b) of the Act).

Note 2: The holder of an approved arrangement may commit an offence or be liable to a civil penalty if a condition of the approved arrangement is contravened (see section 184 of the Act).

Subdivision B—General

5-5 Importing country requirements must be met

An approved arrangement must ensure that all importing country requirements relating to the following are met:

- (a) export operations carried out in relation to prescribed meat or meat products in accordance with the arrangement;
- (b) the prescribed meat or meat products in relation to which the export operations are carried out.

Note: For guidance on importing country requirements for specific importing countries, see MCoR.

5-6 Requirements of Australian Meat Standard must be met

An approved arrangement must ensure that the requirements of the Australian Meat Standard (as modified by a provision of this instrument but not including the provisions referred to in subsection 4-3(2)) are met in relation to the following:

- (a) export operations carried out in relation to prescribed meat or meat products in accordance with the arrangement;
- (b) the prescribed meat or meat products in relation to which the export operations are carried out.

Note: See Division 2 of Part 2 of Chapter 1 of this instrument for modifications of the Australian Meat Standard.

Subdivision C—Preparation and transport

5-7 Dressing an animal

An animal must be unconscious, and primary bleeding must have been completed, before dressing takes place.

5-8 Areas where post-mortem inspections are carried out

The area in a registered establishment where post-mortem inspections of carcasses or carcase parts are carried out must not be encroached upon by equipment or persons (other than authorised officers or State or Territory meat safety inspectors carrying out the inspections).

5-9 Compliance with decisions and dispositions

- (1) A decision or disposition, and any conditions specified in relation to a decision or disposition, applied to animals by a veterinary officer or an authorised officer must be complied with.

Note: Decisions and dispositions may be applied to animals only by a veterinary officer or an authorised officer (see section 9-28).

- (2) A disposition, and any conditions specified in relation to a disposition, applied to carcasses or carcase parts, or prescribed meat or meat products, by an authorised officer must be complied with.

- (3) For the purposes of this section, a **decision or disposition**:

- (a) is a decision about the admission of animals for slaughter, or a disposition that may be applied to animals, carcasses or carcase parts, or prescribed meat or meat products, by an authorised officer under Division 2 of Part 4 of Chapter 9; and

- (b) includes:

- (i) a variation of such a decision or disposition; and

- (ii) any conditions specified in relation to such a decision or disposition.

Note 1: For decisions and dispositions that may be applied by authorised officers in relation to animals, carcasses or carcase parts, or prescribed meat or meat products, see sections 9-22 to 9-25.

Note 2: Carcasses or carcase parts may be retained for further inspection, tests or treatment pending final disposition (see paragraphs 9-24(3)(d) and (4)(a)).

5-10 Chilling carcasses and carcase parts

The refrigeration for chilling applied to carcasses or carcase parts is taken to meet paragraph 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 covering the preparation of the carcasses or carcase parts are complied with.

Note 1: The effectiveness of the refrigeration process is assessed using the refrigeration index criteria (see section 5-13).

Note 2: Carcase parts include offal (see the definitions of **carcase part** in section 1-5 of this instrument and clause 1.3 of the Australian Meat Standard).

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5-11 Temperature controls for and after processing raw meat

- (1) Despite clause 12.4 of the Australian Meat Standard, the processing of raw meat removed from refrigeration must take place in a temperature controlled environment no warmer than 10 °C if the processing is likely to result in any of the surfaces of the meat reaching a temperature warmer than 7 °C.
- (2) The refrigeration for chilling raw meat after the processing is completed is taken to meet subparagraph 12.5(b)(i) or (ii) of the Australian Meat Standard if the refrigeration achieves a temperature no warmer than 7 °C on all surfaces of the raw meat.

Note: The effectiveness of the refrigeration process is assessed using the refrigeration index criteria (see section 5-13).

Meaning of processing

- (3) For the purposes of this section, **processing** has the meaning given by subclause 12.1(2) of the Australian Meat Standard.

Note: **Processing**, as defined by subclause 12.1(2) of the Australian Meat Standard, includes boning.

5-12 Temperature requirements for storing, handling and transporting certain prescribed meat or meat products

- (1) This section applies in relation to prescribed meat or meat products (other than shelf-stable meat products).

Requirements for storage and handling

- (2) The requirements of subparagraphs 15.2(a)(i) and (ii) of the Australian Meat Standard are taken to be met in relation to the meat or meat products if the meat or meat products are stored and handled at a temperature no warmer than 7 °C on any of their surfaces.
- (3) The requirement of paragraph 15.7(a) of the Australian Meat Standard is taken to be met if the meat or meat products:
 - (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 covering operations to prepare the meat or meat products for export.

Note: If the meat or meat products are still being reduced in temperature, the effectiveness of the refrigeration process is assessed using the refrigeration index criteria (see section 5-13).

Requirements for transport

- (4) The requirements of subparagraphs 24.3(a)(i) and (ii) of the Australian Meat Standard are taken to be met if the meat or meat products:
 - (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 covering operations to prepare the meat or meat products for export.

Note: If the meat or meat products are still being reduced in temperature, the effectiveness of the refrigeration process is assessed using the refrigeration index criteria (see section 5-13).

5-13 Assessing the effectiveness of refrigeration

- (1) The control measures for chilling applied to prescribed meat and meat products must achieve the refrigeration index criteria in accordance with subsection (3).
- (2) Subsection (1) applies only to assessing the effectiveness of the process of refrigeration applied to a carcase, carcase part or raw meat from the time it is first placed under refrigeration until it is:
 - (a) maintained continuously at a temperature no warmer than 7 °C at all sites of microbiological concern; or
 - (b) further processed in accordance with section 13 of the Australian Meat Standard.

Note: Clause 11.3 of the Australian Meat Standard requires carcasses and carcase parts to be placed under refrigeration for chilling or freezing within 2 hours of stunning.

- (3) For the purposes of subsection (1), for the control measures to achieve the refrigeration index criteria:
 - (a) the refrigeration index average must be not more than 1.5; and
 - (b) 80% of refrigeration indices must be not more than 2.0; and
 - (c) no refrigeration index may be more than 2.5.

5-14 Thawing of meat

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

Note: For *thawing*, see section 1-5.

5-15 Loading prescribed meat or meat products for transfer between registered establishments

Prescribed meat or meat products for export must not be loaded into a meat transport vehicle for transfer between registered establishments unless the vehicle:

- (a) is not a source of contamination of the meat or meat products; and
- (b) is clean; and
- (c) is free of odours and materials that are capable of contaminating the 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 this instrument are complied with during transport and loading; and

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- (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 a seal that is an official mark.

Note: See also clauses 5.1, 15.2 and 15.3 of the Australian Meat Standard.

5-16 Loading of prescribed meat or meat products—supervision

- (1) Loading of prescribed meat or meat products for export must be carried out under the supervision of:
 - (a) an authorised officer; or
 - (b) a person who manages or controls operations to prepare the meat or meat products for export at the registered establishment where operations to prepare the meat or meat products were last carried out, if:
 - (i) the person is designated in an approved arrangement that covers those operations as a person who may supervise the loading of prescribed meat or meat products for export; and
 - (ii) the supervision is in accordance with the arrangement.
- (2) A person who supervises the loading of prescribed meat or meat products for export must give the exporter of the meat or meat products a declaration stating that, at the date the declaration is made:
 - (a) the prescribed export conditions, and any other conditions that apply in relation to the meat or meat products under the Act, have been complied with; and
 - (b) importing country requirements relating to the meat or meat products are met.

Note 1: Electronic message formats should be compliant with the United Nations Rules for Electronic Data Interchange for Administration, Commerce and Transport (UNEDIFACT). These Rules could in 2021 be viewed on the website of the United Nations Economic Commission for Europe (<https://www.unece.org>).

Note 2: For when requirements to give information (including a declaration) in writing can be met by an electronic communication, see section 9 of the *Electronic Transactions Act 1999*. For electronic signatures, see section 10 of that Act.

Note 3: The exporter must retain each declaration given to the exporter under this subsection for at least 2 years (see subsection 11-6(2)).

- (3) A declaration referred to in subsection (2):
 - (a) must not be made if there are no reasonable grounds for making it; and
 - (b) must not be false or misleading; and
 - (c) must be signed and dated by the person who made it.

Note: A person may commit an offence or be liable to a civil penalty if the person provides false or misleading information or documents (see sections 137.1 and 137.2 of the *Criminal Code* and sections 368 and 369 of the Act).

5-17 Prohibitions on loading

- (1) Prescribed meat or meat products must, at the time they are loaded for export, be packaged to effectively protect them from contamination and deterioration in the conditions under which they are loaded, stored and transported from Australian territory.

- (2) Prescribed meat or meat products that are not wholesome must not be loaded for export.

Note: For requirements relating to packaging, see section 14 of the Australian Meat Standard.

5-18 Container system units and equipment for loading aircraft and vessels

- (1) Prescribed meat or meat products must not be loaded for export unless:
- (a) the container system unit or the area on an aircraft or vessel into which the meat or meat products are to be loaded:
 - (i) is not a source of contamination of the meat or meat products; and
 - (ii) is clean; and
 - (iii) is free of odours and materials that are capable of contaminating meat or meat products or their packaging; and
 - (iv) if necessary, is equipped or provided with an appropriate and adequate means of refrigeration; and
 - (v) is maintained in a good state of repair and working order having regard to its use; and
 - (b) if the container system unit is intended for transport by sea—the container system unit and the area into which the meat or meat products are to be loaded are capable of being secured by a bolt seal that is an official mark.

Note: See section 8-15 in relation to bolt seals.

- (2) Prescribed meat or meat products must be stowed in a container system unit, or an area on an aircraft or vessel, in a manner that ensures that their condition and packaging are not likely to be adversely affected during the flight or voyage.

5-19 When a bolt seal must be applied to container system unit

If prescribed meat or meat products are loaded into a container system unit (other than a container system unit intended for transport by air), a bolt seal that is an official mark must be applied to the container system unit.

Note 1: For guidance on when, for animal disease or integrity reasons, a seal may need to be applied to a container system unit intended for transport by air if it transits another country, see MICoR.

Note 2: See section 8-15 in relation to bolt seals.

Note 3: The bolt seal must be applied by a person referred to in subsection 8-26(2) (see subsection 8-26(1)).

Note 4: A person may commit an offence or be liable to a civil penalty for altering or interfering with an official mark (see Division 3 of Part 3 of Chapter 8 of the Act and section 8-28 of this instrument).

5-20 Meat transport vehicles, measuring devices and other equipment

- (1) Prescribed meat or meat products must be transported to and from registered establishments using meat transport vehicles and equipment that comply with the applicable conditions prescribed by this instrument.

Note 1: See, for example, sections 5-15 and 5-18.

Note 2: The applicable requirements of the Australian Meat Standard (see, for example section 25) must also be complied with (see section 5-6 of this instrument).

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- (2) Meat transport vehicles and other equipment used in transporting prescribed meat or meat products must be of a kind that ensures that the transport of the meat or meat products complies with the applicable conditions prescribed by this Part.

Note 1: See, for example, sections 5-15 and 5-18.

Note 2: The applicable requirements of the Australian Meat Standard (see, for example section 25) must also be complied with (see section 5-6 of this instrument).

- (3) Meat transport vehicles and container system units used to transport prescribed meat and meat products must have accurate measuring devices to assess whether the applicable conditions prescribed by this Part are complied with during transport and loading of the meat or meat products.

Subdivision D—Trade descriptions

Note: See Part 2 of Chapter 8 of the Act and Part 2 of Chapter 8 of this instrument in relation to trade descriptions.

5-21 Trade description must be applied to prescribed meat and meat products that are intended to be exported

- (1) A trade description including the information referred to in subsection (3) must be applied to prescribed meat or meat products that are intended to be exported.

Note 1: At the commencement of this instrument, the body responsible for setting trade description standards for meat and meat products derived from bovine, caprine, ovine and porcine animals for export from Australian territory was AUS-MEAT Limited.

Note 2: For *trade description*, see section 246 of the Act. See also Chapter 8 of this instrument.

Note 3: For *applied*, in relation to a trade description, see section 247 of the Act.

Note 4: Clause 16.7 of the Australian Meat Standard is not required to be complied with (see subsection 4-3(2) of this instrument).

Note 5: For alternative requirements for prescribed meat or meat products for further processing, see section 5-24 of this instrument.

Note 6: If the relevant importing country authority specifies that it does not require a trade description requirement prescribed by this Subdivision to be met, the Secretary may approve a variation of the approved arrangement to provide that the trade description requirement does not apply (see section 161 of the Act and section 5-49 of this instrument).

- (2) The trade description must be applied no later than the time the prescribed meat or meat products are packed.

Content of trade description

- (3) For the purposes of subsection (1), the information in relation to the prescribed meat or meat products is as follows:

- (a) the type of animal from which the meat or meat products were derived;
- (b) for meat derived from a bovine animal, ovine animal, porcine animal or caprine animal—one of the following descriptions as applicable:
 - (i) beef;
 - (ii) bull;
 - (iii) veal;

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- (iv) rosé veal;
- (v) sheep;
- (vi) lamb;
- (vii) mutton;
- (viii) ram;
- (ix) pork;
- (x) sow pork;
- (xi) boar pork;
- (xii) goat;
- (c) the net weight of the meat or meat products;
- (d) the country or countries of origin of the meat or meat products;
- (e) the registration number of the registered establishment where the meat or meat products were last packed before export;
- (f) the name and address of:
 - (i) the occupier of the registered establishment referred to in paragraph (e); or
 - (ii) the exporter or consignee of the meat or meat products;
- (g) for meat or meat products that were packed on behalf of a person other than the occupier of the registered establishment where operations to prepare the meat or meat products for export were carried out:
 - (i) the name of the person who packed the meat or meat products; and
 - (ii) the name of the person on whose behalf the meat or meat products were packed;
- (h) for packaged meat or meat products—the date of packaging;
- (i) for meat or meat products that contain 2 or more ingredients—a list of the ingredients (other than any processing aids) in descending order of ingoing weight;
- (j) the identity of the batch;
- (k) for meat or meat products other than shelf-stable meat products—a statement indicating whether they should be kept chilled or frozen;
- (l) for canned meat or meat products:
 - (i) the registration number allocated to the registered establishment where the canning was carried out, preceded by the letters “EX”; and
 - (ii) the date of packaging (in code or in clear); and
 - (iii) a description of the contents of the cans (in code or in clear).

Note 1: The trade description must be accurate (see section 8-6). See also Division 3 of Part 2 of Chapter 8 of the Act for offences and civil penalty provisions in relation to false trade descriptions.

Note 2: The Australian Consumer Law (within the meaning of the *Competition and Consumer Act 2010*) contains prohibitions on engaging in conduct that is misleading or deceptive or is likely to mislead or deceive (see, for example, section 18 of that Law) and prohibitions on making false or misleading representations, including about the country of origin of goods (see, for example, sections 29 and 151 of that Law). Part 5-3 of that Law provides defences that certain country of origin representations made about goods do not contravene section 18 (misleading or deceptive conduct) or paragraph 29(1)(a) or (k) or 151(1)(a) or (k) (false or misleading representations) of that Law. For further guidance on correctly describing the country of origin, see the ACCC website (<https://www.accc.gov.au>).

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Note 3: Examples of types of animals for the purposes of paragraph (a) are cattle, bison and goats.

Note 4: For *date of packaging*, see section 1-5.

- (4) For the purposes of paragraph (3)(e), the registration number must be clearly identifiable as being the registration number of the registered establishment referred to in that paragraph.

Requirements of the Australia New Zealand Food Standards Code

- (5) Prescribed meat and meat products must meet each applicable requirement for the labelling and naming of ingredients and compound ingredients specified in Standard 1.2.4 of the Australia New Zealand Food Standards Code.

Note: For *Australia New Zealand Food Standards Code*, see section 12 of the Act.

5-22 Use of trade description “Grain Fed”

The trade description “Grain Fed” must not be applied to prescribed meat or meat products unless:

- (a) the meat or meat products:
 - (i) are derived from a beef carcass that meets the carcass criteria; and
 - (ii) meet the meat quality assessments;specified for Grain Fed (symbol GF), Grain Fed Finished (symbol GFF) or Grain Fed Young Beef (symbol GFYG) in the Australian Meat Industry Classification System; or
- (b) the meat or meat products are derived from a lamb carcass that meets the carcass criteria specified for Grain Fed Lamb (symbol GF) in the Australian Meat Industry Classification System.

Note: For the use of the trade descriptions “beef” and “lamb”, see subsection 5-21(3).

5-23 Prescribed meat or meat products in cartons or cans

- (1) The trade description applied to prescribed meat or meat products contained in a carton must be attached to one end panel of the carton.

Note: For *carton*, see section 1-5.

- (2) The information required by paragraph 5-21(3)(l) relating to canned prescribed meat or meat products must:
- (a) be embossed on the cans containing the meat or meat products; or
 - (b) be indelibly applied directly to the cans.

5-24 Prescribed meat or meat products for further processing

- (1) Despite subsection 5-21(1), a trade description including only the following information may be applied to prescribed meat or meat products that are to be transferred between registered establishments for further processing:
- (a) the type of animal from which the meat or meat products were derived;
 - (b) for packaged meat or meat products—the date of packaging;
 - (c) the words “FOR FURTHER PROCESSING BEFORE EXPORT”.

Note 1: Examples of types of animals are cattle, bison and goats.

Note 2: For *date of packaging*, see section 1-5.

- (2) If a trade description is applied to prescribed meat or meat products as permitted by subsection (1), then, before the meat or meat products are loaded for export:
- (a) a trade description containing all of the information required by subsection 5-21(3) must be applied to the meat or meat products; and
 - (b) the words “FOR FURTHER PROCESSING BEFORE EXPORT” must be removed from the trade description.

Note: For the requirement to apply an official mark to the meat and meat products, see Subdivision E of this Division.

Subdivision E—Official marks

Note: See Part 3 of Chapter 8 of the Act and Part 3 of Chapter 8 of this instrument in relation to official marks.

5-25 References to particular official marks

In this Subdivision, a reference to a particular official mark is a reference to the official mark with that description specified in Division 1 of Part 3 of Chapter 8 of this instrument.

5-26 Carcasses and carcase parts

Australia Inspected official mark

- (1) An official mark in accordance with subsection (2) must be applied to prescribed meat or meat products that are carcasses or carcase parts if the carcasses or carcase parts are passed by an authorised officer as fit for human consumption.

Note 1: The official mark must be applied by a person referred to in subsection 8-26(2) (see subsection 8-26(1)).

Note 2: Importing countries may require another mark to be applied to carcasses or carcase parts in addition to the official mark.

- (2) For the purposes of subsection (1), the official mark is as follows:
- (a) for lamb carcasses or carcase parts—the Australia Inspected (lamb) official mark;
 - (b) for other carcasses or carcase parts—the Australia Inspected official mark.

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- (3) An official mark in accordance with subsection (4) must be applied to prescribed meat or meat products that are carcasses or carcase parts if:
- (a) the carcase or carcase part is passed by a State or Territory meat safety inspector as fit for human consumption; and
 - (b) the approved arrangement covering operations to prepare the carcase or carcase part for export provides for those operations to be carried out under a State or Territory inspection and audit arrangement; and
 - (c) the meat or meat products derived from the carcase or carcase part are intended to be exported; and
 - (d) the relevant importing country authority for the carcase or carcase part specifies that the official mark referred to in subsection (4) may be applied to the carcase or carcase part.

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Note 1: The official mark must be applied by a person referred to in subsection 8-26(2) (see subsection 8-26(1)).

Note 2: Importing countries may require another mark to be applied to carcasses or carcase parts in addition to the official mark.

- (4) For the purposes of subsection (3), the official mark is as follows:
- (a) for lamb carcasses or carcase parts—the Australia Approved (lamb) official mark;
 - (b) for other carcasses or carcase parts—the Australia Approved official mark.

Application of official mark to carcasses or carcase parts

- (5) An official mark applied to carcasses or carcase parts under subsection (1) or (3) must be applied to the carcasses or carcase parts:
- (a) as soon as practicable after they are dressed; and
 - (b) before they are removed from the registered establishment where they were dressed.
- (6) An official mark applied to carcasses or carcase parts under subsection (1) or (3) must be applied to a conspicuous part of:
- (a) each carcase or carcase part; or
 - (b) a label attached to each carcase or carcase part; or
 - (c) the packaging containing each carcase or carcase part;
- so that the official mark is visible during handling.

Approved arrangement may disapply this section

- (7) This section does not apply in relation to prescribed meat or meat products that are carcasses or carcase parts if:
- (a) the carcasses or carcase parts are packed in cartons at the registered establishment where operations to prepare the carcasses or carcase parts for export are carried out; and
 - (b) the approved arrangement that covers those operations provides that this section does not apply in relation to the carcasses or carcase parts.

Note: If this section does not apply in relation to the carcasses or carcase parts, an official mark must be applied to each carton in which the carcasses or carcase parts are packed before the carton is removed from the registered establishment where it was packed (see section 5-27).

5-27 Cartons containing prescribed meat or meat products

Australia Inspected official mark

- (1) An Australia Inspected official mark must be applied to each carton in which prescribed meat or meat products that are passed by an authorised officer as fit for human consumption are packed.

Note 1: The official mark must be applied by a person referred to in subsection 8-26(2) (see subsection 8-26(1)).

Note 2: Importing countries may require another mark to be applied to a carton containing prescribed meat or meat products in addition to the official mark.

Australia Approved official mark

- (2) An Australia Approved official mark must be applied to each carton in which prescribed meat or meat products are packed if:
- (a) the meat or meat products are passed by a State or Territory meat safety inspector as fit for human consumption; and
 - (b) the approved arrangement covering operations to prepare the meat or meat products for export provides for those operations to be carried out under a State or Territory inspection and audit arrangement; and
 - (c) the meat or meat products are intended to be exported; and
 - (d) the relevant importing country authority for the meat or meat products specifies that the Australia Approved official mark may be applied to the meat or meat products.

Note 1: The official mark must be applied by a person referred to in subsection 8-26(2) (see subsection 8-26(1)).

Note 2: Importing countries may require another mark to be applied to a carton containing prescribed meat or meat products in addition to the official mark.

Application of official mark to carton

- (3) An official mark applied to a carton under this section must be applied to the carton:
- (a) as soon as practicable after it is packed; and
 - (b) before the carton is removed from the registered establishment where it was packed.
- (4) An official mark applied to a carton under this section must be applied:
- (a) to the same end panel of the carton as the trade description required to be applied under subsection 5-23(1); and
 - (b) in a location that is conspicuous during handling.
- (5) To avoid doubt and subject to subsection 5-26(7), this section applies in addition to section 5-26.

Note: This section does not apply in relation to a carton in which prescribed meat or meat products are packed if section 5-28 applies in relation to the carton (see subsection 5-28(4)).

5-28 Cartons containing prescribed meat products that contain imported meat or meat products

Australia Approved official mark

- (1) An Australia Approved official mark must be applied to each carton in which prescribed meat products are packed, if:
- (a) the meat products contain meat or meat products not prepared at a registered establishment that were previously imported into Australian territory for further processing at a registered establishment; and
 - (b) the meat products are packed on or after 1 October 2021; and
 - (c) the meat products are intended to be exported; and

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- (d) the relevant importing country authority for the meat products specifies that the Australia Approved official mark may be applied to the meat products.

Note 1: The official mark must be applied by a person referred to in subsection 8-26(2) (see subsection 8-26(1)).

Note 2: Importing countries may require another mark to be applied to a carton containing prescribed meat products in addition to the official mark.

Application of official mark to carton

- (2) An official mark applied to a carton under this section must be applied to the carton:
- (a) as soon as practicable after it is packed; and
 - (b) before the carton is removed from the registered establishment where it was packed.
- (3) An official mark applied to a carton under this section must be applied:
- (a) to the same end panel of the carton as the trade description required to be applied under subsection 5-23(1); and
 - (b) in a location that is conspicuous during handling.
- (4) Section 5-27 does not apply in relation to a carton in which prescribed meat or meat products are packed if this section applies in relation to the carton.

5-29 Halal meat

- (1) The Halal meat official mark must be applied to Halal meat that has been derived from animals slaughtered in accordance with the requirements provided for their slaughter in the approved arrangement covering operations to prepare the Halal meat for export.

Note 1: The Halal meat official mark must not be applied to meat that is not Halal meat (see subsection 8-27(2)).

Note 2: The official mark must be applied by a person referred to in subsection 8-26(2) (see subsection 8-26(1)).

Note 3: For maintaining the integrity of Halal meat, see section 5-35.

- (2) The Halal meat official mark must be applied to the Halal meat before it is removed from the registered establishment where the animal from which it was derived was slaughtered.
- (3) The Halal meat official mark must be applied to a conspicuous part of:
- (a) the Halal meat; or
 - (b) a label or tag attached to the Halal meat; or
 - (c) the packaging containing the Halal meat;
- so that the official mark is visible during handling.
- (4) To avoid doubt, this section applies in addition to sections 5-26 and 5-27.

5-30 State or Territory classification marks must not be applied

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

Subdivision F—Segregation, identification, security, traceability and integrity

5-31 Segregation, identification, security and traceability—general

To the extent necessary to ensure that one or more of the objects referred to in section 3 of the Act is met:

- (a) animals from which meat or meat products are to be derived and meat and meat products meeting a particular description:
 - (i) must be identified and segregated during preparation and transport from other animals or meat and meat products not meeting that description; and
 - (ii) must not be confused with other animals or meat or meat products not meeting that description; and
 - (iii) must be prepared and transported under conditions of security; and
- (b) inventory controls and tracing systems must be maintained.

Note 1: For example, the separate identification and segregation of inedible material is required (see section 5-33).

Note 2: For requirements for inventory controls, see section 5-45.

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

5-32 Establishments where meat or meat products that are not for export etc. are prepared

- (1) Operations to prepare prescribed meat or meat products must not be carried out at an establishment where operations (the *other operations*) to prepare any of the following are also carried out:
 - (a) meat or meat products that are not for export;
 - (b) meat or meat products that are animal food or pharmaceutical material.
- (2) Subsection (1) does not apply if:
 - (a) the other operations are carried out at a registered establishment in accordance with an approved arrangement; and
 - (b) the wholesomeness and integrity of the prescribed meat or meat products is ensured (including by compliance with subsection (3)).

- (3) Procedures (including systems of controls) for the segregation, identification and security of the prescribed meat or meat products must be sufficient to ensure their wholesomeness and integrity during packing, storing, handling and loading.

Note: See, for example, clause 5.3 and section 17 of the Australian Meat Standard.

5-33 Integrity—general

- (1) The integrity of prescribed meat or meat products must be able to be ensured.

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- (2) Without limiting subsection (1), prescribed meat or meat products must not be compromised by the presence of any of the following:
- (a) meat or meat products (including animal intestines for further processing) that were previously not prepared at a registered establishment (including imported meat and meat products);
 - (b) meat or meat products that are not for export or that have left the export system;
 - (c) any parts of an animal that are inedible (including any parts of an animal received for the purpose of inedible rendering or disposal by incineration);
 - (d) meat or meat products that are brought to an establishment, but are not removed or unloaded at the establishment from the conveyance that brought them to the establishment;
 - (e) animals or meat or meat products that are retained for further inspection, tests or treatment;
 - (f) meat or meat products that are animal food or pharmaceutical material.

Note: For *conveyance*, see section 12 of the Act.

- (3) Meat and meat products referred to in paragraphs (2)(a) and (b):
- (a) must be readily distinguishable from prescribed meat or meat products for export during concurrent boning; and
 - (b) must be segregated from prescribed meat or meat products for export at all times.
- (4) Paragraph (3)(b) does not apply in relation to casings prepared at premises that are not a registered establishment.
- (5) The identity of prescribed meat or meat products:
- (a) must be readily ascertainable; and
 - (b) must not be lost or confused with the identity of any other meat or meat products.

5-34 Identification—type of animal

- (1) A kind of prescribed meat or meat product must be derived from the type of animal it purports to be derived from.

Note 1: For *animal*, see section 1-5.

Note 2: Examples of types of animals are cattle, bison and goats.

- (2) To avoid doubt, a kind of prescribed meat or meat product (the *relevant meat or meat product*) is not derived from the type of animal it purports to be derived from if meat or meat products derived from another type of animal (within its ordinary meaning) are substituted wholly or partly for the relevant meat or meat product.

5-35 Integrity and identification—Halal meat

- (1) The integrity of Halal meat must be able to be ensured.
- (2) Without limiting subsection (1), Halal meat must be:
- (a) identified as Halal meat; and

- (b) kept physically separate from meat or meat products that are not Halal meat.

Note 1: For requirements for inventory controls, see section 5-45.

Note 2: It may be an importing country requirement that prescribed meat or meat products derived from a porcine animal must not be transported in the same meat transport vehicle or the same container system unit as Halal meat. Meeting importing country requirements is a condition of the approved arrangement for operations to prepare the Halal meat for export (see section 5-5). For the requirement for the approved arrangement to provide for this kind of importing country requirement, see paragraph 5-2(4)(e).

5-36 Export market eligibility

- (1) The export market eligibility of prescribed meat or meat products must be maintained.
- (2) Prescribed meat or meat products that are not eligible for all export markets:
 - (a) must be identified so that their export market eligibility can be ascertained; and
 - (b) must be segregated from meat and meat products with different export market eligibility.

5-37 Action if prescribed meat or meat products are unwholesome or integrity etc. cannot be ensured

- (1) This section applies if the holder of an approved arrangement for operations to prepare prescribed meat or meat products for export at a registered establishment reasonably believes that any of the following circumstances exists:
 - (a) there is, or there will be, a failure to meet an importing country requirement relating to prescribed meat or meat products prepared for export at the registered establishment;
 - (b) prescribed meat or meat products prepared for export at the registered establishment in accordance with the approved arrangement are unwholesome or have deteriorated;
 - (c) the identification, traceability or integrity of prescribed meat or meat products prepared for export at the registered establishment in accordance with the approved arrangement cannot be ensured;
 - (d) there is or there has been a failure of a procedure, or another circumstance occurs or has occurred, at the registered establishment that:
 - (i) has affected, or could affect, the wholesomeness or integrity of prescribed meat or meat products prepared for export at the establishment in accordance with the approved arrangement (including prescribed meat or meat products to be derived from animals to be slaughtered at the establishment); or
 - (ii) has caused, or could cause, prescribed meat or meat products at the establishment (including prescribed meat or meat products to be derived from animals to be slaughtered at the establishment) to deteriorate;
 - (e) a consignment of prescribed meat or meat products was transferred to the registered establishment (the *receiving establishment*) from another

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registered establishment and the information and declarations in relation to the consignment required by subsection 5-38(1):

- (i) were not given to the occupier of the receiving establishment, or did not accompany the consignment, as required by paragraph 5-38(2)(b); or
- (ii) were inaccurate or incomplete.

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

Note 2: See also clause 6.4 of the Australian Meat Standard.

- (2) As soon as practicable after the holder of the approved arrangement becomes aware of a circumstance referred to in subsection (1) in relation to prescribed meat or meat products, the holder must:
 - (a) identify the meat or meat products; and
 - (b) notify an authorised officer of the circumstance; and
 - (c) ensure that the meat or meat products are held separately under conditions of security until an authorised officer:
 - (i) applies a disposition to the meat or meat products under section 9-32; or
 - (ii) notifies the holder of action to be taken in relation to the meat or meat products.
- Note: For a similar requirement if meat or meat products are suspected of not being wholesome, see clause 15.13 of the Australian Meat Standard.
- (3) If the holder of an approved arrangement gives a notification under paragraph (2)(b) orally, the holder must, as soon as practicable after giving the notification, also give the notification in writing.

Subdivision G—Transfers

5-38 Information and declarations relating to transferred prescribed meat or meat products

- (1) If a consignment of prescribed meat or meat products is transferred from a registered establishment (the *transferring establishment*) to another registered establishment (the *receiving establishment*), the following information and declarations must be given to the occupier of the receiving establishment:
 - (a) a full description of the meat or meat products;
 - (b) information about storage conditions (that is, whether the meat or meat products are chilled, frozen or shelf-stable);
 - (c) the name, address and registration number of the transferring establishment;
 - (d) the date or dates when operations to prepare the meat or meat products (other than storing, handling or loading) were last carried out before the transfer;
 - (e) the quantity of meat or meat products in the consignment;
 - (f) if the meat or meat products are in packages—the number and kind of packages;

- (g) the identification of the conveyance used to transport the meat or meat products;
- (h) a description of any means of security applied to the meat or meat products;
- (i) the name, address and registration number of the receiving establishment;
- (j) if operations to prepare the meat or meat products were carried out to meet importing country requirements of one or more countries—the name of each country;
- (k) a declaration stating that, at the date the declaration is made:
 - (i) the prescribed export conditions, and any other conditions that apply in relation to the meat or meat products under the Act, have been complied with; and
 - (ii) importing country requirements relating to the meat or meat products are met;
- (l) a declaration stating that all of the information given in relation to the consignment is true and complete.

Note 1: For *conveyance*, see section 12 of the Act.

Note 2: See subsections (2) to (4) for matters relating to the declarations referred to in paragraphs (k) and (l) of this subsection.

- (2) The information and declarations in relation to a consignment required to be given to the occupier of the receiving establishment under subsection (1) must:
- (a) be in writing and in a form approved by the Secretary; and
 - (b) either:
 - (i) be given to the occupier when the consignment leaves the transferring establishment; or
 - (ii) accompany the consignment when it arrives at the receiving establishment.

Note 1: Electronic message formats should be compliant with the United Nations Rules for Electronic Data Interchange for Administration, Commerce and Transport (UNEDIFACT). These Rules could in 2021 be viewed on the website of the United Nations Economic Commission for Europe (<https://www.unece.org>).

Note 2: For when requirements to give information (including a declaration) in writing can be met by an electronic communication, see section 9 of the *Electronic Transactions Act 1999*. For electronic signatures, see section 10 of that Act.

Requirements for declarations

- (3) A declaration referred to in paragraph (1)(k) or (l) in relation to a consignment of prescribed meat or meat products must be made by:
- (a) the holder of the approved arrangement for operations to prepare the meat or meat products for export at the transferring establishment; or
 - (b) a person who manages or controls those operations if:
 - (i) the approved arrangement covering those operations provides for export inspection procedures that include the making of the declaration in relation to the meat or meat products; and
 - (ii) the person is designated in the approved arrangement as a person who may make the declaration.

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Note: If a relevant importing country authority requires alternative inspection arrangements to be carried out by authorised officers, this needs to be covered by the approved arrangement (see paragraph 5-2(4)(e)).

- (4) A declaration referred to in paragraph (1)(k) or (l):
- (a) must not be made if there are no reasonable grounds for making it; and
 - (b) must not be false or misleading; and
 - (c) must be signed and dated by the person who made it.

Note 1: For suspension or revocation of the approved arrangement if these requirements are not met, see sections 171 and 179 of the Act.

Note 2: A person may commit an offence or be liable to a civil penalty if the person provides false or misleading information or documents (see sections 137.1 and 137.2 of the *Criminal Code* and sections 368 and 369 of the Act).

5-39 Information and declarations not received or inaccurate or incomplete

- (1) This section applies if:
- (a) a consignment of prescribed meat or meat products is transferred to a registered establishment (the **receiving establishment**); and
 - (b) the information and declarations required to be given to the occupier of the receiving establishment by section 5-38:
 - (i) are not given to the occupier in accordance with paragraph 5-38(2)(b); or
 - (ii) are inaccurate or incomplete.
- (2) The meat or meat products must:
- (a) be held at the receiving establishment under conditions of security, and not dealt with further for export as food without the written approval of an authorised officer; or
 - (b) be identified as not for export as food, and segregated from prescribed meat and meat products.

Subdivision H—Meat or meat products for export to the European Union as food

5-40 Admission of bovine animals to registered establishment

- (1) A bovine animal (other than a bobby calf) must not be admitted to a registered establishment for slaughter for the purpose of deriving EU export meat unless, at the time of the animal's admission:
- (a) the animal is identified with an animal identification tag; and
 - (b) an EU vendor declaration for the animal accompanies the animal.
- Note 1: An EU vendor declaration may be in any form that is approved by the Secretary (see the definition of **EU vendor declaration** in section 1-5).
- Note 2: The occupier of the registered establishment or the holder of the relevant approved arrangement may be required to produce the declaration to an authorised officer or approved auditor for the purposes of an audit (see sections 271 and 272 of the Act).
- (2) A bovine animal (other than a bobby calf) must not be presented to a registered establishment for ante-mortem inspection, or slaughter, for the purpose of deriving EU export meat unless:

- (a) at the time of admission to the establishment, the requirements of paragraphs (1)(a) and (b) are met; and
- (b) at the time of presentation for inspection or slaughter (as the case may be), the animal identification tag has not been removed from the animal.

5-41 Animals must be HGP-free

- (1) A bovine animal must not be slaughtered for the purpose of deriving meat or meat products for export to a member state of the European Union as food if the animal has been treated with an HGP.
- (2) Meat or meat products for export to a member state of the European Union as food must not be derived from a bovine animal if the animal has been treated with an HGP.

Note: See section 3-2 in relation to when a bovine animal is taken to have been treated with an HGP.

5-42 Animals must be sourced from accredited property

Bovine animals (other than bobby calves) from which prescribed meat or meat products are to be derived for export to a member state of the European Union as food must be sourced only from an accredited property.

Subdivision I—Meat inspection services

5-43 Authorised officer must be present while certain export operations are carried out

- (1) This section applies in relation to an approved arrangement for operations to prepare prescribed meat or meat products for export at a registered establishment if:
 - (a) the approved arrangement provides that an authorised officer must be present at the establishment while operations of that kind are carried out; or
 - (b) the approved arrangement is subject to a condition that requires an authorised officer to be present at the establishment while operations of that kind are carried out.
- (2) Operations to prepare prescribed meat or meat products for export in accordance with the approved arrangement must not be carried out at the registered establishment unless:
 - (a) meat inspection services have been allocated to the establishment under Part 6 of Chapter 4 (registered establishments); and
 - (b) a memorandum of agreed intent between the Secretary and the occupier of the establishment in relation to the allocation is in place under that Part; and
 - (c) an authorised officer is present at the establishment.

Subdivision J—Management practices

Note: Subdivision C of Division 2 of Part 2 of this Chapter deals with management practices for approved arrangements for Halal meat certification operations.

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5-44 Management practices, organisational structure, resources and personnel

- (1) The holder of an approved arrangement must ensure that:
 - (a) the holder's management practices and organisational structure; and
 - (b) the resources provided to carry out the export operations; and
 - (c) the personnel who carry out those export operations and the training those personnel receive;are appropriate to ensure:
 - (d) compliance with the requirements of the Act in relation to the export operations and prescribed meat or meat products covered by the approved arrangement; and
 - (e) that importing country requirements relating to the export operations and prescribed meat or meat products are met.
- (2) The holder must make a written record of the matters referred to in paragraphs (1)(a) to (c).

Note 1: The holder of the approved arrangement must retain each record made under this section for at least 2 years (see subsection 11-9(2)).

Note 2: For making electronic records, see subsection 12(1) of the *Electronic Transactions Act 1999*.

5-45 Verification of compliance with the Act and other matters

Matters that must be verified

- (1) The holder of an approved arrangement must verify that carrying out export operations at a registered establishment in accordance with the approved arrangement will ensure compliance with the following:
 - (a) the applicable requirements of the Act;
 - (b) the conditions in Subdivisions B to H of this Division;
 - (c) section 5-44 of this instrument (management practices, organisational structure, resources and personnel).

Record of verification

- (2) A written record must be made of:
 - (a) the methods, procedures, tests, monitoring and other evaluations used to verify compliance with the matters referred to in subsection (1); and
 - (b) the results of the verification.

Note: The holder of the approved arrangement must retain each record made under this subsection for at least 2 years (see subsection 11-9(2)).

Inventory controls

- (3) The necessary inventory controls must be used in verifying compliance with the matters referred to in paragraphs (1)(b) and (c).
- (4) The inventory controls must be in writing, comprehensive, and able to be audited under Part 1 of Chapter 9 of the Act and as required by section 5-47 of this instrument.

- (5) Without limiting subsection (4), the inventory controls must include the following:
- (a) a record of:
 - (i) the numbers of animals of different types slaughtered at the registered establishment in accordance with the approved arrangement, their origin and lot; and
 - (ii) prescribed meat or meat products received at the registered establishment in accordance with the approved arrangement (including their description and the quantities received of each description), their origin and their location at the establishment; and
 - (iii) prescribed meat or meat products prepared for export at the registered establishment in accordance with the approved arrangement (including their description and the quantities prepared of each description), their item, lot, origin and location at the establishment; and
 - (iv) all meat or meat products removed from the registered establishment in accordance with the approved arrangement (including their description and the quantities removed of each description), preparation details and their destination; and
 - (v) all meat or meat products at the registered establishment that are not intended to be removed from the registered establishment (for example, meat or meat products no longer intended for export and destroyed at the establishment) (including their description and the quantities of each description);
 - (b) a reconciliation of animals and prescribed meat or meat products and records referred to in paragraph (a);
 - (c) a record of quantities of nitrite:
 - (i) received at the registered establishment; and
 - (ii) used to prepare meat or meat products for export at the establishment; and
 - (iii) removed from or destroyed at the establishment;
 - (d) a weekly reconciliation of the quantities of nitrite referred to in paragraph (c).

Note: Examples of types of animals for the purposes of subparagraph (a)(i) are cattle, bison and goats.

5-46 Action must be taken to address non-compliance

- (1) If a matter referred to in subsection 5-45(1) has not been complied with, or is not likely to be complied with, in carrying out export operations in relation to prescribed meat or meat products in accordance with an approved arrangement:
- (a) action must be taken:
 - (i) to address the non-compliance or likely non-compliance; and
 - (ii) to ensure that the non-compliance does not recur or does not occur; and
 - (b) the effectiveness of the action must be assessed.
- (2) A written record must be made of action taken under paragraph (1)(a) and the assessment of the effectiveness of the action.

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Note: The holder of the approved arrangement must retain each record made under this subsection for at least 2 years (see subsection 11-9(2)).

5-47 Internal audit and management review

- (1) Subject to subsection (2), internal audits and management reviews must be conducted of the effectiveness of the management practices of the holder of an approved arrangement at a registered establishment in ensuring compliance with the matters referred to in subsection 5-45(1).

Note: An internal audit under this section is not an audit under Part 1 of Chapter 9 of the Act.

- (2) Internal audits are not required to be conducted if:
- (a) fewer than 3 people are employed at the registered establishment in accordance with the approved arrangement; and
 - (b) management reviews are conducted in accordance with the approved arrangement.
- (3) A record must be made of the following:
- (a) each internal audit and management review conducted under subsection (1);
 - (b) the results of each internal audit or management review;
 - (c) each decision (if any) to take action as a result of an internal audit or management review;
 - (d) each action taken as a result of an internal audit or management review.

Note: The holder of the approved arrangement must retain each record made under this subsection for at least 2 years (see subsection 11-9(2)).

Division 3—Renewal of approved arrangement

5-48 Period within which application to renew approved arrangement must be made

For the purposes of paragraph 155(4)(a) of the Act, the period within which an application to renew an approved arrangement for a kind of export operations in relation to prescribed meat or meat products (other than Halal meat certification operations) must be made is the period of 60 days starting on the day that is 180 days before the expiry date for the approved arrangement.

Note 1: For example, if an approved arrangement expires on 8 July in a year (other than a leap year), an application for renewal can be made at any time between 9 January and 10 March in that year.

Note 2: An application to renew an approved arrangement will only need to be made if there is an expiry date for the approved arrangement (see subsection 155(1) of the Act).

Division 4—Variation of approved arrangement

Subdivision A—Variations by holder

5-49 Requirements that must be met for variation to be approved or conditions varied

- (1) This section applies in relation to an application under subsection 161(1) of the Act to approve a variation of an approved arrangement for operations to prepare prescribed meat or meat products for export to a particular country, or to vary the conditions of such an approved arrangement, if:
- (a) the application is made because the relevant importing country authority does not require:
 - (i) one or more requirements (the *relevant requirements*) of the Australian Meat Standard that apply in relation to a registered establishment where the operations are carried out to be met; or
 - (ii) compliance with one or more conditions (the *relevant conditions*) in Subdivisions C to H of Division 2 of this Part; and
 - (b) the relevant importing country authority requires a different requirement relating to the prescribed meat or meat products to be met.

Note: A variation of an approved arrangement, or of the conditions of an approved arrangement, may be needed to implement an alternative regulatory arrangement or other significant variation (see Subdivisions B and C of Division 1 of Part 4 of Chapter 5 of the Act).

- (2) For the purposes of paragraph 161(3)(c) of the Act, it is a requirement that:
- (a) compliance with the different importing country requirement referred to in paragraph (1)(b) of this section will not result in:
 - (i) the relevant requirements being met; or
 - (ii) the relevant conditions being complied with; and
 - (b) the approved arrangement provides for a system of controls to be implemented to ensure that the different importing country requirement will be complied with; and
 - (c) the system of controls referred to in paragraph (b) of this subsection will be implemented in carrying out operations in accordance with the approved arrangement.

5-50 Significant variations

For the purposes of subparagraph 164(2)(c)(ii) of the Act, the following kinds of variations are prescribed in relation to an approved arrangement for a kind of export operations in relation to prescribed meat or meat products (other than an approved arrangement for Halal meat certification operations):

- (a) a variation of the person who manages or controls the export operations;
- (b) a variation of the functions a person is permitted to perform in accordance with the approved arrangement, including the following:
 - (i) making declarations;
 - (ii) manufacturing, supplying, possessing, applying, altering or interfering with an official mark;

- (iii) applying a mark that is a resemblance (within the meaning of Division 3 of Part 3 of Chapter 8 of this instrument) to the prescribed meat or meat products, or goods containing prescribed meat or meat products;
- (iv) manufacturing, supplying or possessing an official marking device;
- (c) a variation of the export operations that might:
 - (i) jeopardise the wholesomeness of the prescribed meat or meat products or affect the ability to ensure their integrity; or
 - (ii) adversely affect the ability to accurately assess whether the wholesomeness of the prescribed meat or meat products has been jeopardised;
- (d) a variation that will provide for operations to prepare meat or meat products that are not for export, or are animal food or pharmaceutical material, to be carried out as well as operations to prepare prescribed meat or meat products for export;
- (e) a variation that will provide for a technique to be implemented in carrying out operations to prepare the prescribed meat or meat products for export that is different from the technique required to be implemented by the Australian Meat Standard;
- (f) a variation that relates to or varies a variation of the approved arrangement to implement an alternative regulatory arrangement approved under paragraph 379C(1)(a) of the Act in relation to operations to prepare prescribed meat or meat products for export.

Note 1: For a person who is taken to be a person who manages or controls export operations, see section 21 of the Act.

Note 2: In relation to paragraph (e) of this section, see section 1-9 of this instrument.

Subdivision B—Variations required by Secretary

5-51 Other reasons for requiring holder to vary approved arrangement

For the purposes of paragraph 165(2)(h) of the Act, the Secretary may require the holder of an approved arrangement for operations to prepare prescribed meat or meat products for export to vary an aspect of the arrangement under paragraph 165(1)(a) of the Act if the Secretary is no longer satisfied that compliance with the system of controls provided in the approved arrangement will ensure that there will be reasonable grounds for issuing:

- (a) an export permit for prescribed meat or meat products prepared in accordance with the approved arrangement; or
- (b) a government certificate in relation to prescribed meat or meat products prepared in accordance with the approved arrangement.

Part 2—Approved arrangements for Halal meat certification operations

Division 1—Requirements for approval

5-52 Purpose of this Division

For the purposes of paragraph 151(2)(d) of the Act, this Division prescribes other requirements that must be met for approval of a proposed arrangement for Halal meat certification operations.

Note: It is also a requirement for the approval of proposed arrangements for Halal meat certification operations that the applicant be a fit and proper person (see paragraph 151(2)(a) of the Act and section 5-66 of this instrument).

5-53 Other requirements—proposed arrangement for Halal meat certification operations

- (1) The applicant for approval of the proposed arrangement must be an Islamic organisation.
Note: For *Islamic organisation*, see section 1-5.
- (2) The proposed arrangement must record that the applicant for approval of the arrangement is committed:
 - (a) to meeting the objects referred to in section 3 of the Act that are applicable to the operations and the prescribed meat or meat products to be covered by the arrangement; and
 - (b) to complying with the requirements of the Act in relation to those operations.
- (3) The proposed arrangement must cover all aspects of the Halal meat certification operations that are to be carried out.
- (4) The proposed arrangement must:
 - (a) identify each importing country requirement relating to the Halal meat certification operations to be carried out; and
 - (b) record details of the system of controls to be implemented to ensure that each of those importing country requirements will be met; and
 - (c) record details of the system of controls to be implemented by the Islamic organisation that is to carry out the Halal meat certification operations to ensure that:
 - (i) the applicable requirements of the Act in relation to the Halal meat certification operations will be complied with; and
 - (ii) there will be reasonable grounds for Halal certificates to be issued.

Note: A Halal certificate is issued jointly by an Islamic organisation and the Secretary (see section 2-13).

- (5) Each person who is to carry out Halal meat certification operations in accordance with the proposed arrangement must have the competency (for example, the knowledge, training, skills or experience) to carry out the operations.
- (6) Halal meat certification operations carried out by an Islamic organisation in accordance with the proposed arrangement must be objective, fair, accurate and complete.
- (7) There must be no reasonable grounds to believe that trade in the export from Australian territory of goods could be adversely affected if the proposed arrangement is approved.
- (8) Each of the following persons:
 - (a) the applicant;
 - (b) a person who is to manage or control the Halal meat certification operations in accordance with the proposed arrangement;
 - (c) a person specified in the proposed arrangement as a person who is to sign Halal certificates in relation to prescribed meat or meat products in accordance with the proposed arrangement;must undertake to ensure that the Halal meat certification operations covered by the arrangement are carried out in a way that ensures that:
 - (d) the applicable requirements of the Act will be complied with; and
 - (e) there will be reasonable grounds for Halal certificates to be issued.

Division 2—Conditions of approved arrangement

Subdivision A—Purpose of this Division

5-54 Purpose of this Division

For the purposes of paragraph 152(1)(b) of the Act, this Division prescribes conditions of an approved arrangement for Halal meat certification operations.

Note 1: If an approved arrangement is renewed, the conditions also apply in relation to the renewed approved arrangement (see paragraph 157(1)(b) of the Act).

Note 2: The holder of an approved arrangement may commit an offence or be liable to a civil penalty if a condition of the approved arrangement is contravened (see section 184 of the Act).

Subdivision B—Requirements

5-55 Importing country requirements must be met

An approved arrangement must ensure that all importing country requirements relating to Halal meat certification operations are met.

Subdivision C—Management practices

Note: Subdivision J of Division 2 of Part 1 of this Chapter deals with management practices for approved arrangements for other kinds of export operations in relation to prescribed meat or meat products.

5-56 Operations must be objective, fair etc. and meet importing country requirements

- (1) Halal meat certification operations carried out in accordance with an approved arrangement must be objective, fair, accurate and complete.
- (2) The holder of the approved arrangement must ensure that the certification operations carried out in accordance with the approved arrangement meet importing country requirements relating to Halal meat certification.

5-57 Management practices, organisational structure, resources and personnel

- (1) The holder of an approved arrangement must ensure that:
 - (a) the holder's management practices and organisational structure; and
 - (b) the resources provided to carry out the Halal meat certification operations; and
 - (c) the personnel who carry out the Halal meat certification operations and the training those personnel receive;are appropriate to ensure:
 - (d) compliance with the requirements of the Act in relation to the Halal meat certification operations covered by the approved arrangement; and
 - (e) that importing country requirements relating to the Halal meat certification operations are met.

- (2) The holder must make a written record of the matters referred to in paragraphs (1)(a) to (c).

Note 1: The holder of the approved arrangement must retain each record made under this section for at least 2 years (see subsection 11-9(2)).

Note 2: For making electronic records, see subsection 12(1) of the *Electronic Transactions Act 1999*.

5-58 Verification of compliance with the Act and other matters

Matters that must be verified

- (1) The holder of an approved arrangement must verify that carrying out Halal meat certification operations in accordance with the approved arrangement will ensure compliance with the following:
- (a) the applicable requirements of the Act;
 - (b) section 5-55 of this instrument (importing country requirements);
 - (c) section 5-57 of this instrument (management practices, organisational structure, resources and personnel).

Record of verification

- (2) A written record must be made of:
- (a) the methods, procedures, tests, monitoring and other evaluations used to verify compliance with the matters referred to in subsection (1); and
 - (b) the results of the verification.

Note: The holder of the approved arrangement must retain each record made under this subsection for at least 2 years (see subsection 11-9(2)).

5-59 Action must be taken to address non-compliance

- (1) If a matter referred to in subsection 5-58(1) has not been complied with, or is not likely to be complied with, in carrying out Halal meat certification operations in accordance with an approved arrangement:
- (a) action must be taken:
 - (i) to address the non-compliance; and
 - (ii) to ensure that the non-compliance does not recur or does not occur;
 - and
 - (b) the effectiveness of the action must be assessed.

- (2) A written record must be made of action taken under paragraph (1)(a) and the assessment of the effectiveness of the action.

Note: The holder of the approved arrangement must retain each record made under this subsection for at least 2 years (see subsection 11-9(2)).

5-60 Internal audit and management review

- (1) Subject to subsection (2), internal audits and management reviews must be conducted of the effectiveness of the management practices of the holder of an approved arrangement in ensuring compliance with the matters referred to in subsection 5-58(1).

Chapter 5 Approved arrangements

Part 2 Approved arrangements for Halal meat certification operations

Division 2 Conditions of approved arrangement

Section 5-61

Note: An internal audit under this section is not an audit under Part 1 of Chapter 9 of the Act.

- (2) Internal audits are not required to be conducted if fewer than 3 people are employed by the holder of the approved arrangement to carry out Halal meat certification operations in accordance with the approved arrangement.
- (3) A record must be made of the following:
 - (a) each internal audit and management review conducted under subsection (1);
 - (b) the results of each internal audit or management review;
 - (c) each decision (if any) to take action as a result of an internal audit or management review;
 - (d) each action taken as a result of an internal audit or management review.

Note: The holder of the approved arrangement must retain each record made under this subsection for at least 2 years (see subsection 11-9(2)).

5-61 Secretary must be notified of critical non-compliance

- (1) The holder of an approved arrangement must notify the Secretary immediately if any of the following persons becomes aware of a critical non-compliance in relation to Halal meat certification operations carried out in accordance with the approved arrangement:
 - (a) the holder of the approved arrangement;
 - (b) a person who manages or controls the operations;
 - (c) a person who carries out the operations in accordance with the approved arrangement;
 - (d) a person who conducts internal audits in relation to the operations as required by section 5-60.
- (2) For the purposes of subsection (1), a **critical non-compliance** is a failure (or a combination of failures):
 - (a) to comply with a requirement for Halal meat provided by this instrument, the approved arrangement or the conditions of the approved arrangement;
or
 - (b) to meet applicable importing country requirements for Halal meat; or
 - (c) that prevents an accurate assessment being made as to whether the requirements referred to in paragraphs (a) and (b) are being complied with or met.
- (3) If the holder of an approved arrangement gives a notification under subsection (1) orally, the holder must, as soon as practicable after giving the notification, also give the notification in writing.

Division 3—Renewal of approved arrangement

5-62 Period within which application to renew approved arrangement must be made

For the purposes of paragraph 155(4)(a) of the Act, the period within which an application to renew an approved arrangement for Halal meat certification operations must be made is the period of 60 days starting on the day that is 180 days before the expiry date for the approved arrangement.

- Note 1: For example, if an approved arrangement expires on 8 July in a year (other than a leap year), an application for renewal can be made at any time between 9 January and 10 March in that year.
- Note 2: An application to renew an approved arrangement will only need to be made if there is an expiry date for the approved arrangement (see subsection 155(1) of the Act).

Division 4—Variation of approved arrangement

Subdivision A—Variations by holder

5-63 Significant variations

For the purposes of subparagraph 164(2)(c)(ii) of the Act, the following kinds of variations are prescribed in relation to an approved arrangement for Halal meat certification operations:

- (a) a variation of:
 - (i) a person who manages or controls the certification operations; or
 - (ii) a person who may sign Halal certificates in accordance with the approved arrangement;
- (b) a variation that may adversely affect the accuracy and completeness of any Halal certificates issued in accordance with the approved arrangement;
- (c) a variation that may adversely affect the Secretary's ability to accurately assess whether Halal certificates issued in accordance with the approved arrangement are accurate and complete;
- (d) a variation that changes the holder's training program for Muslim slaughtermen.

Note: For a person who is taken to be a person who manages or controls export operations, see section 21 of the Act.

Subdivision B—Variations required by Secretary

5-64 Other reasons for requiring holder to vary approved arrangement

For the purposes of paragraph 165(2)(h) of the Act, the Secretary may require the holder of an approved arrangement for Halal meat certification operations to vary an aspect of the arrangement under paragraph 165(1)(a) of the Act if the Secretary is no longer satisfied that compliance with the system of controls provided in the approved arrangement will ensure that there will be reasonable grounds for Halal certificates to be issued.

Division 5—Obligations of holders of approved arrangements etc.

5-65 Other events of which Secretary must be notified

For the purposes of paragraph 186(1)(e) of the Act, the following events are prescribed in relation to an approved arrangement for Halal meat certification operations:

- (a) a person who was permitted to sign Halal certificates in accordance with the approved arrangement ceases to do so;
- (b) if the holder of the approved arrangement is a partnership—the partnership has been or is to be dissolved;
- (c) if the holder of the approved arrangement is an unincorporated association—the association has been or is to be dissolved;
- (d) if the holder of the approved arrangement is a trust—the trust has been or is to be terminated;
- (e) the holder of the approved arrangement ceases to be an Islamic organisation.

Division 6—Fit and proper persons

5-66 Kinds of persons who are required to be fit and proper persons

- (1) For the purposes of subsection 373(1) of the Act, this section prescribes kinds of persons who are required, for the purposes of Chapter 5 of the Act (approved arrangements), to be fit and proper persons (having regard to the matters referred to in section 372 of the Act).

Proposed arrangement—Halal meat certification operations

- (2) In relation to a proposed arrangement for Halal meat certification operations, the kinds of persons are:
- (a) the applicant for approval of the arrangement; and
 - (b) a person who would manage or control the Halal meat certification operations (including a person who would be signing Halal certificates in accordance with the approved arrangement).

Note: For a person who is taken to be a person who would manage or control export operations, see section 21 of the Act.

Approved arrangement—Halal meat certification operations

- (3) In relation to an approved arrangement for Halal meat certification operations, the kinds of persons are:
- (a) the holder of the approved arrangement; and
 - (b) a person who manages or controls the Halal meat certification operations (including a person who signs Halal certificates in accordance with the approved arrangement).

Note: For a person who is taken to be a person who manages or controls export operations, see section 21 of the Act.

Part 3—Matters relating to applications

5-67 Application of this Part

This Part applies in relation to the following applications:

- (a) an application under section 150 of the Act to approve a proposed arrangement for a kind of export operations in relation to prescribed meat or meat products;
- (b) an application under section 155 of the Act to renew an approved arrangement for a kind of export operations in relation to prescribed meat or meat products;
- (c) an application under section 161 of the Act:
 - (i) to approve a variation of an approved arrangement for a kind of export operations in relation to prescribed meat or meat products; or
 - (ii) to vary the conditions of an approved arrangement for a kind of export operations in relation to prescribed meat or meat products;
- (d) an application that is taken to have been made under subsection 166(2) of the Act to approve a varied approved arrangement for a kind of export operations in relation to prescribed meat or meat products.

Note 1: If the Secretary has approved a manner for making an application, the application must be made in the approved manner and, if the Secretary has approved a form for making the application, it must include the information required by the form (see paragraphs 377(1)(a) and (b) of the Act).

Note 2: The Secretary may accept any information previously given to the Secretary in connection with an application made under the Act as satisfying any requirement to give that information under subsection 377(1) of the Act (see subsection 377(3) of the Act).

5-68 Documents to accompany application relating to Halal meat certification operations

For the purposes of paragraph 377(1)(d) of the Act, an application (other than an application referred to in paragraph 5-67(d) of this instrument) that relates to a proposed arrangement, or an approved arrangement, for Halal meat certification operations must be accompanied by:

- (a) a document providing evidence that the applicant is an Islamic organisation; and
- (b) a copy of the proposed arrangement or approved arrangement (as the case requires).

Note 1: For *Islamic organisation*, see section 1-5.

Note 2: If the Secretary has approved a manner for making an application, the application must be made in the approved manner and, if the Secretary has approved a form for making the application, it must include the information required by the form (see paragraphs 377(1)(a) and (b) of the Act).

Note 3: The Secretary may accept any document previously given to the Secretary in connection with an application made under the Act, or a notice of intention to export a consignment of prescribed meat or meat products given under the Act, as satisfying any requirement to give that document under subsection 377(1) of the Act (see subsection 377(3) of the Act).

Section 5-69

5-69 Initial consideration period

For the purposes of subsection 379(3) of the Act, the initial consideration period for an application is 120 days.

Note: The consideration period for an application starts on the day after the day the Secretary receives the application (see subsection 379(4) of the Act).

5-70 Period within which request relating to application must be complied with

For the purposes of paragraph 379(10)(b) of the Act, the period of 6 months is prescribed.

Chapter 6—Meat export licences

Part 1—Requirements for grant of meat export licence

6-1 Other requirements that must be met for meat export licence to be granted

For the purposes of paragraph 191(2)(d) of the Act, the following requirements are prescribed in relation to an application for a meat export licence:

- (a) the applicant:
 - (i) is competent to hold the licence; and
 - (ii) is of sound financial standing;
- (b) the applicant has a quality assurance system accredited by the Australian meat standards classification body in place;
- (c) the grant of the licence to the applicant would not, for any reason, be contrary to the interests of the meat and meat products industry.

Note 1: The requirement for an exporter to hold a meat export licence to carry out operations to export the meat or meat products applies only to meat or meat products derived from a bovine animal (other than a buffalo) or a caprine animal or an ovine animal (see item 6 of the table in section 2-4).

Note 2: It is also a requirement for the grant of a meat export licence that the applicant be a fit and proper person (see paragraph 191(2)(a) of the Act and section 6-7 of this instrument).

Section 6-2

Part 2—Conditions of meat export licence

6-2 Condition of meat export licence

- (1) For the purposes of paragraph 192(1)(b) of the Act, the condition in subsection (2) of this section is prescribed in relation to a meat export licence.

Note: This condition also applies in relation to a renewed meat export licence (see paragraph 197(1)(b) of the Act).

- (2) If an event referred to in subsection 219(1) of the Act occurs (including an event prescribed by section 6-6 of this instrument) in relation to the holder of a meat export licence or a matter covered by or relating to the licence, the holder must comply with the requirement to notify the Secretary of the event by completing the form approved under paragraph 377(1)(b) of the Act for making an application for a meat export licence, to the extent that the form relates to the event.

Part 3—Renewal of meat export licence

6-3 Period within which application to renew meat export licence must be made

For the purposes of paragraph 195(4)(a) of the Act, the period within which an application to renew a meat export licence must be made is the period of 60 days starting on the day that is 180 days before the expiry date for the licence.

Note 1: For example, if a meat export licence expires on 8 July in a year (other than a leap year), an application for renewal can be made at any time between 9 January and 10 March in that year.

Note 2: An application to renew a meat export licence will only need to be made if there is an expiry date for the licence (see subsection 195(1) of the Act).

Section 6-4

Part 4—Suspension of meat export licence

6-4 Other grounds for suspension

For the purposes of paragraph 205(l)(j) of the Act, it is a ground for suspension of a meat export licence that the holder of the licence failed to:

- (a) provide facilities and assistance reasonably required by an external auditor for the purpose of conducting regular audits of the holder's quality assurance system; or
- (b) provide information in writing or documents to an external auditor that are reasonably required by the auditor for the purpose of conducting an audit of the holder's quality assurance system; or
- (c) comply with any reasonable request by an external auditor, or the Australian meat standards classification body, to take action to correct any deficiency found in the course of an audit of the holder's quality assurance system.

Note: An audit referred to in this section is not an audit under Part 1 of Chapter 9 of the Act.

Part 5—Revocation of meat export licence

6-5 Other grounds for revocation

For the purposes of paragraph 212(1)(j) of the Act, it is a ground for revocation of a meat export licence that the holder of the licence failed to:

- (a) provide facilities and assistance reasonably required by an external auditor for the purpose of conducting regular audits of the holder's quality assurance system; or
- (b) provide information in writing or documents to an external auditor that are reasonably required by the auditor for the purpose of conducting an audit of the holder's quality assurance system; or
- (c) comply with any reasonable request by an external auditor, or the Australian meat standards classification body, to take action to correct any deficiency found in the course of an audit of the holder's quality assurance system.

Note: An audit referred to in this section is not an audit under Part 1 of Chapter 9 of the Act.

Part 6—Obligations of holders of meat export licences

6-6 Other events of which Secretary must be notified

For the purposes of paragraph 219(1)(e) of the Act, the following events are prescribed in relation to a meat export licence:

- (a) the holder of the licence ceases to operate the export business that carries out export operations covered by the licence;
- (b) the holder of the licence is notified by the relevant importing country authority that the holder is no longer regarded as an approved supplier of prescribed meat or meat products to that country;
- (c) there is a change in the scope of the quality assurance system used by the holder of the licence;
- (d) the holder of the licence ceases to be accredited by the Australian meat standards classification body.

Part 7—Fit and proper persons

6-7 Kinds of persons who are required to be fit and proper persons

For the purposes of subsection 373(1) of the Act, the following kinds of persons are required, for the purposes of Chapter 6 of the Act (export licences), to be fit and proper persons (having regard to the matters referred to in section 372 of the Act):

- (a) an applicant for a meat export licence;
- (b) the holder of a meat export licence.

Section 6-8

Part 8—Matters relating to applications

6-8 Application of this Part

This Part applies in relation to the following applications:

- (a) an application under section 190 of the Act for a meat export licence;
- (b) an application under section 195 of the Act to renew a meat export licence;
- (c) an application under section 199 of the Act to vary:
 - (i) a meat export licence; or
 - (ii) the conditions of a meat export licence.

6-9 Documents to accompany application

For the purposes of paragraph 377(1)(d) of the Act, the following documents are prescribed:

- (a) a copy of the accreditation certificate issued to the applicant by the Australian meat standards classification body;
- (b) if the applicant is an individual and the applicant operates or intends to operate the export business or proposed export business to which the application relates in partnership with one or more other persons—a copy of the partnership agreement.

Note: The Secretary may accept any document previously given to the Secretary in connection with an application made under the Act, or a notice of intention to export a consignment of prescribed meat or meat products given under the Act, as satisfying any requirement to give that document under subsection 377(1) of the Act (see subsection 377(3) of the Act).

6-10 Initial consideration period

For the purposes of subsection 379(3) of the Act, the initial consideration period for an application is 120 days.

Note: The consideration period for an application starts on the day after the day the Secretary receives the application (see subsection 379(4) of the Act).

6-11 Period within which request relating to application must be complied with

For the purposes of paragraph 379(10)(b) of the Act, the period of 6 months is prescribed.

Chapter 7—Export permits

Part 1—Issue of export permit

7-1 Period of effect of export permit

For the purposes of paragraph 228(b) of the Act, an export permit for prescribed meat or meat products remains in force (unless it is revoked under section 233 of the Act) for 28 days starting on the day the permit is issued.

Note 1: An export permit takes effect when it is issued (see paragraph 228(a) of the Act).

Note 2: An export permit (other than an export permit issued by electronic means) must be retained in a secure place when it is not being used (see section 11-5).

Section 7-2

Part 2—Variation, suspension and revocation of export permit

7-2 Period of effect of varied export permit

For the purposes of paragraph 230(b) of the Act, a varied export permit for prescribed meat or meat products remains in force (unless it is revoked under section 233 of the Act) for the remainder of the period for which the export permit as originally issued was in force under section 7-1 of this instrument.

Note: A varied export permit takes effect when it is issued (see paragraph 230(a) of the Act).

7-3 Circumstances in which export permit may be suspended

For the purposes of subsection 231(1) of the Act, the following circumstances are prescribed in relation to an export permit for prescribed meat or meat products:

- (a) a circumstance referred to in any of paragraphs 233(1)(a) to (f) of the Act;
- (b) a circumstance prescribed by section 7-4 of this instrument.

7-4 Other circumstances in which export permit may be revoked

For the purposes of paragraph 233(1)(g) of the Act, the following circumstances are prescribed in relation to an export permit for prescribed meat or meat products:

- (a) there is a risk that the meat or meat products:
 - (i) have deteriorated or are likely to deteriorate; or
 - (ii) are unwholesome or are likely to be unwholesome;
- (b) the meat or meat products are no longer intended to be exported using that export permit;
- (c) a person, other than the holder of the export permit, has given the Secretary information or a document in relation to the meat or meat products that is false, misleading or incomplete;
- (d) a condition or disease that is likely to affect the acceptability of the meat or meat products to the importing country is present in Australian territory;
- (e) the export of the meat or meat products could result in trade in the export of other goods from Australian territory being adversely affected.

Note: If an export permit is revoked, the person to whom it was issued must return the permit to the Secretary within 10 business days (unless it was issued by electronic means) (see section 7-6).

Part 3—Other matters

7-5 Changes that require additional or corrected information to be given to the Secretary

For the purposes of paragraph 235(1)(b) of the Act, each of the following changes is prescribed in relation to prescribed meat or meat products for which an export permit is in force but that have not been exported:

- (a) there are reasonable grounds to suspect that the integrity of the meat or meat products cannot be ensured;
- (b) there are reasonable grounds to suspect that an importing country requirement relating to the meat or meat products will not be, or is not likely to be, met before the meat or meat products are imported into the importing country;
- (c) there are reasonable grounds to suspect that a prescribed export condition relating to the meat or meat products has not been complied with in circumstances where the condition should have been complied with.

Note: The exporter may be liable to a civil penalty if the exporter fails to comply with a requirement under section 235 of the Act (see subsection 235(3) of the Act).

7-6 Return of export permit

- (1) For the purposes of section 236 of the Act, a person to whom an export permit for prescribed meat or meat products was issued must return the permit to the Secretary if the permit is revoked. The permit must be returned within 10 business days starting on the day the permit was revoked.
- (2) Subsection (1) does not apply in relation to an export permit that was issued by electronic means.

7-7 Notification that prescribed meat or meat products are not to be exported

- (1) For the purposes of section 237 of the Act, the holder of an export permit for prescribed meat or meat products must notify the Secretary, in writing, if it is no longer intended to export the meat or meat products because of a circumstance referred to in section 7-4 of this instrument.
- (2) The notification must be given as soon as practicable, but not later than 10 business days, after the decision not to export the prescribed meat or meat products is made.

Section 8-1

Chapter 8—Other matters relating to export

Part 1—Notices of intention to export

8-1 Information to be included in notice of intention to export

For the purposes of paragraph 243(1)(c) of the Act, a notice of intention to export a consignment of, or including, prescribed meat or meat products must include a declaration stating that all of the information included in the notice of intention to export the consignment is true and correct.

Note 1: The Secretary may approve a single form for a notice of intention to export a consignment of prescribed meat or meat products and an application for an export permit for the prescribed meat or meat products.

Note 2: The Secretary may accept any information or document previously given to the Secretary in connection with an application made under the Act, or a notice of intention to export a consignment of prescribed meat or meat products given under the Act, as satisfying any requirement to give that information or document under subsection 243(1) of the Act (see subsection 243(2) of the Act).

8-2 Person who must give notice of intention to export

For the purposes of paragraph 243(1)(e) of the Act, a notice of intention to export a consignment of, or including, prescribed meat or meat products must be given by the person who intends to export the consignment.

8-3 Person to whom notice of intention to export must be given

For the purposes of paragraph 243(1)(f) of the Act, a notice of intention to export a consignment of, or including, prescribed meat or meat products must be given to the Secretary.

8-4 When notice of intention to export must be given

- (1) For the purposes of paragraph 243(1)(g) of the Act, a notice of intention to export a consignment of, or including, prescribed meat or meat products must be given as soon as reasonably practicable before the date the consignment is proposed to be exported.
- (2) If an assessment of the prescribed meat or meat products in the consignment is required to be carried out under Part 2 of Chapter 9 of the Act, the notice of intention to export the consignment must be given at a time that will ensure there will be sufficient time for the assessment to be carried out.

Note: It is a prescribed export condition in relation to the export of prescribed meat or meat products that a person prescribed by section 8-2 must have given the Secretary, at the time prescribed by this section, a notice of intention to export a consignment of, or including, the prescribed meat or meat products (see item 7 of the table in section 2-4).

Part 2—Trade descriptions

8-5 Purpose of this Part

For the purposes of section 248 of the Act, this Part makes provision for and in relation to trade descriptions for prescribed meat or meat products that are intended to be exported.

Note: A person may commit an offence or be liable to a civil penalty if the person engages in conduct that contravenes a provision in this Part (see section 249 of the Act).

8-6 General requirements for trade descriptions

- (1) A trade description applied to prescribed meat or meat products must:
 - (a) be accurate and unambiguous; and
 - (b) to the extent practicable, be securely attached; and
 - (c) be legible; and
 - (d) be prominent, conspicuous and not obscured in any way; and
 - (e) to the extent practicable, be tamper evident.

Note 1: For guidance on the requirement for a trade description to be accurate, see the Australian Meat Industry Classification System.

Note 2: For *applied*, in relation to a trade description, see section 247 of the Act.

- (2) Information or pictures that are applied to prescribed meat or meat products in addition to the trade description must not be inconsistent with the information required to be included in the trade description under Subdivision D of Division 2 of Part 1 of Chapter 5 of this instrument (approved arrangements).
- (3) For the purposes of the requirement in paragraph (1)(a) for a trade description to be accurate:
 - (a) the description “beef offal” is taken to be accurate if it is applied to offal derived from beef, veal or bull carcasses; and
 - (b) the description “pork offal” is taken to be accurate if it is applied to offal derived from pork, sow or boar carcasses; and
 - (c) the description “mutton offal” is taken to be accurate if it is applied to offal derived from mutton, lamb or ram carcasses.

Note: For *offal*, see section 1-5.

8-7 Trade descriptions in language other than English

- (1) This section applies in relation to a trade description that is applied to prescribed meat or meat products if any part of the trade description is in a language (the *foreign language*) other than English.
- (2) The part of the trade description that is in the foreign language must not be inconsistent with the part of the trade description that is in English.

Section 8-7

- (3) On request, in writing, by an authorised officer to one of the following persons, the person must make available to an authorised officer a translation in English of the part of the trade description that is in the foreign language:
 - (a) the holder of an approved arrangement for operations to prepare prescribed meat or meat products for export at the registered establishment where the trade description was applied to the prescribed meat or meat products;
 - (b) the holder of an approved arrangement for operations to prepare prescribed meat or meat products for export at a registered establishment (other than the registered establishment referred to in paragraph (a)) if the prescribed meat or meat products are being held at that registered establishment at the time of the request;
 - (c) the exporter of the prescribed meat or meat products;
 - (d) the holder of an approved arrangement in accordance with which Halal meat certification operations (if any) were carried out in relation to the prescribed meat or meat products.
- (4) The translation into English required by subsection (3) must be done by a person who:
 - (a) has appropriate qualifications for doing the translation; and
 - (b) is not employed by, and is independent of, the person referred to in subsection (3) who is required to make the translation available to an authorised officer.

Part 3—Official marks

Division 1—Marks that are official marks

8-8 Purpose of this Division

For the purposes of subsection 255(1) of the Act, this Division provides that specified marks are official marks for the purposes of the Act for meat or meat products that are intended to be exported.

8-9 Tolerances for dimensions of official marks

The dimensions specified in this Division for an official mark for the purposes of the Act, or a part of such a mark, are subject to the following tolerances:

- (a) for dimensions up to 10 mm— ± 1 mm;
- (b) for dimensions over 10 mm— ± 2 mm.

8-10 Official mark—Australia Inspected

- (1) A mark of the following design (with the registration number of the registered establishment where operations to prepare the relevant meat or meat products for export were carried out substituted for 'A'), and of the dimensions provided by subsection (2), is an official mark for the purposes of the Act.



- (2) The dimensions are as specified in column 2 of the following table. However, the dimensions may be:
- (a) as specified in column 3 of the table for a mark to be applied to a computer-generated tag; or
 - (b) as specified in column 4 of the table for a mark to be applied to:
 - (i) small edible offal; or
 - (ii) a small cut of meat; or
 - (iii) a carcass or carcass part that is to be further processed before export; or
 - (iv) a tag other than a computer-generated tag.

Section 8-11

Dimensions—Australia Inspected official mark				
Item	Column 1 Section of mark	Column 2 Normal size mark (mm)	Column 3 Computer-generated tag mark (mm)	Column 4 Small size mark (mm)
1	Width of mark	65	24	32
2	Height of mark	45	17	22
3	Height of letters	8	2	3
4	Height of establishment registration number	10	5	3

8-11 Official mark—Australia Inspected (lamb)

- (1) A mark of the following design (with the registration number of the registered establishment where operations to prepare the relevant meat or meat products for export were carried out substituted for ‘A’), and of the dimensions provided by subsection (2), is an official mark for the purposes of the Act for lamb or lamb products that are intended to be exported.



- (2) The dimensions are as specified in column 2 of the following table. However, the dimensions may be as specified in column 3 of the table for a mark to be applied to:
- (a) a small cut of lamb meat; or
 - (b) a lamb carcass or lamb carcass part that is to be further processed before export.

Dimensions—Australia Inspected (lamb) official mark			
Item	Column 1 Section of mark	Column 2 Normal size mark (mm)	Column 3 Small size mark (mm)
1	Width of oval mark	65	32
2	Height of oval mark	45	22
3	Breadth of lamb frame	40	21
4	Height of lamb frame	15	8

Section 8-12

Dimensions—Australia Inspected (lamb) official mark			
Item	Column 1 Section of mark	Column 2 Normal size mark (mm)	Column 3 Small size mark (mm)
5	Height of letters	8	3
6	Height of establishment registration number	10	3

8-12 Official mark—Halal meat

- (1) A mark of the following design (with the registration number of the registered establishment where operations to prepare the relevant meat or meat products for export were carried out substituted for ‘A’), and of the dimensions provided by subsection (2), is an official mark for the purposes of the Act for Halal meat that is intended to be exported.



Note: The English translation of the Arabic text (arched) is: “Lawful, permissible according to Islamic law”.

- (2) The dimensions are as specified in:
- (a) for a large size mark—column 2 of the following table; or
 - (b) for a medium size mark—column 3 of the following table; or
 - (c) for a small size mark—column 4 of the following table; or
 - (d) for an extra small size mark—column 5 of the following table.

Dimensions—Halal meat official mark					
Item	Column 1 Section of mark	Column 2 Large size mark (mm)	Column 3 Medium size mark (mm)	Column 4 Small size mark (mm)	Column 5 Extra small size mark (mm)
1	Width of mark	65	32	24	20
2	Height of mark	65	32	24	20
3	Maximum overall height of Arabic text (arched)	6	3	2	2
4	“Halal” in English	21	10	7.5	6.5

Section 8-13

Dimensions—Halal meat official mark					
Item	Column 1 Section of mark	Column 2 Large size mark (mm)	Column 3 Medium size mark (mm)	Column 4 Small size mark (mm)	Column 5 Extra small size mark (mm)
	text				
5	“Halal” in Arabic text	7	4	3	2.5
6	Height of establishment registration number	9	4	3	3
7	“Australia” in English text	7	4	2.5	2.5

8-13 Official mark—foreign country identification

- (1) A mark of the following design (with the relevant foreign country identification mark substituted for ‘A’), and of the dimensions provided by subsection (3), is an official mark for the purposes of the Act.



- (2) For the purposes of this section, a **foreign country identification mark** is a mark that is required to be applied to meat or meat products that are to be imported into that country, as determined by the relevant importing country authority.

Note: For guidance on foreign country identification marks, see MICoR.

- (3) The dimensions are as follows:
- (a) the diameter of the circle—50 mm;
 - (b) the minimum height of the letters in the word “Australia”—6 mm;
 - (c) the dimensions of the foreign country identification mark—as specified for the mark by the relevant importing country authority.

Note: For guidance on the requirements for the dimensions of a foreign country identification mark, see MICoR.

8-14 Official mark—tamper-indicative metal strap seal

A seal that:

Section 8-15

- (a) is a tamper-indicative metal strap seal that can be secured in a loop by inserting one end of the seal into or through a protected locking mechanism on the other end; and
 - (b) complies with ISO 17712:2013 *Freight containers—Mechanical seals*, published by the International Organization for Standardization, as that document exists at the commencement of this instrument; and
 - (c) bears the words “Australian Government”; and
 - (d) bears a unique number, or a unique combination of letters and numbers, provided to the manufacturer of the seal by the Department;
- is an official mark for the purposes of the Act.

8-15 Official mark—bolt seal

A seal that:

- (a) is a high security bolt seal; and
 - (b) complies with ISO 17712:2013 *Freight containers—Mechanical seals*, published by the International Organization for Standardization, as that document exists at the commencement of this instrument; and
 - (c) bears the words “Australian Government”; and
 - (d) bears a unique number, or a unique combination of letters and numbers, provided to the manufacturer of the seal by the Department; and
 - (e) is coated with green or blue plastic;
- is an official mark for the purposes of the Act.

8-16 Official mark—Australia Approved

- (1) A mark of the following design (with the registration number of the registered establishment where operations to prepare the relevant meat or meat products for export were carried out inserted in the space marked ‘A’), and of the dimensions provided by subsection (2), is an official mark for the purposes of the Act.



- (2) The dimensions are as specified in column 2 of the following table. However, the dimensions may be as specified in column 3 of the table for a mark to be applied to a small cut of meat.

Chapter 8 Other matters relating to export

Part 3 Official marks

Division 1 Marks that are official marks

Section 8-17

Dimensions—Australia Approved official mark			
Item	Column 1 Section of mark	Column 2 Normal size mark (mm)	Column 3 Small size mark (mm)
1	Width of mark	50	32
2	Height of mark	39	22
3	Height of letters	6	3
4	Height of establishment registration number	8	3

8-17 Official mark—Australia Approved (lamb)

- (1) A mark of the following design (with the registration number of the registered establishment where operations to prepare the relevant meat or meat products for export were carried out inserted in the space marked 'A'), and of the dimensions provided by subsection (2), is an official mark for the purposes of the Act for lamb or lamb products that are intended to be exported.

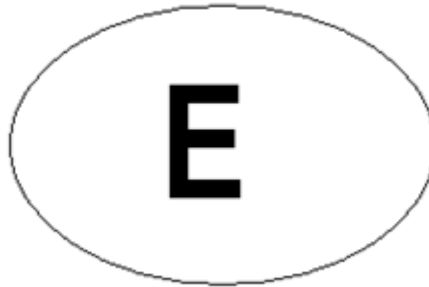


- (2) The dimensions are as specified in column 2 of the following table. However, the dimensions may be as specified in column 3 of the table for a mark to be applied to small cut of lamb meat.

Dimensions—Australia Approved (lamb) official mark			
Item	Column 1 Section of mark	Column 2 Normal size mark (mm)	Column 3 Small size mark (mm)
1	Width of oval mark	60	32
2	Height of oval mark	45	22
3	Breadth of lamb frame	40	21
4	Height of lamb frame	15	8
5	Height of letters	8	3
6	Height of establishment registration number	10	3

8-18 Official mark—European Union

- (1) A mark of the following design, and of the dimensions provided by subsection (2), is an official mark for the purposes of the Act.



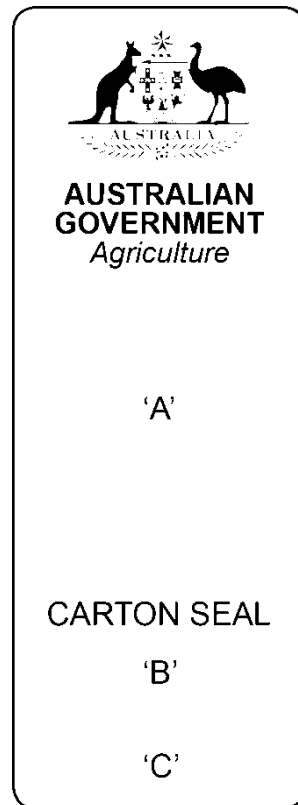
- (2) The dimensions are as specified in:
- (a) for a normal size mark—column 2 of the following table; or
 - (b) for a small size mark to be applied to a small item or the end panel of a carton—column 3 of the following table; or
 - (c) for a computer-generated mark—column 4 of the following table.

Dimensions—European Union official mark				
Item	Column 1	Column 2	Column 3	Column 4
	Section of mark	Normal size mark (mm)	Small size mark (mm)	Computer-generated mark (mm)
1	Width of mark	65	32	16
2	Height of mark	45	22	11
3	Height of letter “E”	10	3	3

8-19 Official mark—carton seal

- (1) A mark:
- (a) of the following design (but with the substitutions provided by subsection (3)); and
 - (b) printed in black, except for the Coat of Arms which is printed in red, on a white or security background; and
 - (c) of the dimensions provided by subsection (2);
- is an official mark for the purposes of the Act.

Section 8-20

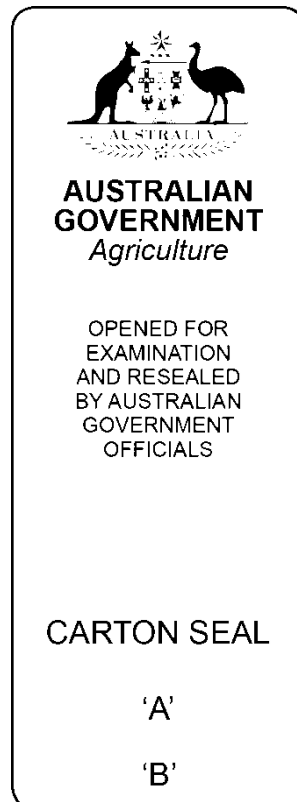


- (2) The dimensions are:
- (a) width not less than 45 mm, and not more than 75 mm; and
 - (b) height not less than 125 mm, and not more than 160 mm.
- (3) The substitutions in the design of the mark are as follows:
- (a) the registration number of the registered establishment where operations to prepare the relevant meat or meat products for export were carried out is to be substituted for 'A';
 - (b) a number, or a combination of letters and numbers, associated with the manufacturer of the mark is to be substituted for 'B';
 - (c) a number, or a combination of letters and numbers, that is unique to each mark is to be substituted for 'C'.

8-20 Official mark—meat or meat products opened for assessment and resealed

- (1) A mark:
- (a) of the following design (but with the substitutions provided by subsection (3)); and
 - (b) printed in green, except for the Coat of Arms which is printed in red, on a white or security background; and
 - (c) of the dimensions provided by subsection (2);
- is an official mark for the purposes of the Act.

Section 8-21



- (2) The dimensions are:
 - (a) width not less than 45 mm, and not more than 75 mm; and
 - (b) height not less than 125 mm, and not more than 160 mm.
- (3) The substitutions in the design of the mark are as follows:
 - (a) a number, or a combination of letters and numbers, associated with the manufacturer of the mark is to be substituted for 'A';
 - (b) a number, or a combination of letters and numbers, that is unique to each mark is to be substituted for 'B'.

8-21 Official mark—Australian Government

A mark of the following design (but with a number representing the user of the mark substituted for “XXXX”) is an official mark for the purposes of the Act.



Chapter 8 Other matters relating to export

Part 3 Official marks

Division 1 Marks that are official marks

Section 8-21

Note: Sections 8-24 to 8-28 and 8-38 do not apply in relation to an official mark specified in this section (see subsections 8-22(2) and 8-38(2)).

Division 2—General rules relating to official marks

8-22 Purpose and application of this Division

- (1) For the purposes of subsection 255(2) of the Act, this Division makes provision for and in relation to certain matters relating to official marks specified in Division 1 of this Part for meat or meat products that are intended to be exported.

Note: A person may commit an offence or be liable to a civil penalty if the person engages in conduct that contravenes a provision in this Division (see section 258 of the Act). Other provisions in Division 3 of Part 3 of Chapter 8 of the Act provide offences and civil penalty provisions relating to false, misleading or deceptive official marks.

- (2) Sections 8-24 to 8-28 do not apply in relation to an official mark specified in section 8-21.

8-23 Interpretation

*When an official mark is **applied** to meat or meat products*

- (1) For the purposes of this instrument, an official mark is **applied** to meat or meat products if the official mark is:
- (a) applied directly to the meat or meat products, their packaging or any covering containing the meat or meat products; or
 - (b) applied to anything attached to the meat or meat products, their packaging or any covering containing the meat or meat products; or
 - (c) inserted into anything in which the meat or meat products are packaged or any covering containing the meat or meat products.

References to particular official marks

- (2) In this Division, a reference to a particular official mark is a reference to the official mark with that description specified in Division 1 of this Part.

8-24 Persons who may manufacture or supply official marks for meat or meat products

A person may manufacture or supply a kind of official mark for meat or meat products only if:

- (a) the person is an authorised officer; or
- (b) the manufacture or supply of the official mark by the person is:
 - (i) covered by an approved arrangement; or
 - (ii) in accordance with a direction given by an authorised officer; or
- (c) the Secretary has given the person a written approval to manufacture or supply the official mark in relation to specified meat or meat products, and the manufacture or supply is in accordance with that approval.

Note: For how a direction may be given by an authorised officer, see section 309 of the Act.

Section 8-25

8-25 Persons who may possess official marks that have not been applied to meat or meat products

A person may possess a kind of official mark for meat or meat products that has not been applied to any meat or meat products only if:

- (a) the person is permitted to manufacture or supply official marks of that kind under section 8-24 or to apply official marks of that kind under section 8-26; or
- (b) the person is an authorised officer; or
- (c) the possession of the official mark by the person is:
 - (i) covered by an approved arrangement; or
 - (ii) in accordance with a direction given by an authorised officer; or
- (d) the Secretary has given the person a written approval to possess the official mark at a specified registered establishment and in relation to specified meat or meat products, and the possession is in accordance with that approval.

Note: For how a direction may be given by an authorised officer, see section 309 of the Act.

8-26 Persons who may apply official marks to meat or meat products etc.

- (1) This section applies in relation to:
 - (a) a bolt seal that is an official mark that is required to be applied to a container system unit under section 5-19; and
 - (b) an official mark that is required to be applied to any of the following under Subdivision E of Division 2 of Part 1 of Chapter 5 (approved arrangements):
 - (i) carcasses or carcase parts;
 - (ii) cartons in which prescribed meat or meat products are packed;
 - (iii) Halal meat.
- (2) The official mark may be applied only by:
 - (a) an authorised officer; or
 - (b) a person acting in accordance with a direction given by an authorised officer; or
 - (c) a person designated in an approved arrangement in accordance with which the official mark is to be applied to the meat or meat products as a person who may apply the official mark; or
 - (d) a person to whom the Secretary has given a written approval to apply the official mark at a specified registered establishment and in relation to specified meat or meat products, if the application is in accordance with the approval.

Note: For how a direction may be given by an authorised officer, see section 309 of the Act.

8-27 Circumstances in which official mark must not be applied to meat or meat products

Official marks generally

- (1) A person must not apply an official mark to meat or meat products if:

Section 8-28

- (a) the meat or meat products are not wholesome; or
- (b) the meat or meat products have deteriorated; or
- (c) the integrity of the meat or meat products cannot be ensured.

Note: For requirements to ensure the integrity of prescribed meat or meat products, see section 5-33.

Halal meat official marks

- (2) A person must not apply a Halal meat official mark to meat or meat products if:
 - (a) the meat or meat products are not Halal meat that has been derived from animals slaughtered in accordance with an approved arrangement covering the slaughter of animals for Halal meat; or
 - (b) the integrity of the meat or meat products as Halal meat cannot be ensured.

Note: For requirements to ensure the integrity of Halal meat, see section 5-35.

Foreign country identification official marks and European Union official marks

- (3) A person must not apply a foreign country identification official mark or a European Union official mark to meat or meat products if the circumstances in which that mark may be applied to the meat or meat products, as specified by the relevant importing country authority, no longer exist.

Note: For the foreign country identification mark, see section 8-13. For the European Union official mark, see section 8-18.

8-28 Alteration of and interference with official marks

A person may alter, or interfere with, an official mark (whether or not it has been applied to any meat or meat products) only if:

- (a) the alteration or interference is required or permitted by this instrument; or
- (b) the person is an authorised officer or a person acting in accordance with a direction given by an authorised officer; or
- (c) the person is designated in an approved arrangement as a person who may alter or interfere with an official mark and the alteration or interference is in accordance with the arrangement; or
- (d) the Secretary has given the person a written approval to alter or interfere with an official mark at a specified registered establishment and in relation to specified meat or meat products, and the alteration or interference is in accordance with the approval.

Note 1: For how a direction may be given by an authorised officer, see section 309 of the Act.

Note 2: A person may commit an offence or be liable to a civil penalty if the person engages in conduct and the conduct has the result that an official mark applied to certain meat or meat products or documents is altered so as to be false, misleading or deceptive (see sections 261 and 262 of the Act).

8-29 Official marks must be legible and securely attached

An official mark applied to meat or meat products must be:

- (a) legible; and
- (b) securely attached.

Section 8-30

8-30 Security of official marks

A person who is in possession of an official mark that has not been applied to any meat or meat products, as permitted by section 8-25, must ensure that the official mark is stored securely.

8-31 Removal or defacement of official marks

Official marks generally

- (1) If an official mark has been applied to meat or meat products, the official mark must be removed or defaced if the meat or meat products:
 - (a) are no longer wholesome; or
 - (b) have deteriorated.

Official marks (other than Halal meat official mark, Australia Approved official mark or Australia Approved (lamb) official mark)

- (2) Without limiting subsection (1), if an official mark (other than a Halal meat official mark, an Australia Approved official mark or an Australia Approved (lamb) official mark) has been applied to a carton in which meat or meat products are packed, the official mark must be removed or defaced if it is no longer intended:
 - (a) to export the meat or meat products; or
 - (b) to export the meat or meat products in that carton.

Halal meat official marks

- (3) If a Halal meat official mark has been applied to meat or meat products, the official mark must be removed or defaced if:
 - (a) the meat or meat products are not Halal meat that has been derived from animals slaughtered in accordance with an approved arrangement covering the slaughter of animals for Halal meat; or
 - (b) the integrity of the meat or meat products as Halal meat cannot be ensured.

Foreign country identification official marks and European Union official marks

- (4) Without limiting subsection (1), if a foreign country identification official mark or a European Union official mark has been applied to meat or meat products, the official mark must be removed or defaced if the circumstances in which that mark may be applied to the meat or meat products, as specified by the relevant importing country authority, no longer exist.

Persons who may remove or deface official mark

- (5) If an official mark has been applied to meat or meat products and the official mark is required to be removed or defaced under any of subsections (1) to (4), the official mark must be removed or defaced by:
 - (a) an authorised officer or a person acting in accordance with a direction given by an authorised officer; or

Section 8-32

- (b) a person designated in an approved arrangement in accordance with which the official mark was applied to the meat or meat products as a person who may remove or deface the official mark; or
- (c) a person to whom the Secretary has given a written approval to remove or deface the official mark at a specified registered establishment and in relation to specified meat or meat products, if the official mark is removed or defaced in accordance with the approval.

Note 1: For how a direction may be given by an authorised officer, see section 309 of the Act.

Note 2: A person may commit an offence or be liable to a civil penalty if the person engages in conduct that contravenes a provision in this Division (see section 258 of the Act).

8-32 Records of official marks manufactured or supplied

The holder of an approved arrangement that covers the manufacture or supply of official marks for use at establishments that are registered for operations to prepare prescribed meat or meat products for export must:

- (a) make a daily written record stating:
 - (i) each kind of official mark manufactured on that day; and
 - (ii) the number of each kind of official mark manufactured on that day; and
- (b) make a written record stating:
 - (i) each day a consignment of official marks was supplied to an establishment that is registered for operations to prepare prescribed meat or meat products for export; and
 - (ii) each kind of official mark included in the consignment; and
 - (iii) the means used to transport the consignment.

Note: The holder of the approved arrangement must retain each record made under this section for at least 3 years (see subsection 11-10(1)).

8-33 Records of official marks received, applied, removed, defaced, destroyed or returned

The holder of an approved arrangement for operations to prepare prescribed meat or meat products for export at a registered establishment must make a written record of the following:

- (a) consignments of official marks received at the establishment;
- (b) official marks applied to meat or meat products at the establishment;
- (c) official marks removed from meat or meat products, or defaced, at the establishment;
- (d) official marks destroyed at the establishment;
- (e) official marks returned from the establishment.

Note: The holder of the approved arrangement must retain each record made under this section for at least 3 years (see subsection 11-10(2)).

Division 3—Marks resembling official marks

8-34 Purpose of this Division

For the purposes of section 256 of the Act, this Division makes provision for and in relation to marks (*resemblances*) that:

- (a) resemble an official mark specified in Division 1 of this Part; or
- (b) are apparently intended to resemble or pass for an official mark specified in Division 1 of this Part.

Note: A person may commit an offence or be liable to a civil penalty if the person engages in conduct that contravenes a provision in this Division (see section 258 of the Act).

8-35 Circumstances in which a mark resembles an official mark

A mark resembles an official mark specified in Division 1 of this Part if the mark is, in all material respects, of the same design as the official mark, but its dimensions are different from the dimensions specified for the official mark in that Division.

8-36 Persons who may apply a resemblance

A person may apply a resemblance to meat or meat products, or to goods containing meat or meat products, only if the person is designated in an approved arrangement as a person who may apply the resemblance to meat or meat products, or goods containing meat or meat products, and the application of the resemblance is in accordance with the arrangement.

Division 4—Official marking devices

8-37 Purpose of this Division

For the purposes of subsection 257(2) of the Act, this Division makes provision for and in relation to official marking devices that are capable of being used to apply an official mark specified in Division 1 of this Part to meat or meat products that are intended to be exported.

Note: A person may commit an offence or be liable to a civil penalty if the person engages in conduct that contravenes certain provisions in this Division (see section 258 of the Act).

8-38 Persons who may manufacture, supply or possess official marking devices

- (1) A person may manufacture, supply or possess an official marking device only if:
- (a) the person is an authorised officer or is acting in accordance with a direction given by an authorised officer; or
 - (b) the person is designated in an approved arrangement as a person who may manufacture, supply or possess an official marking device and the manufacture, supply or possession is in accordance with the arrangement; or
 - (c) the Secretary has given the person a written approval to manufacture, supply or possess the official marking device and the manufacture, supply or possession is in accordance with that approval.

Note: For how a direction may be given by an authorised officer, see section 309 of the Act.

- (2) This section does not apply in relation to an official mark specified in section 8-21.

8-39 Security of official marking devices

A person who is in possession of an official marking device, as permitted by section 8-38, must ensure that the official marking device is stored securely when it is not being used.

8-40 Damaged etc. official marking devices

- (1) This section applies if:
- (a) a person (other than an authorised officer) is in possession of an official marking device; and
 - (b) the person becomes aware that the official marking device is damaged or destroyed, worn or otherwise unfit for applying an official mark to meat or meat products.
- (2) The person must notify an authorised officer in writing as soon as practicable after becoming aware of that fact and retain the official marking device in a secure place until otherwise directed by an authorised officer.

Section 8-41

8-41 Records of official marking devices manufactured or supplied

A person (other than an authorised officer) who is permitted, under section 8-38, to manufacture or supply official marking devices for use at establishments that are registered for operations to prepare prescribed meat or meat products for export must:

- (a) make a daily written record stating:
 - (i) each kind of official marking device manufactured by the person on that day; and
 - (ii) the number of each kind of official marking device manufactured by the person on that day; and
 - (iii) the serial number of each official marking device manufactured by the person on that day; and
- (b) make a written record stating:
 - (i) each day official marking devices were supplied by the person to establishments that are registered for operations to prepare prescribed meat or meat products for export; and
 - (ii) the means used to transport each official marking device supplied by the person on that day.

Note: A person who is required to make a record under this section must retain the record for at least 3 years (see section 11-11).

8-42 Records of official marking devices received, used, damaged, destroyed or returned

The occupier of an establishment that is registered for operations to prepare prescribed meat or meat products for export must make a written record of the following:

- (a) official marking devices received at the establishment;
- (b) official marking devices used to apply official marks to meat or meat products at the establishment;
- (c) official marking devices damaged or destroyed at the establishment;
- (d) official marking devices returned from the establishment.

Note: The occupier of the registered establishment must retain each record made under this section for at least 3 years (see section 11-11).

Chapter 9—Powers and officials

Part 1—Audits

Division 1—General

9-1 References to audit in this Part

In this Part, a reference to an audit is a reference to an audit under Part 1 of Chapter 9 of the Act:

- (a) of export operations carried out in relation to meat or meat products; or
- (b) in relation to the performance of functions or the exercise of powers under the Act in relation to meat or meat products by a person referred to in subparagraph 267(1)(a)(i), (ii) or (v) of the Act; or
- (c) in relation to compliance by a person referred to in subparagraph 267(1)(a)(i) or (ii) of the Act with the conditions applying to the performance of functions or the exercise of powers under the Act by the person in relation to meat or meat products.

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Division 2—Conduct of audit etc.

9-2 Purpose of this Division

For the purposes of subsections 270(4) and (5) of the Act, this Division makes provision for and in relation to the following matters:

- (a) the conduct of an audit;
- (b) processes for dealing with any non-compliance with a requirement to which an audit relates;
- (c) audit reports.

9-3 Manner in which audit must be conducted

An audit must be conducted:

- (a) as expeditiously as reasonably practicable; and
- (b) in a way that results in minimal interference to the export operations, or the performance of functions or the exercise of powers under the Act, to which the audit relates.

Note: The Secretary need not give notice of an audit (see subsection 270(1) of the Act).

9-4 Notice of non-compliance with requirements

- (1) If the result of an audit of export operations under subsection 266(1) of the Act is that, in the auditor's opinion, there is, or there has been, a failure (or a combination of failures) that amounts to a non-compliance with a requirement to which the audit relates, the auditor must:

- (a) immediately after completing the audit, notify, in writing, the relevant person for the audit of the auditor's opinion; and
- (b) assess whether the failure (or combination of failures) is a critical non-compliance.

Note 1: An auditor is an authorised officer or an approved auditor (see the definition of **auditor** in section 12 of the Act).

Note 2: For the person who is the **relevant person** for an audit, see section 269 of the Act.

- (2) If, in the auditor's opinion, the failure (or combination of failures) is a critical non-compliance, the auditor must notify the Secretary, in writing, of that opinion immediately after forming it.
- (3) For the purposes of this section and section 9-5 (audit reports), a failure (or a combination of failures) to comply with a requirement to which an audit relates is a **critical non-compliance** if the failure (or combination of failures):
 - (a) results in, or is likely to result in, the export, or the preparation for export, of meat or meat products as food, the integrity of which cannot be ensured; or
 - (b) results in, or is likely to result in, the export, or the preparation for export, of meat or meat products as food that:
 - (i) are not wholesome; or
 - (ii) are not traceable; or

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- (iii) cannot be recalled if required; or
- (iv) do not meet an importing country requirement relating to the meat or meat products; or
- (c) prevents, or is likely to prevent, an accurate assessment of whether the integrity of meat or meat products exported, or prepared for export, as food can be ensured; or
- (d) prevents, or is likely to prevent, an accurate assessment of whether meat or meat products exported, or prepared for export, as food:
 - (i) are wholesome; or
 - (ii) are traceable and can be recalled if required; or
 - (iii) meet an importing country requirement relating to the meat or meat products.

9-5 Audit reports

- (1) After an auditor completes an audit, or the audit ends, the auditor must make a written report (an **audit report**) of the audit.

Note: An auditor is an authorised officer or an approved auditor (see the definition of **auditor** in section 12 of the Act).

- (2) The audit report must include the following:
- (a) the name of the auditor;
 - (b) the day the audit commenced, the day the audit was completed or ended and the total time spent (in hours) conducting the audit;
 - (c) a description of the export operations, or the matters referred to in subsection 267(1) of the Act, to which the audit relates;
 - (d) a description of the nature and scope of the audit.
- (3) The audit report must state:
- (a) whether, in the auditor's opinion:
 - (i) the audit was satisfactorily completed or the audit was ended before it could be satisfactorily completed; and
 - (ii) the requirements to which the audit relates are being, or have been, complied with; and
 - (b) the reasons for the auditor's opinion.
- (4) If the audit was of export operations and the audit identified that there is, or there has been, a failure (or a combination of failures) that amounts to a non-compliance with one or more requirements to which the audit relates, the audit report must:
- (a) describe each failure; and
 - (b) state whether, in the auditor's opinion, the failure (either by itself or in combination with other failures) is a critical non-compliance (within the meaning of subsection 9-4(3)) or has contributed to a critical non-compliance; and
 - (c) state the reasons for the auditor's opinion.
- (5) The audit report may also:
- (a) identify any risk of a potential non-compliance with a requirement to which an audit may relate; and

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- (b) include recommendations that any of the following actions be taken:
 - (i) action to address any non-compliance with a requirement to which the audit relates;
 - (ii) action to ensure that any such non-compliance does not recur;
 - (iii) action to address the risk of a potential non-compliance with a requirement to which an audit may relate;
 - (iv) action to assess the effectiveness of an action referred to in subparagraph (i), (ii) or (iii).
- (6) Within 14 business days after the audit is completed or ends, the auditor must:
 - (a) give the audit report to the Secretary in a manner approved by the Secretary; and
 - (b) give a copy of the audit report to the relevant person for the audit.

Note: For the person who is the *relevant person* for an audit, see section 269 of the Act.

Division 3—Approved auditors

9-6 Purpose of this Division

For the purposes of subsections 273(6) and (7) of the Act, this Division makes provision for and in relation to matters relating to the approval of individuals to conduct audits.

9-7 Application for approval

- (1) An individual may apply to the Secretary to approve the individual, under subsection 273(1) of the Act, to conduct audits.
- (2) An application must:
 - (a) if the Secretary has approved, in writing, a manner for making an application—be made in an approved manner; and
 - (b) if the Secretary has approved a form for making an application—include the information required by the form; and
 - (c) be accompanied by the following:
 - (i) written evidence of the applicant's qualifications;
 - (ii) a document detailing the applicant's experience to the extent that it is relevant to the work of an auditor;
 - (iii) a document setting out the procedures for the conduct of audits by the applicant;
 - (iv) if an application fee is prescribed by the *Export Control (Fees and Payments) Rules 2021*—the prescribed application fee.
- (3) An application is taken not to have been made if the application does not comply with the requirements referred to in subsection (2).

9-8 Secretary must decide whether to approve applicant to conduct audits

- (1) On receiving an application under section 9-7, the Secretary must decide:
 - (a) to approve the applicant, under subsection 273(1) of the Act, to conduct audits; or
 - (b) to refuse to approve the applicant to conduct audits.

Note: A decision to refuse to approve the applicant to conduct audits is a reviewable decision (see section 11-1 of this instrument) and the Secretary must give the applicant written notice of the decision (see section 382 of the Act).

- (2) The Secretary may approve the applicant, under subsection 273(1) of the Act, to conduct audits if the Secretary is satisfied, having regard to any matter that the Secretary considers relevant, that the following additional requirements are met:
 - (a) the applicant is a fit and proper person (having regard to the matters referred to in section 372 of the Act);
 - (b) the applicant has the necessary competency (for example, the knowledge, training, skills or experience) to conduct audits;
 - (c) audits conducted by the applicant will be objective, independent, fair and accurate;

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- (d) the applicant will comply with Division 2 of this Part in relation to audits conducted by the applicant;
 - (e) the applicant will comply with the procedures for conducting audits that are necessary to ensure that:
 - (i) the requirements referred to in paragraphs (c) and (d) are met; and
 - (ii) an accurate assessment can be made of whether the requirements referred to in those paragraphs are met.
- (3) The Secretary may refuse to approve the applicant to conduct audits if:
- (a) the applicant has a relevant Commonwealth liability that has not been paid; or
 - (b) the applicant made a statement that was false, misleading or incomplete, or for which there were no reasonable grounds:
 - (i) in the application; or
 - (ii) in a document required to be provided under the Act; or
 - (c) the applicant gave information or a document that was false, misleading or incomplete, or for which there were no reasonable grounds:
 - (i) to the Secretary or to another person performing functions or exercising powers under the Act; or
 - (ii) to the Secretary or the Department under a prescribed agriculture law.

Note: The Secretary must not approve a person to conduct audits unless the Secretary is satisfied that the person satisfies, or will satisfy, certain training and qualification requirements determined by the Secretary (see subsections 273(3) and (4) of the Act).

9-9 Dealing with applications

- (1) For the purpose of making a decision in relation to an application under section 9-7, the Secretary may request the applicant to give the Secretary further specified information or documents relevant to the application.
- (2) A request under subsection (1):
 - (a) must be in writing; and
 - (b) must specify the period within which the request must be complied with; and
 - (c) may specify the manner in which the request is to be complied with.

9-10 Conditions of approval

- (1) The Secretary may approve an applicant, under subsection 273(1) of the Act, to conduct audits subject to any conditions the Secretary considers necessary.

Note: A decision to approve the applicant to conduct audits subject to conditions is a reviewable decision (see section 11-1 of this instrument) and the Secretary must give the applicant written notice of the decision (see section 382 of the Act).
- (2) Without limiting the Secretary's power under subsection (1), the conditions of an approval under subsection 273(1) of the Act may relate to the scope of audits the approved auditor is approved to conduct, including by reference to any of the following:
 - (a) a kind of export operations;
 - (b) aspects of a kind of export operations, such as whether:

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- (i) the operations comply, have complied, or will comply with applicable requirements of the Act; or
- (ii) importing country requirements relating to operations of that kind are being, have been, or will be met; or
- (iii) the operations are being, have been, or will be carried out in accordance with an approved arrangement;
- (c) a kind of export operations carried out at a kind of place (for example, an accredited property or a registered establishment).

9-11 Notice of decision

If the Secretary approves an applicant, under subsection 273(1) of the Act, to conduct audits, the Secretary must give the applicant a written notice stating the following:

- (a) that the applicant is approved to conduct audits;
- (b) the scope of the audits covered by the approval;
- (c) the date the approval takes effect;
- (d) that the approval remains in force for 12 months unless it is revoked earlier under section 9-14 of this instrument;
- (e) any conditions of the approval imposed under section 9-10 of this instrument.

9-12 Period of effect of approval

An approval of an individual, under subsection 273(1) of the Act, to conduct audits:

- (a) takes effect on the date stated in the notice given to the individual under section 9-11 of this instrument; and
- (b) remains in force for 12 months unless it is revoked earlier under section 9-14 of this instrument.

9-13 Imposing or varying conditions of approval

- (1) If an individual is approved, under subsection 273(1) of the Act, to conduct audits, the Secretary may, if the Secretary considers it necessary to do so:
 - (a) impose conditions on the approval; or
 - (b) vary the conditions of the approval (including by imposing new conditions or removing conditions).

Note: A decision to impose conditions or vary the conditions of an approval to conduct audits is a reviewable decision (see section 11-1 of this instrument) and the Secretary must give the holder of the approval written notice of the decision (see section 382 of the Act).

- (2) If the Secretary imposes conditions on, or varies the conditions of, an individual's approval, the Secretary must give the individual a written notice stating:
 - (a) the conditions imposed or the varied conditions (including any new conditions); and
 - (b) the reason for imposing or varying the conditions; and
 - (c) the date the conditions or varied conditions take effect.

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9-14 Revocation of approval

- (1) The Secretary may revoke the approval of an individual to conduct audits if the individual requests the Secretary, in writing, to do so or the Secretary is satisfied of any of the following:
 - (a) the individual is no longer a fit and proper person (having regard to the matters referred to in section 372 of the Act);
 - (b) the individual does not have the necessary competency (for example, the knowledge, training, skills or experience) to conduct audits of the kind covered by the approval (including the conditions of the approval);
 - (c) the individual failed to show competency in conducting audits;
 - (d) an audit conducted by the individual, or an audit report given to the Secretary by the individual, was not objective, independent, fair or accurate;
 - (e) an audit conducted by the individual was not completed and the audit report did not give any reasonable explanation as to why the audit was not completed;
 - (f) an audit report given to the Secretary by the individual was incomplete;
 - (g) the individual failed to comply with a requirement prescribed by Division 2 of this Part that applied in relation to an audit conducted by the individual;
 - (h) the individual contravened a condition of the approval;
 - (i) the individual made a statement that was false, misleading or incomplete, or for which there were no reasonable grounds:
 - (i) in the application for approval; or
 - (ii) in a document required to be provided under the Act;
 - (j) the individual gave information or a document that was false, misleading or incomplete, or for which there were no reasonable grounds:
 - (i) to the Secretary or to another person performing functions or exercising powers under the Act; or
 - (ii) to the Secretary or the Department under a prescribed agriculture law.
- Note: A decision to revoke an individual's approval to conduct audits (other than at the request of the individual) is a reviewable decision (see section 11-1 of this instrument) and the Secretary must give the holder of the approval written notice of the decision (see section 382 of the Act).
- (2) For the purposes of paragraph (1)(b) or (c), the Secretary may assess the competency of an approved auditor at any time and in any way the Secretary considers appropriate.
- (3) For the purposes of paragraph (1)(d), the Secretary may consider any interests, pecuniary or otherwise, of the individual that conflict or could conflict with the conduct of an audit by the individual.
- (4) If the Secretary decides to revoke an individual's approval to conduct audits (other than at the request of the individual), the Secretary must give the individual a written notice stating:
 - (a) that the approval is to be revoked; and
 - (b) the reasons for the revocation; and
 - (c) the date the revocation is to take effect.

9-15 Register of approved auditors

- (1) The Secretary must keep a register of individuals who are approved under subsection 273(1) of the Act to conduct audits.
- (2) The register:
 - (a) may be kept at a place and in a form that the Secretary determines; and
 - (b) may be kept by electronic means; and
 - (c) must be publicly accessible.
- (3) The register must include the following information about each individual who is approved under subsection 273(1) of the Act to conduct audits:
 - (a) the individual's name;
 - (b) any conditions of the individual's approval.

9-16 Fit and proper person test*Fit and proper person test*

- (1) For the purposes of paragraph 372(1)(d) of the Act, the following provisions of this instrument are prescribed:
 - (a) section 9-8 (decision to approve an individual to conduct audits);
 - (b) section 9-14 (decision to revoke an approval of an individual to conduct audits).
- (2) For the purposes of subparagraph 372(2)(e)(v) of the Act, section 9-7 of this instrument (application by individual for approval to conduct audits) is prescribed.
- (3) For the purposes of paragraph 372(4)(b) of the Act, an approved auditor is prescribed.

Notification of conviction of offence or order to pay pecuniary penalty

- (4) For the purposes of paragraph 374(1)(g) of the Act, an approved auditor is prescribed.

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Part 2—Assessments

9-17 Circumstances in which assessment may be required or permitted

For the purposes of subsection 277(2) of the Act, the Secretary may require or permit an assessment of prescribed meat or meat products to be carried out by an assessor who is an authorised officer at any stage of operations to prepare the meat or meat products for export if the Secretary considers it is necessary to ensure that one or more objects of the Act will be met in relation to the meat or meat products.

Note: For **assessor**, see section 12 of the Act. For an assessment of prescribed meat or meat products, the assessor is an authorised officer whose functions and powers include carrying out assessments of prescribed meat or meat products under Part 2 of Chapter 9 of the Act.

Part 3—Powers of the Secretary

9-18 Decisions that may be made by operation of computer program

Kinds of decisions

- (1) For the purposes of paragraph 286(2)(a) of the Act, the following decisions may be made by the operation of a computer program (an **authorised computer program**) under an arrangement made under subsection 286(1) of the Act:
 - (a) a decision under paragraph 67(1)(a) of the Act to issue a government certificate in relation to meat or meat products;
 - (b) a decision under paragraph 225(1)(a) of the Act to issue an export permit for prescribed meat or meat products.

Persons who may use computer program

- (2) For the purposes of paragraph 286(2)(b) of the Act, the following persons may use an authorised computer program:
 - (a) the occupier of a registered establishment where operations to prepare meat or meat products for export are carried out;
 - (b) the holder of an approved arrangement for operations to prepare meat or meat products for export at a registered establishment;
 - (c) an exporter of meat or meat products;
 - (d) a person who provides services to, and is authorised in writing by, the occupier, holder or exporter referred to in paragraph (a), (b) or (c) of this subsection to use the computer program to make the decision;
 - (e) an authorised officer;
 - (f) an APS employee in the Department;
 - (g) a person performing services for the Department under a contract;if the Secretary has given the person a unique identifier to enable the person to access the computer program.

Conditions of use of computer program

- (3) For the purposes of paragraph 286(2)(c) of the Act, a person who may use an authorised computer program under subsection (2) must:
 - (a) be satisfied on reasonable grounds that information entered into the computer program by the person for the purpose of enabling decisions to be made by operation of the computer program is true and correct; and
 - (b) ensure that the information is accurately entered into the computer program.

Part 4—Authorised officers

Division 1—Third party authorised officers

9-19 Requirement to be third party authorised officer—fit and proper person etc.

Other requirements that must be met for person to be third party authorised officer

- (1) For the purposes of paragraph 291(7)(c) of the Act, it is a requirement for a person to be authorised to be a third party authorised officer whose functions and powers will include carrying out specialised inspection services in relation to meat or meat products that the person be a fit and proper person (having regard to the matters referred to in section 372 of the Act).

Fit and proper person test

- (2) For the purposes of paragraph 372(1)(d) of the Act, subsection (1) of this section is prescribed.
- (3) For the purposes of subparagraph 372(2)(e)(v) of the Act, subsection 291(3) of the Act (application by person to be third party authorised officer whose functions and powers will include carrying out specialised inspection services in relation to meat or meat products) is prescribed.
- (4) For the purposes of paragraph 372(4)(b) of the Act, a person who is a third party authorised officer whose functions and powers include carrying out specialised inspection services in relation to meat or meat products is prescribed.

Notification of conviction of offence or order to pay pecuniary penalty

- (5) For the purposes of subparagraph 374(1)(g) of the Act, a third party authorised officer whose functions and powers include carrying out specialised inspection services in relation to meat or meat products is prescribed.

Meaning of specialised inspection service

- (6) For the purposes of this section, a **specialised inspection service** in relation to meat or meat products is an inspection for the purpose of ensuring that the requirements of the Act have been or will be complied with, or importing country requirements are or will be met, in relation to:
 - (a) trade descriptions applied, or to be applied, to meat or meat products; or
 - (b) export operations carried out at an accredited property or covered by the accreditation of a property, in relation to meat or meat products; or
 - (c) meat or meat products that are derived from bovine animals sourced from an accredited property.

Division 2—Functions and powers

9-20 Purpose of this Division

For the purposes of section 300 of the Act, this Division confers functions and powers on authorised officers, or classes of authorised officers, that are necessary or convenient to be performed or exercised for the purposes of achieving the objects of the Act in relation to meat or meat products for export.

Note: An authorised officer may only perform functions or exercise powers conferred on an authorised officer by the Act that are specified in the authorised officer's instrument of authorisation (see subsection 301(1) of the Act).

9-21 Functions specified in Australian Meat Standard

An authorised officer may perform all of the functions of a meat safety inspector specified in the Australian Meat Standard.

9-22 Applying admission decisions

- (1) Subject to subsection (3), an authorised officer may apply a decision in accordance with any of clauses 6.4 to 6.9 of the Australian Meat Standard (admission decisions) to an animal that is intended to be slaughtered at a registered establishment.
- (2) An authorised officer may carry out inspections of animals that are intended to be slaughtered at a registered establishment before applying a decision referred to in subsection (1).

Note 1: See also section 6 (supply and admission of animals for slaughter) of the Australian Meat Standard.

Note 2: An authorised officer may apply a decision under this subsection subject to conditions, and may vary a decision applied under this subsection (see section 9-26 of this instrument).

- (3) If an animal has been, or may have been:
 - (a) used for trials or experiments to evaluate drugs, chemicals, biological substances or processes of genetic manipulation; or
 - (b) treated with, or exposed to, a new or unidentified drug, chemical or biological substance;an authorised officer must not decide that the animal is to be admitted to a registered establishment for slaughter unless:
 - (c) the admission is subject to conditions specified by the authorised officer; and
 - (d) the Secretary has notified the authorised officer, in writing, that the animal may be admitted subject to those conditions.

9-23 Inspections of animals for slaughter and applying ante-mortem dispositions

An authorised officer:

- (a) may carry out inspections of animals that are intended to be slaughtered at a registered establishment; and

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- (b) after inspecting an animal, must apply a disposition in accordance with any of clauses 8.8 to 8.19 of the Australian Meat Standard (ante-mortem dispositions) to the animal.

Note 1: See also section 8 (ante-mortem inspection and disposition) of the Australian Meat Standard.

Note 2: An authorised officer may apply a disposition under this section subject to conditions, and may vary a disposition applied under this section (see section 9-26 of this instrument). For example, an authorised officer may vary a disposition if, after post-mortem inspection, meat or meat products deteriorate or further information is obtained about residue levels.

9-24 Inspections of carcasses and carcase parts and applying post-mortem dispositions

- (1) An authorised officer:
 - (a) may carry out inspections of carcasses and carcase parts; and
 - (b) after carrying out an inspection, must apply a disposition to the carcasses or carcase parts in accordance with subsection (3) or (4).

Note 1: See section 10 of the Australian Meat Standard, other than clause 10.12 which is not required to be met (see subsection 4-3(2) of this instrument).

Note 2: An authorised officer may apply a disposition under this section subject to conditions, and may vary a disposition applied under this section (see section 9-26 of this instrument).

Certain inspection procedures in relation to carcase parts not required

- (2) In complying with clause 10.5 of the Australian Meat Standard, the following inspection procedures are not required 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.

Dispositions for carcasses

- (3) One of the following dispositions must be applied to carcasses:
 - (a) passed for human consumption;
 - (b) passed for human consumption and unsuitable for export;
 - (c) passed for human consumption and unsuitable for export to a specified country;
 - (d) retained for final disposition;
 - (e) unfit for human consumption and may be recovered for animal food;
 - (f) unfit for human consumption and may be recovered for pharmaceutical material;
 - (g) condemned.

Dispositions for carcase parts

- (4) One of the following dispositions must be applied to carcase parts:
 - (a) a disposition referred to in any of paragraphs (3)(a) to (g);

- (b) derived from an animal the carcase of which is passed for human consumption and the carcase parts require further treatment to be fit for human consumption.

9-25 Inspections of meat and meat products and applying dispositions

An authorised officer:

- (a) may carry out inspections of meat or meat products; and
- (b) after carrying out an inspection, must apply one of the following dispositions to the meat or meat products:
 - (i) a disposition referred to in any of paragraphs 9-24(3)(a) to (g);
 - (ii) unsuitable for export as food;
 - (iii) unsuitable for export as food to a specified country.

Note 1: An authorised officer may apply a disposition under this section subject to conditions, and may vary a disposition applied under this section (see section 9-26). For example, an authorised officer may vary a disposition applied to meat if, after being inspected, the meat deteriorates or further information is obtained about residue levels in the meat.

Note 2: See also section 9-32 (powers where integrity of meat or meat products may not be able to be ensured).

9-26 Applying decisions or dispositions subject to conditions and variation

Admission decisions or dispositions may be subject to conditions

- (1) An authorised officer may apply:
 - (a) a decision referred to in subsection 9-22(1); or
 - (b) a disposition referred to in paragraph 9-23(b), subsection 9-24(3) or (4) or paragraph 9-25(b);subject to any conditions that are necessary to achieve the objects of the Act.
- (2) Conditions to which a decision or disposition is subject under subsection (1) must be specified by the authorised officer at the time the decision or disposition is applied.

Variation of admission decisions, dispositions or conditions

- (3) If an authorised officer reasonably believes that the circumstances that led to the application of a decision or disposition referred to in subsection (1) have changed, an authorised officer may vary:
 - (a) the decision or disposition; or
 - (b) a condition (if any) to which the decision or disposition is subject.

9-27 Stopping chain of operations temporarily or controlling rate of operations

If an authorised officer reasonably believes it is necessary to do so for the purpose of:

- (a) accurately inspecting or applying a decision or disposition to an animal under section 9-22 or 9-23; or
- (b) accurately inspecting or applying a disposition to carcases or carcase parts under section 9-24; or

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- (c) accurately inspecting or applying a disposition to meat or meat products under section 9-25; or
- (d) performing any other function that is necessary to achieve the objects of the Act in relation to the animal, carcasses or carcase parts or meat or meat products;

the authorised officer may temporarily stop the chain of operations, or control the rate of operations, being carried out in relation to the animal, carcasses or carcase parts or meat or meat products.

9-28 Functions to be performed by veterinary officer, or authorised officer acting under supervision of veterinary officer

- (1) This section applies in relation to the following functions that are to be performed by an authorised officer at a registered establishment:
 - (a) assessing information in relation to an animal that is given to an authorised officer;
 - (b) inspecting animals and applying decisions or dispositions to animals;
 - (c) inspecting restricted slaughter animals, or their carcasses or carcase parts, and applying decisions or dispositions to restricted slaughter animals or their carcasses or carcase parts;
 - (d) implementing procedures for notifiable diseases.
- (2) If a veterinary officer is at the establishment, the functions referred to in paragraphs (1)(a), (b) and (c) must be performed by:
 - (a) a veterinary officer; or
 - (b) an authorised officer acting under the supervision of a veterinary officer.
- (3) If a veterinary officer is at the establishment, the function referred to in paragraph (1)(d) must be performed by a veterinary officer.

Note: For *veterinary officer*, see section 1-5.

9-29 Inspecting establishments and securing areas, facilities, equipment or other things

- (1) An authorised officer may inspect:
 - (a) an establishment, or any area of an establishment, where operations are carried out to prepare or transport meat or meat products; and
 - (b) any facilities or equipment or other things at the establishment or area of the establishment; and
 - (c) any services provided at the establishment or area of the establishment.

Note: Examples of other things that may be at an establishment or area of an establishment are vehicles or other conveyances.

- (2) If an authorised officer considers it is necessary to enable functions to be performed, or powers to be exercised, under the Act at an establishment in relation to meat or meat products that are to be, or that have been, prepared at the establishment or transported to or from the establishment, an authorised officer may secure an area of the establishment, or facilities or equipment or any other thing at the establishment, that has been, or is to be, inspected under

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subsection (1), by attaching, or applying, an identification tag or similar means of identification to the area, facilities, equipment or other thing.

- (3) An identification tag, or other means of identification, used under subsection (2) must be in a form approved by the Secretary.
- (4) A person must not remove an identification tag, or other means of identification, that has been attached or applied to an area of an establishment, or facilities, equipment or any other thing, under subsection (2) unless the person:
 - (a) is an authorised officer; or
 - (b) is acting in accordance with a direction given by an authorised officer.

Note: For how a direction may be given by an authorised officer, see section 309 of the Act.

9-30 Securing and identifying establishment or conveyance etc.

- (1) An authorised officer may secure or retain and identify, for the purpose of carrying out an assessment or an inspection, or applying a treatment or a disposition, any of the following:
 - (a) a thing found at an establishment that is used, or apparently used, for operations to prepare meat or meat products;
 - (b) a thing found in or on a conveyance that is used, or apparently used, to transport meat or meat products;
 - (c) an area of a registered establishment that is used, or apparently used, for operations to prepare meat or meat products, including any facilities or equipment or services provided in that area;
 - (d) an establishment (other than a registered establishment) that is used, or apparently used, for operations to prepare meat or meat products;
 - (e) a conveyance that is used, or apparently used, to transport meat or meat products.
- (2) For the purposes of subsection (1), a thing, an area, an establishment or a conveyance must be identified by attaching or applying an identification tag, or similar means of identification, to the thing, area, establishment or conveyance.
- (3) An identification tag, or other means of identification, used under subsection (2) must be in a form approved by the Secretary.
- (4) A person must not remove an identification tag, or other means of identification, that has been attached or applied to a thing, an area, an establishment or a conveyance under subsection (2) unless the person:
 - (a) is an authorised officer; or
 - (b) is acting in accordance with a direction given by an authorised officer.

Note: For how a direction may be given by an authorised officer, see section 309 of the Act.

9-31 Interference with identified establishment or conveyance etc.

A person must not interfere with or use any thing, area, establishment or conveyance identified under section 9-30, or move any thing or conveyance identified under section 9-30, unless the person:

- (a) is an authorised officer; or
- (b) is acting in accordance with a direction given by an authorised officer.

Section 9-32

Note: For how a direction may be given by an authorised officer, see section 309 of the Act.

9-32 Powers where integrity of prescribed meat or meat products may not be able to be ensured

- (1) If an authorised officer reasonably believes that the integrity of prescribed meat or meat products cannot be ensured, the authorised officer may apply one of the following dispositions to the meat or meat products:

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

Note 1: For example, an authorised officer may have been notified under section 5-37 by the holder of an approved arrangement for operations to prepare prescribed meat or meat products for export that the integrity of the meat or meat products cannot be ensured.

Note 2: An authorised officer may also give a direction to the holder of the approved arrangement under subsection 305(1) of the Act. See, in particular, paragraph (c) of column 2 of item 3 of the table in that subsection.

- (2) Without limiting the grounds on which an authorised officer may reasonably believe the integrity of prescribed meat or meat products covered by an approved arrangement cannot be ensured, an authorised officer may form this belief if any of the following circumstances exists:

- (a) a trade description has been applied to the meat or meat products and the trade description:
 - (i) does not comply with section 8-6 (general requirements for trade descriptions); or
 - (ii) has been altered or interfered with in contravention of subsection 250(1) or (2) of the Act;
- (b) a part of a trade description that has been applied to the meat or meat products is in a language other than English and that part is inconsistent with a part of the trade description that is in English;
- (c) an official mark has been applied to the meat or meat products and the official mark:
 - (i) was manufactured or supplied by a person other than a person who was permitted to manufacture or supply the official mark under section 8-24; or
 - (ii) was applied by a person other than a person who was permitted to apply the official mark under section 8-26; or
 - (iii) has been altered or interfered with (whether before or after it was applied) in contravention of section 8-28; or
 - (iv) does not comply with section 8-29 (official marks must be legible and securely attached); or
 - (v) was required to be removed or defaced under section 8-31 and has not been removed or defaced; or
 - (vi) was applied by a person using an official marking device that the person was not permitted to possess under section 8-38; or
 - (vii) was applied using an official marking device that was manufactured by a person other than a person who was permitted to manufacture the official marking device under section 8-38; or

Section 9-33

- (viii) was applied using an official marking device that was supplied by a person other than a person who was permitted to supply the official marking device under section 8-38;
- (d) a mark that is a resemblance (within the meaning of Division 3 of Part 3 of Chapter 8 of this instrument) has been applied to the meat or meat products in contravention of section 8-36;
- (e) a condition of the approved arrangement prescribed by a provision of any of Subdivisions D to G of Division 2 of Part 1 of Chapter 5 has not been complied with in relation to the meat or meat products in circumstances where the condition should have been complied with before the integrity of the meat or meat products was called into question.

Note 1: For *applied* in relation to an official mark, see subsection 8-23(1) of this instrument.

Note 2: For *applied* in relation to a trade description, see section 247 of the Act.

Note 3: Subdivisions D to G of Division 2 of Part 1 of Chapter 5 (approved arrangements) deal with trade descriptions, official marks, segregation, identification, security, traceability and integrity, and transfers.

9-33 Giving certificate of condemnation

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

- (a) the animal, or carcase or carcase part, has been condemned at a registered establishment; and
- (b) the holder of the approved arrangement covering export operations carried out in relation to the animal, or carcase or carcase part, at the registered establishment gives the authorised officer a written request for the certificate within 30 days after the day the animal, or carcase or carcase part, was condemned; and
- (c) the authorised officer is satisfied that the holder of the approved arrangement has records that enable the authorised officer to verify the ownership of the animal, or carcase or carcase part.

Section 9-34

Division 3—Directions to deal with non-compliance with the Act etc.

9-34 Other grounds for giving direction

For the purposes of item 8 of the table in subsection 305(1) of the Act:

- (a) each person (a **relevant person**) referred to in column 1 of an item in the following table is prescribed; and
- (b) each ground referred to in column 2 of that item is prescribed in relation to the relevant person prescribed by that item.

Directions to deal with non-compliance with the requirements of the Act etc.		
Item	Column 1 Relevant person	Column 2 Grounds for giving direction
1	The applicant for a government certificate in relation to prescribed meat or meat products	Any of the following: (a) some or all of the meat or meat products do not comply, or are not likely to comply, with a requirement of the Act that applies in relation to the meat or meat products; (b) some or all of the meat or meat products do not meet, or are not likely to meet, an importing country requirement relating to the meat or meat products; (c) a matter to be stated in the government certificate in relation to the meat or meat products is not true and correct
2	The holder of a government certificate in relation to prescribed meat or meat products	Any of the following: (a) some or all of the meat or meat products do not comply, or are not likely to comply, with a requirement of the Act that applies in relation to the meat or meat products; (b) some or all of the meat or meat products do not meet, or are not likely to meet, an importing country requirement relating to the meat or meat products; (c) a matter to be stated in the government certificate in relation to the meat or meat products is not true and correct
3	The applicant for an export permit for prescribed meat or meat products	Either of the following: (a) some or all of the meat or meat products are not wholesome or have deteriorated; (b) it is likely that the integrity of some or all of the meat or meat products cannot be ensured
4	The holder of an export permit for prescribed meat or meat products	Either of the following: (a) some or all of the meat or meat products are not wholesome or have deteriorated; (b) it is likely that the integrity of some or all of the meat or meat products cannot be ensured

Division 4—Miscellaneous

9-35 Circumstances in which identity card need not be carried

For the purposes of subsection 306(5) of the Act, an identity card need not be carried in an establishment, or a part of an establishment, if:

- (a) it would be unsafe or unhygienic to do so; or
- (b) there would be a risk of the card, or of meat or meat products, being contaminated.

Section 10-1

Chapter 10—Compliance and enforcement

10-1 Samples taken in exercising monitoring or investigation powers

If a sample is taken as permitted by paragraph 327(2)(a) of the Act (additional monitoring power) or subsection 330(2) of the Act (additional investigation power), the sample must be:

- (a) identified with a mark or a tag; and
- (b) kept in the custody or control of an authorised officer until whichever of the following first occurs:
 - (i) the sample is destroyed during testing or analysis in accordance with section 412 of the Act;
 - (ii) the sample is given to an analyst appointed under section 413 of the Act;
 - (iii) the sample is otherwise disposed of.

10-2 Dealing with things seized in exercising investigation powers

If a thing has been seized at premises that have been entered under an investigation warrant or under subsection 347(1) of the Act, the thing must be:

- (a) identified with a mark or a tag; and
- (b) kept in the custody or control of an authorised officer until whichever of the following first occurs:
 - (i) the thing is given to an analyst appointed under section 413 of the Act;
 - (ii) the thing is destroyed during testing or analysis in accordance with section 412 of the Act;
 - (iii) the thing is forfeited in accordance with subsection 416(1) of the Act;
 - (iv) the thing is destroyed or otherwise disposed of in accordance with section 418 of the Act;
 - (v) the thing is returned in accordance with subsection 66(4) of the Regulatory Powers Act;
 - (vi) the thing is disposed of in accordance with section 68 of the Regulatory Powers Act.

Note: Subsection 347(1) of the Act provides for entry, in certain circumstances, to premises that are, or that form part of, an accredited property or a registered establishment.

Chapter 11—Miscellaneous

Part 1—Review of decisions

11-1 Reviewable decisions

For the purposes of subsection 381(2) of the Act:

- (a) each decision referred to in column 1 of an item in the following table is a reviewable decision; and
- (b) the person referred to in column 3 of that item is the relevant person for the reviewable decision.

Reviewable decisions			
Item	Column 1 Reviewable decision	Column 2 Provision of this instrument under which the reviewable decision is made	Column 3 Relevant person for the reviewable decision
1	To determine a new allocation of meat inspection services to an establishment	Subsection 4-29(1) or paragraph 4-33(6)(b)	The occupier of the establishment
2	To refuse to vary the allocation of meat inspection services to an establishment	Paragraph 4-30(5)(b)	The occupier of the establishment
3	To refuse to allocate additional meat inspection services to an establishment	Paragraph 4-31(8)(b)	The occupier of the establishment
4	To refuse to approve an individual to conduct audits	Paragraph 9-8(1)(b)	The individual who applied for the approval
5	To approve an individual to conduct audits subject to conditions	Subsection 9-10(1)	The individual who applied for the approval
6	To impose conditions on, or vary the conditions of, an approval of an individual to conduct audits	Subsection 9-13(1)	The individual who is approved
7	To revoke the approval of an individual to conduct audits (other than at the request of the individual)	Subsection 9-14(1)	The individual whose approval has been revoked

Section 11-2

Part 2—Records

11-2 Purpose of this Part

For the purposes of subsections 408(1) and (2) of the Act, this Part makes provision for and in relation to the retention of records in relation to meat or meat products.

Note: A person may commit an offence of strict liability if the person is required to retain a record in accordance with a provision of this Part and the person fails to comply with the requirement (see subsection 408(3) of the Act).

11-3 General requirements for records

- (1) A record that is required to be retained under this Part in relation to meat or meat products must be:
 - (a) in English; and
 - (b) if the record was required to be in another language to meet importing country requirements—in that other language; and
 - (c) dated; and
 - (d) accurate, legible and able to be audited.
- (2) If a person is required to retain a document under this Part, the person is taken to have complied with the requirement if:
 - (a) the person is required, under a law of the Commonwealth or a State or Territory or in accordance with ordinary commercial practice, to give the document to another person; and
 - (b) the person gives the document to the other person as required; and
 - (c) the person retains a copy of the document.

11-4 Government certificates

- (1) A person to whom a government certificate in relation to meat or meat products is issued under the Act must retain the certificate in a secure place when it is not being used.
- (2) Subsection (1) does not apply in relation to a government certificate that was issued by electronic means.

11-5 Export permits

- (1) A person to whom an export permit for prescribed meat or meat products is issued under the Act must retain the export permit in a secure place when it is not being used.
- (2) Subsection (1) does not apply in relation to an export permit that was issued by electronic means.

Section 11-6

11-6 Records to be retained by exporter

- (1) An exporter of prescribed meat or meat products must retain the following records:
 - (a) each declaration given to the exporter under subsection 5-16(2);
 - (b) each application by the exporter for an export permit for prescribed meat or meat products;
 - (c) each other document:
 - (i) that is made by the exporter or that comes into the exporter's possession; and
 - (ii) that is relevant to showing whether the exporter has complied, or is complying, with the applicable requirements of the Act.
- (2) The exporter must retain each record referred to in subsection (1) for at least 2 years starting on the day the record is made by the exporter or comes into the exporter's possession (as the case may be).

11-7 Records to be retained by manager of accredited property

- (1) The manager of an accredited property must retain each document:
 - (a) that is made by the manager or that comes into the manager's possession; and
 - (b) that is relevant to showing for the purposes of an audit under Part 1 of Chapter 9 of the Act:
 - (i) whether the requirements prescribed by Division 1 of Part 2 of Chapter 3 of this instrument for the property are continuing to be met; or
 - (ii) whether the conditions of the accreditation of the property have been, and are being, complied with.
- (2) The manager of the accredited property must retain each record referred to in subsection (1) for at least 2 years starting on the day the record is made by the manager or comes into the manager's possession (as the case may be).

11-8 Records to be retained by occupier of registered establishment

- (1) The occupier of a registered establishment must retain each document:
 - (a) that is made by the occupier or that comes into the occupier's possession; and
 - (b) that is relevant to showing whether the occupier has complied, or is complying, with the applicable requirements of the Act (including whether the conditions of the registration of the establishment have been, and are being, complied with).
- (2) The occupier of the registered establishment must retain each record referred to in subsection (1) for at least 2 years starting on the day the record is made by the occupier or comes into the occupier's possession (as the case may be).

Section 11-9

11-9 Records to be retained by holder of approved arrangement

- (1) The holder of an approved arrangement for a kind of export operations in relation to prescribed meat or meat products must retain each document:
 - (a) that is made by the holder or that comes into the holder's possession; and
 - (b) that is relevant to showing whether the holder has complied, or is complying, with:
 - (i) the applicable requirements of the Act; and
 - (ii) the approved arrangement; and
 - (iii) the conditions of the approved arrangement.

Note: For example, an Islamic organisation that holds an approved arrangement for Halal meat certification operations must retain each record made under subsections 5-58(2) (verification of compliance), 5-59(2) (action to address non-compliance) and 5-60(3) (internal audits and management reviews).

- (2) The holder of the approved arrangement must retain each record referred to in subsection (1) for at least 2 years starting on the day the record is made by the holder or comes into the holder's possession (as the case may be).

11-10 Records relating to official marks

Official marks manufactured or supplied

- (1) The holder of an approved arrangement that covers the manufacture or supply of official marks for use at establishments that are registered for operations to prepare meat or meat products for export must retain each record made under section 8-32 for at least 3 years after making it.

Official marks received, applied, removed, defaced, destroyed or returned

- (2) The holder of an approved arrangement for operations to prepare prescribed meat or meat products for export at a registered establishment must retain each record made under section 8-33 for at least 3 years after making it.

11-11 Records relating to official marking devices

A person who is required to make a record under section 8-41 or 8-42 must retain each record made under that section for at least 3 years after making it.

11-12 Records must not be altered or defaced during retention period

- (1) A record that is retained as required under this Part must not be altered or defaced during the period (the **retention period**) in which it is required to be retained.
- (2) However, subsection (1) does not prevent notations or markings being made on the record in accordance with ordinary practice.
- (3) If the record (the **original record**) is altered or defaced during the retention period, the person who is required to retain the original record must also retain, during the retention period, each document:
 - (a) that the person creates or that comes into the person's possession; and

Section 11-12

(b) that shows how the original record was altered or defaced.

Section 11-13

Part 3—Samples

11-13 Storage of samples

- (1) For the purposes of section 411 of the Act, a sample that may be tested or analysed under the Act must be held under conditions that are unlikely to affect the result of any testing or analysis of the sample.
- (2) Subsection (1) does not apply in relation to a sample that may be tested or analysed in the performance of functions or duties or the exercise of powers under Chapter 10 of the Act (compliance and enforcement) or the Regulatory Powers Act.

Part 4—Damaged or destroyed meat or meat products

11-14 Division of compensation between owners

For the purposes of paragraph 420(2)(b) of the Act, compensation in respect of meat or meat products that are owned by 2 or more owners must be divided among those owners so that each owner is paid an amount of compensation that is equal to the proportion that the Secretary is satisfied represents the owner's interest in the meat or meat products at the time the meat or meat products were damaged or destroyed.

11-15 Amount of compensation

Damaged meat or meat products

- (1) For the purposes of subsection 420(5) of the Act, the amount of compensation payable under subsection 419(1) of the Act in respect of meat or meat products that are damaged by a person in the course of performing functions or duties, or exercising powers, under the Act is the lesser of the following amounts:
 - (a) the amount that the Secretary determines was the market value of the meat or meat products immediately before they were damaged;
 - (b) the cost to repair the damage.

Note: Subsection 419(2) of the Act provides that compensation is not payable in respect of goods that are damaged as a result of samples of the goods being taken:

- (a) during an audit conducted in relation to the goods under Part 1 of Chapter 9 of the Act; or
- (b) during an assessment of the goods under Part 2 of Chapter 9 of the Act; or
- (c) as permitted by subsection 327(2) or 330(2) of the Act.

Destroyed meat or meat products

- (2) For the purposes of subsection 420(5) of the Act, the amount of compensation payable under subsection 419(1) of the Act in respect of meat or meat products that are destroyed under the Act is the amount that the Secretary determines was the market value of the meat or meat products immediately before they were destroyed.

Section 11-16

Part 5—Relevant Commonwealth liabilities

11-16 Circumstances in which relevant Commonwealth liability of a person is taken to have been paid

Purpose of this section

- (1) For the purposes of section 431 of the Act, this section prescribes circumstances in which a relevant Commonwealth liability of a person is taken to have been paid for the purposes of any of the following provisions of the Act (a **relevant provision**):
- (a) paragraph 79(2)(a) (accreditation of property);
 - (b) paragraph 84(2)(b) (renewal of accreditation of property);
 - (c) paragraph 112(2)(b) (registration of establishment);
 - (d) paragraph 117(2)(b) (renewal of registration of establishment);
 - (e) paragraph 151(2)(b) (approval of proposed arrangement);
 - (f) paragraph 156(2)(b) (renewal of approved arrangement);
 - (g) paragraph 161(3)(a) (variation of approved arrangement);
 - (h) paragraph 191(2)(b) (grant of export licence);
 - (i) paragraph 196(2)(b) (renewal of export licence);
 - (j) paragraph 199(3)(a) (variation of export licence).

Note: For **relevant Commonwealth liability**, see section 12 of the Act.

Payment undertaking may be given

- (2) A relevant Commonwealth liability of a person is taken to have been paid for the purposes of a relevant provision if:
- (a) the person, or another person, has given a written undertaking (a **payment undertaking**) to the Secretary to pay the amount of the relevant Commonwealth liability; and
 - (b) the payment undertaking includes a term that the relevant Commonwealth liability is to be reduced by each amount paid in accordance with the undertaking; and
 - (c) the Secretary has accepted the payment undertaking, having considered the following matters:
 - (i) the financial position of the person who gave the payment undertaking;
 - (ii) the nature and likely cost of the export operations to which a decision under the relevant provision relates;
 - (iii) whether the person who gave the payment undertaking will be able to comply with the undertaking and, if applicable, meet the cost of the export operations referred to in subparagraph (ii);
 - (iv) any other relevant considerations.
- (3) A payment undertaking may be given by a person in relation to:
- (a) a relevant Commonwealth liability of the person; or

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- (b) a relevant Commonwealth liability of another person.

Payment undertaking may relate to 2 or more relevant Commonwealth liabilities

- (4) A single payment undertaking may relate to 2 or more relevant Commonwealth liabilities.

- (5) If:

- (a) a payment undertaking relates to 2 or more relevant Commonwealth liabilities; or
- (b) a person has given 2 or more payment undertakings in relation to different relevant Commonwealth liabilities of the person or of another person;

the Secretary may determine the order in which payments are to be applied to reduce the outstanding relevant Commonwealth liabilities.

Variation of payment undertaking

- (6) A payment undertaking may be varied at any time by agreement between the Secretary and the person who gave the undertaking.
- (7) The Secretary may agree to a variation of a payment undertaking if:
- (a) having considered the matters referred to in paragraph (2)(c), the Secretary considers the variation is appropriate; and
 - (b) the variation does not reduce the amount of any relevant Commonwealth liability covered by the undertaking that has not been paid.

Section 12-1

Chapter 12—Transitional provisions

Part 1—Preliminary

12-1 Definitions

In this Chapter:

commencement time means the time when section 3 of the *Export Control Act 2020* commences.

old Export Control (General) Order means the *Export Control (Prescribed Goods—General) Order 2005*, as in force immediately before the commencement time.

old Export Control (Meat) Orders means the *Export Control (Meat and Meat Products) Orders 2005*, as in force immediately before the commencement time.

Part 2—Registered establishments: meat inspection services

12-2 Allocations of inspection services in effect immediately before commencement time

- (1) This section applies if an allocation of inspection services for a registered establishment under Part 1 of Schedule 10 to the old Export Control (Meat) Orders was in effect immediately before the commencement time.
- (2) The allocation continues to have effect after the commencement time as if it were an allocation of meat inspection services to the registered establishment under Division 1 of Part 6 of Chapter 4 of this instrument.

12-3 Application for inspection services not decided, or notice of decision not given, before commencement time

- (1) This section applies in relation to an application for inspection services for a registered establishment that had been made under paragraph 1.1(b) of Schedule 10 to the old Export Control (Meat) Orders if:
 - (a) no decision on the application had been made before the commencement time; or
 - (b) a decision on the application had been made before the commencement time but written notice of the decision had not been given to the applicant before that time.

Decision not made before commencement time

- (2) If no decision on the application had been made before the commencement time:
 - (a) the application is taken after the commencement time to be an application made under section 4-22 of this instrument for a preliminary allocation of meat inspection services to the registered establishment; and
 - (b) subsections 4-22(2) and (3) do not apply in relation to the application.

Decision made before commencement time but notice not given before that time

- (3) If a decision on the application had been made before the commencement time but written notice of the decision had not been given to the applicant before that time:
 - (a) the decision is taken after the commencement time to be a determination of the preliminary allocation of meat inspection services to the establishment under subsection 4-23(1) of this instrument; and
 - (b) the Secretary must, as soon as practicable after the commencement time, give the applicant written notice in accordance with section 4-24 of this instrument.

Note: For the procedure following notice of preliminary allocation, see section 4-25 of this instrument.

Section 12-4

12-4 Notice of preliminary determination of allocation given before commencement time

- (1) This section applies if:
 - (a) the Secretary had given written notice of a preliminary determination of the allocation of inspection services to the occupier of a registered establishment under subclause 3.1 of Schedule 10 to the old Export Control (Meat) Orders; and
 - (b) before the commencement time, neither of the following had happened:
 - (i) completion by the Secretary and the occupier of a memorandum of agreed intent under subclause 4.1 of that Schedule;
 - (ii) application by the occupier to the Secretary under subclause 5.1 of that Schedule for the establishment of a committee to review the preliminary determination.
- (2) The notice continues to have effect after the commencement time as if it were a written notice stating the preliminary allocation of meat inspection services to the registered establishment given to the occupier under subsection 4-24(1) of this instrument.

Note: For the procedure following notice of preliminary allocation, see section 4-25 of this instrument.

12-5 Preliminary determination of allocation agreed before commencement time

- (1) If the Secretary and the occupier of a registered establishment had completed a memorandum of agreed intent under subclause 4.1 of Schedule 10 to the old Export Control (Meat) Orders, the memorandum of agreed intent continues to have effect after the commencement time as if it had been completed under subsection 4-25(1) of this instrument.
- (2) A determination of the Secretary that had been deemed to be a memorandum of agreed intent under subclause 5.2 of Schedule 10 to the old Export Control (Meat) Orders continues to have effect after the commencement time as if it had been taken to be a memorandum of agreed intent between the Secretary and the occupier of the registered establishment under subsection 4-25(2) of this instrument.

12-6 Revised determination made, but notice not given, before commencement time

- (1) This section applies if the Secretary had made a revised determination of the allocation of inspection services for a registered establishment under subclause 6.1 of Schedule 10 to the old Export Control (Meat) Orders but written notice of the revised determination had not been given to the occupier of the establishment before the commencement time.
- (2) The determination is taken after the commencement time to be a determination of a revised allocation of meat inspection services to the registered establishment under paragraph 4-26(2)(a) of this instrument.
- (3) The Secretary must, as soon as practicable after the commencement time, give the occupier of the registered establishment written notice of the determination.

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- (4) The notice given under subsection (3) has effect as if it had been given under paragraph 4-26(2)(b) of this instrument.

Note: For the procedure following notice of a revised allocation, see section 4-27 of this instrument.

12-7 Notice of revised determination of inspection services given before commencement time

- (1) This section applies if:
- (a) the Secretary had given the occupier of a registered establishment written notice of a revised determination under subclause 6.1 of Schedule 10 to the old Export Control (Meat) Orders; and
 - (b) before the commencement time, neither of the following had happened:
 - (i) completion by the Secretary and the occupier of a memorandum of agreed intent under subclause 7.1 of that Schedule;
 - (ii) application by the occupier to the Secretary under subclause 8.1 of that Schedule for the establishment of a committee to review the revised determination.
- (2) The notice continues to have effect after the commencement time as if it were a written notice stating the revised allocation of meat inspection services to the establishment given to the occupier under subsection 4-26(2) of this instrument.

Note: For the procedure following notice of a revised allocation, see section 4-27 of this instrument.

12-8 Revised determination of allocation agreed before commencement time

If the Secretary and the occupier of a registered establishment had completed a memorandum of agreed intent under subclause 7.1 of Schedule 10 to the old Export Control (Meat) Orders, the memorandum of agreed intent continues to have effect after the commencement time as if it had been completed under subsection 4-27(2) of this instrument.

12-9 Application for review committee made, but committee not established, before commencement time

Review of preliminary determination

- (1) If:
- (a) an application had been made under subclause 5.1 of Schedule 10 to the old Export Control (Meat) Orders to establish a committee to review a preliminary determination of the Secretary; and
 - (b) the Secretary had not established the committee before the commencement time;

the application is taken after the commencement time to be an application made under subsection 4-25(3) of this instrument to establish a committee to review the determination.

Review of revised determination

- (2) If:

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- (a) an application had been made under subclause 8.1 of Schedule 10 to the old Export Control (Meat) Orders to establish a committee to review a revised determination of the Secretary; and
- (b) the Secretary had not established the committee before the commencement time;

the application is taken after the commencement time to be an application made under subsection 4-27(4) of this instrument to establish a committee to review the determination.

12-10 Committee review in progress before commencement time

- (1) This section applies if:
 - (a) a committee had been established under subclause 9.1 of Schedule 10 to the old Export Control (Meat) Orders to review a determination, or a revised determination, of the Secretary of the allocation of inspection services for a registered establishment; and
 - (b) either:
 - (i) the committee had not completed the review before the commencement time; or
 - (ii) the committee had completed the review but no recommendation had been made to the Secretary before the commencement time.

No review before commencement time

- (2) If the committee had not completed the review before the commencement time, the committee must after the commencement time complete the review and give a written recommendation to the Secretary on the appropriate allocation of meat inspection services to the establishment as if Part 1 of Schedule 10 to the old Export Control (Meat) Orders were still in force.

Review but no recommendation before commencement time

- (3) If the committee had completed the review but no recommendation had been made to the Secretary before the commencement time, the committee must as soon as practicable give a written recommendation to the Secretary on the appropriate allocation of meat inspection services to the establishment.
- (4) A recommendation given to the Secretary under this section is taken to be a recommendation given to the Secretary under subsection 4-28(4) of this instrument.

12-11 Determination reconsidered, but notice not given, before commencement time

- (1) This section applies if the Secretary had determined the allocation of inspection services for a registered establishment under subclause 11.1 of Schedule 10 to the old Export Control (Meat) Orders but written notice informing the occupier of the establishment of the decision had not been given under subclause 12.1 of that Schedule before the commencement time.
- (2) The determination is taken after the commencement time to be a determination under subsection 4-29(1) of this instrument.

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Note: A determination under subsection 4-29(1) of this instrument replaces any earlier determination of the Secretary of an allocation of meat inspection services to the establishment and is taken to be a memorandum of agreed intent between the Secretary and the occupier of the establishment (see subsection 4-29(3) of this instrument).

- (3) The Secretary must, as soon as practicable after the commencement time, give the occupier written notice of the decision in accordance with subsections 4-29(4) and (5) of this instrument.

Note: A decision under subsection 4-29(1) of this instrument to determine a new allocation of meat inspection services to an establishment is a reviewable decision (see section 11-1 of this instrument and Part 2 of Chapter 11 of the Act).

12-12 Application to alter inspection services not decided before commencement time

- (1) This section applies in relation to an application to alter an allocation of inspection services that had been made under subclause 19.1 of Schedule 10 to the old Export Control (Meat) Orders if no decision on the application had been made before the commencement time.
- (2) The application is taken after the commencement time to be an application made under subsection 4-30(1) of this instrument to vary an allocation of meat inspection services.
- (3) Subsections 4-30(2) to (4) of this instrument do not apply in relation to the application.

12-13 Application for additional inspection services not decided before commencement time

- (1) This section applies in relation to an application for inspection services in addition to an allocation of inspection services that had been made under subclause 20.1 of Schedule 10 to the old Export Control (Meat) Orders if no decision on the application had been made before the commencement time.
- (2) The application is taken after the commencement time to be an application made under section 4-31 of this instrument for additional meat inspection services.
- (3) The application is taken to be an application for additional meat inspection services to be allocated as follows:
- (a) if the applicant's allocation of inspection services immediately before the commencement time had been on an annual basis—on a monthly or a weekly basis;
 - (b) if the applicant's allocation of inspection services immediately before the commencement time had been on a monthly basis—on a weekly basis;
 - (c) if the applicant's allocation of inspection services immediately before the commencement time had been on a weekly basis—on a weekly or daily basis;
 - (d) if the applicant's allocation of inspection services immediately before the commencement time had been on a daily basis—on a daily basis;
 - (e) if the applicant's allocation of inspection services immediately before the commencement time had been on an hourly basis—on an hourly basis.

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- (4) Subsections 4-31(2) to (7) of this instrument do not apply in relation to the application.

12-14 Notice of termination of additional inspection services given before commencement time

- (1) This section applies if:
- (a) an occupier of a registered establishment had given written notice under subclause 21.1 of Schedule 10 to the old Export Control (Meat) Orders to terminate additional inspection services, or any part of additional inspection services, allocated to the establishment; and
 - (b) the period of the notice had not ended before the commencement time.
- (2) The notice continues to have effect after the commencement time as if it were a notice given by the occupier under section 4-34 of this instrument and the Secretary must terminate the additional meat inspection services, or the part of the additional meat inspection services, at the end of the period specified in the notice.

12-15 Notice of shutdown given before commencement time

- (1) This section applies if:
- (a) an occupier of a registered establishment had given written notice under subclause 22.1 of Schedule 10 to the old Export Control (Meat) Orders that inspection services were not required for a period of shutdown specified in the notice; and
 - (b) the period specified in the notice had not ended before the commencement time.
- (2) The notice continues to have effect after the commencement time as if it were a notice given by the occupier under section 4-32 of this instrument.

12-16 Variation of allocation for change of circumstance not advised before commencement time

- (1) This section applies if the Secretary had varied the allocation of inspection services for a registered establishment under subclause 23.1 of Schedule 10 to the old Export Control (Meat) Orders but the Secretary had not advised the occupier of the establishment of the variation before the commencement time.
- (2) The variation of the allocation is taken after the commencement time to be a variation of the allocation of meat inspection services to the establishment under subsection 4-33(2) of this instrument.
- (3) The Secretary must, as soon as practicable after the commencement time, give the occupier written notice of the variation in accordance with subsection 4-33(3) of this instrument.

12-17 Disputed allocation not decided before commencement time

- (1) This section applies in relation to an application under subclause 24.1 of Schedule 10 to the old Export Control (Meat) Orders for reconsideration of a

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variation of the allocation of inspection services if no decision on the application had been made before the commencement time.

- (2) The application is taken after the commencement time to be an application made under subsection 4-33(4) of this instrument for reconsideration of the varied allocation.

12-18 Notice of reconsideration of disputed allocation not given before commencement time

- (1) This section applies if the Secretary had determined the allocation of inspection services for a registered establishment under subclause 24.3 of Schedule 10 to the old Export Control (Meat) Orders but written notice of the determination had not been given under subclause 26.1 of that Schedule before the commencement time.
- (2) The determination is taken to be a determination under paragraph 4-33(6)(b) of this instrument.
- (3) The Secretary must give the occupier of the establishment written notice of the determination in accordance with paragraph 4-33(7)(b) of this instrument.

Note: A decision under paragraph 4-33(6)(b) of this instrument to determine a new allocation of meat inspection services to an establishment is a reviewable decision (see section 11-1 of this instrument and Part 2 of Chapter 11 of the Act).

Part 3—Approved arrangements

12-19 Information and declarations given before commencement time

- (1) This section applies if information and declarations had been given under subclause 8.1 of Schedule 7 to the old Export Control (Meat) Orders to a consignee that is the occupier of a registered establishment in relation to meat or meat products that were at the registered establishment immediately before the commencement time.
- (2) At the commencement time:
 - (a) the information and declarations are taken to be the information and declarations required to be given to the occupier of the registered establishment by section 5-38 of this instrument in relation to the meat or meat products; and
 - (b) the information and declarations are taken to have been given in accordance with paragraph 5-38(2)(b) of this instrument.

Part 4—Other matters relating to export

Division 1—Trade descriptions

12-20 Request for translation not complied with before commencement time

If an authorised officer had given a person written notice under suborder 91.1 of the old Export Control (Meat) Orders requesting a translation of part of a trade description or other information and the request had not been complied with before the commencement time, the notice continues to have effect after the commencement time as if it were a request given to the person under subsection 8-7(3) of this instrument.

Division 2—Official marks

12-21 Person approved before commencement time to manufacture an official mark

- (1) This section applies in relation to a person who, immediately before the commencement time, was approved by the Secretary under subsection 13.18(2) of the old Export Control (General) Order to manufacture an official mark in relation to prescribed meat or meat products.
- (2) The person is taken, at the commencement time, to have been given a written approval by the Secretary under paragraph 8-24(c) of this instrument to manufacture or supply the official mark at a registered establishment in relation to prescribed meat or meat products.

12-22 Person approved before commencement time to possess an official mark

- (1) This section applies in relation to a person who, immediately before the commencement time, was approved by the Secretary under paragraph 13.18(3)(e) of the old Export Control (General) Order as a person who may possess an official mark (other than an official mark that has been applied to goods) in a specified registered establishment in relation to prescribed meat or meat products.
- (2) The person is taken, at the commencement time, to have been given a written approval by the Secretary under paragraph 8-25(d) of this instrument to possess the official mark at the registered establishment in relation to prescribed meat or meat products.

12-23 Person approved before commencement time to apply an official mark

- (1) This section applies in relation to a person who, immediately before the commencement time, was approved by the Secretary under paragraph 13.18(3)(e) of the old Export Control (General) Order as a person who may apply an official mark in a specified registered establishment in relation to prescribed meat or meat products.
- (2) The person is taken, at the commencement time, to have been given a written approval by the Secretary under paragraph 8-26(2)(d) of this instrument to apply the official mark at the registered establishment in relation to prescribed meat or meat products.

Division 3—Official marking devices

12-24 Person approved before commencement time to manufacture an official marking device

- (1) This section applies in relation to a person who, immediately before the commencement time, was a person approved by the Secretary under subsection 13.18(2) of the old Export Control (General) Order to manufacture an official marking device that is capable of being used to apply an official mark to prescribed meat or meat products.
- (2) The person is taken, at the commencement time, to have been given a written approval by the Secretary under paragraph 8-38(1)(c) of this instrument to manufacture or supply the official marking device.

12-25 Person approved before commencement time to possess an official marking device

- (1) This section applies in relation to a person who, immediately before the commencement time, was a person approved by the Secretary under subsection 13.18(2) of the old Export Control (General) Order to possess an official marking device that is capable of being used to apply an official mark to prescribed meat or meat products.
- (2) The person is taken, at the commencement time, to have been given a written approval by the Secretary under paragraph 8-38(1)(c) of this instrument to possess the official marking device.

Part 5—Powers and officials

Division 1—Approved auditors

12-26 Application for approval as auditor not decided, or notice of decision not given, before commencement time

- (1) This section applies in relation to an application to the Secretary by an individual for approval as an approved auditor that had been made under subclause 2.1 of Schedule 9 to the old Export Control (Meat) Orders if:
 - (a) no decision on the application had been made before the commencement time; or
 - (b) a decision on the application had been made before the commencement time but written notice of the decision had not been given to the applicant before that time.

Decision not made before commencement time

- (2) If no decision on the application had been made before the commencement time:
 - (a) the application is taken after the commencement time to be an application made under subsection 9-7(1) of this instrument to the Secretary to approve the individual, under subsection 273(1) of the Act, to conduct audits; and
 - (b) subsections 9-7(2) and (3) of this instrument do not apply in relation to the application.

Decision made before commencement time but notice not given before that time

- (3) If a decision on the application had been made before the commencement time but the Secretary had not notified the applicant of the decision before that time, the Secretary must, as soon as practicable after that time, give the applicant written notice of the decision.
- (4) If the decision referred to in subsection (3) was to approve the applicant as an approved auditor:
 - (a) the decision is taken to be a decision under paragraph 9-8(1)(a) of this instrument; and
 - (b) the Secretary must give the applicant a written notice in accordance with section 9-11 of this instrument.
- (5) If the decision referred to in subsection (3) was to refuse to approve the applicant as an approved auditor, the decision is taken to be a decision under paragraph 9-8(1)(b) of this instrument.

Note: A decision under paragraph 9-8(1)(b) of this instrument to refuse to approve the applicant to conduct audits is a reviewable decision (see section 11-1 of this instrument) and the Secretary must give the applicant written notice of the decision (see section 382 of the Act).

12-27 Request for further information not complied with before commencement time

- (1) If the Secretary had requested an applicant for approval as an approved auditor to provide further specified information or documents under subclause 3.1 of Schedule 9 to the old Export Control (Meat) Orders and the request had not been complied with before the commencement time, the request must be complied with after the commencement time as if it were a request made by the Secretary under subsection 9-9(1) of this instrument.
- (2) If the request did not specify the period within which the request must be complied with, it must be complied with as soon as practicable.

12-28 Decision to revoke approval as auditor decided, but notice not given, before commencement time

- (1) If the Secretary had made a decision under subclause 11.1 of Schedule 9 to the old Export Control (Meat) Orders to revoke the approval of a person as an approved auditor but had not notified the person of the decision before the commencement time, the Secretary must, as soon as practicable after that time, give the person written notice of the decision.
- (2) The decision is taken to be a decision under subsection 9-14(1) of this instrument.

Note: A decision under subsection 9-14(1) of this instrument to revoke an individual's approval to conduct audits (other than at the request of the individual) is a reviewable decision (see section 11-1 of this instrument) and the Secretary must give the holder of the approval written notice of the decision (see section 382 of the Act).

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Division 2—Decisions and dispositions

12-29 Written advice about admission of animal for slaughter given, but animal not admitted, before commencement time

- (1) This section applies if:
 - (a) the Secretary had given an authorised officer written advice under suborder 69.2 of the old Export Control (Meat) Orders that an animal may be admitted to a registered establishment for slaughter under specified conditions; and
 - (b) the animal had not been admitted to a registered establishment for slaughter before the commencement time.
- (2) The Secretary is taken to have given the authorised officer written notification under paragraph 9-22(3)(d) of this instrument that the animal may be admitted to a registered establishment for slaughter, subject to the specified conditions.

12-30 Decision or disposition applied, but not complied with, before commencement time

- (1) This section applies if:
 - (a) an authorised officer had applied a decision or a disposition to an animal, carcase, carcase part, meat or meat product under suborder 70.1 of the old Export Control (Meat) Orders; and
 - (b) the decision or disposition had not been complied with before the commencement time.

Decision applied to animal

- (2) A decision that had been applied to an animal, and any condition or requirement attached to the decision (including any variations of the decision, condition or requirement), must be complied with after the commencement time as if the decision had been applied under subsection 9-22(1) of this instrument.

Disposition applied to animal

- (3) A disposition that had been applied to an animal, and any condition or requirement attached to the disposition (including any variations of disposition, condition or requirement), must be complied with after the commencement time as if the disposition had been applied under paragraph 9-23(b) of this instrument.

Disposition applied to carcase or carcase part

- (4) A disposition that had been applied to a carcase or carcase part, and any condition or requirement attached to the disposition (including any variations of the disposition, condition or requirement), must be complied with after the commencement time as if the disposition had been applied under paragraph 9-24(1)(b) of this instrument.

Disposition applied to meat or meat product

- (5) A disposition that had been applied to meat or meat products, and any condition or requirement attached to the disposition (including any variations of the disposition, condition or requirement), must be complied with after the commencement time as if the disposition had been applied under paragraph 9-25(b) of this instrument.

12-31 Certificate of condemnation requested, but not given, before commencement time

- (1) This section applies if:
 - (a) the occupier of an establishment had given an authorised officer a written request in accordance with paragraph 73(a) of the old Export Control (Meat) Orders for a certificate of condemnation for an animal, carcase or carcase part that was condemned at the establishment; and
 - (b) the certificate had not been given to the occupier before the commencement time; and
 - (c) an approved arrangement is in force for export operations carried out at the establishment after the commencement time.
- (2) The request is taken to have been made by the holder of the approved arrangement in accordance with paragraph 9-33(b) of this instrument.