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Part 4—Exports to the EU—HGP, identification and traceability

Division I—General

Explanation

38.1 This Part contains the ‘HGP free’ requirements for meat and meat products and the animals from which they are derived where the meat and meat products are:

(a) for export to a member state of the European Union; and

(b) are derived from an animal of the bovine species (other than an ineligible breeding bull or an ineligible breeding cow).

Interpretation

39.1 In this Part:

accredited property means a property accredited under subclause 51.1.

animal identification tag means a device that individually and permanently identifies the animal.

bobby calf means a calf weighing no more than 80 kg live weight or 40 kg dressed weight.

EU-listed abattoir means an abattoir that is listed by the European Commission for the purposes this Part.

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

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

(a) contains a substance that is, or a mixture of substances that are, responsible for oestrogenic, androgenic, gestagenic or thynostatic activity to enhance growth or production in cattle; and

(b) is registered for use for this purpose in Australia.

manager of a property means the person responsible for the day-to-day management of the property.

property means a farm, feedlot or saleyard.

Division II—Meat and meat products derived from cattle must be HGP free

Admission of animals

40.1 An animal of the bovine species (other than a bobby calf) must not be admitted at an establishment for slaughter for meat or meat products for export to a member State of the European Union unless at the time of admission:

(a) the animal is identified with an animal identification tag; and

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

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

Ante mortem inspection and slaughter

41.1 An animal of the bovine species (other than a bobby calf) must not be presented for ante mortem inspection or slaughtered for meat or meat products for export to a member State of the European Union unless:

(a) at the time of admission the requirements of paragraphs 40.1(a) and 40.1(b) are met; and

(b) at the time of presentation or slaughter (as the case may be) the animal identification tag has not been removed.

Animals must not be slaughtered unless they are HGP free

42.1 An animal of the bovine species must not be slaughtered for meat or meat products for export to a member State of the European Union if it has been treated with a HGP.

Meat and meat products must be HGP free

43.1 Meat and meat products for export to a member State of the European Union that are derived from an animal of the bovine species must be derived from an animal that has not been treated with a HGP.

When an animal is deemed to have been treated with a HGP

44.1 For the purposes of this Division an animal referred to in clauses 42 and 43 is deemed to be have been treated with a HGP if:

(a) the animal or its carcase or any of its carcase parts is identified as having been treated with a HGP by the application of a triangular ear punch referred to in paragraph 40.1(c); or

(b) a marker indicative of treatment with a HGP is found during inspection of the animal or its carcase or carcase parts.

Division III—Cattle sourcing, movement declarations and identification

Interpretation

45.1 In this Division:

animal means an animal of the bovine species for slaughter for meat and meat products for export to a member State of the European Union.

Sourcing

46.1 An establishment engaged in the slaughter of animals must source animals only from an accredited property for meat or meat products for export to a member State of the European Union.

Movement declarations

47.1 If an animal is treated with a HGP a declaration of the kind referred to in this Part must not be issued for the animal.

Division IV—Accreditation of properties

Application for accreditation

49.1 The manager of a property may apply to the Secretary in a form approved by the Secretary for accreditation of the property for the purposes of this Part.

What the application must contain

50.1 The application must contain the following information:

- (a) the name and postal address of the manager;
- (b) for a property other than a saleyard—the property identifying code for the property;
- (c) for a property other than a saleyard—any of the following information for the property:
 - (i) rates assessment number;

- (ii) valuation number;
 - (iii) deposited plans;
 - (iv) parish names and Crown allotments;
 - (v) map attached to the application;
 - (vi) lot on a registered plan;
- (d) for a saleyard—the address of the property.

When the Secretary must accredit a property

51.1 The Secretary must accredit a property if:

- (a) the manager of the property gives the Secretary an application for accreditation containing the information required under clause 50; and
- (b) for a property that is a farm—the Secretary is satisfied on consideration of the application, that no animal that is or will be held on the property has been or will be treated with HGP; and
- (c) for a property that is not a farm—the Secretary is satisfied on consideration of the application, that no animal to which this Division applies that is or will be held on the property has been or will be treated with HGP.

51.2 If a requirement of paragraphs 51.1(a), 51.1(b) or 51.1(c) is not met the Secretary must refuse to accredit the property.

51.3 The Secretary is taken to be satisfied as to the matters referred to in paragraphs 51.1(b) or 51.1(c) if:

- (a) for a farm—the requirements of clause 52 are met; or
- (b) for a feedlot—the requirements of clause 53 are met; or
- (c) for a saleyard—the requirements of clause 54 are met.

51.4 The Secretary is taken to have refused to accredit the property if the Secretary does not decide the application within 30 days after the day the Secretary receives it.

Farm requirements

52.1 For paragraph 51.3(a) the requirements for a farm are that:

(a) the property must have a property identification code allocated by the State or Territory authority responsible for stock identification in the State or Territory where the property is located; and

(b) each animal of the bovine species at the property must have an animal identification tag approved by the Secretary attached to it by the earliest occurring of:

(i) weaning;

(ii) consignment to an accredited property or an EU-listed abattoir;

(iii) 12 months after the property is entered on the accredited property register; and

(c) each animal of the bovine species admitted to the property must:

(i) be identified with an animal identification tag approved by the Secretary and can be traced to the property from which it came; and

(ii) be accompanied by an original declaration of the kind referred to in subparagraphs 52.1(f)(v); and

(d) each animal of the bovine species (other than a bobby calf) for slaughter for meat or meat products for export to a member State of the European Union consigned from the property to an EU-listed abattoir or accredited saleyard must:

(i) come from an accredited property; and

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

(e) a record must be made of:

(i) all transactions and movements of animals of bovine species including records of animals born, admitted to the property and moved from the property; and

(ii) the number of animal identification tags purchased for use on the property; and

(iii) the number of animal identification tags that have been lost or stolen, including details of the loss or theft; and

(iv) all other matters necessary to demonstrate that the requirements of paragraphs 52.1(b), 52.1(c) and 52.1(d) are met; and

(f) the manager must give to the Secretary, written undertakings:

(i) not to use a HGP on any animals that are, or will be, held on the property; and

(ii) that it can be established that all animals of the bovine species for slaughter for meat or meat products for export to a member State of the European Union that are or will be, held on the property are or will be animals that have not been treated with a HGP; and

(iii) to receive animals of the bovine species (other than ineligible breeding bulls, ineligible breeding cows) only from another accredited property; and

(iv) to receive ineligible breeding bulls, ineligible breeding cows from a non accredited property only with the approval of the Secretary; and

(v) for each consignment of animals of the bovine species for slaughter for meat or meat products for export to a member State of the European Union leaving the property to go to another accredited property or an EU-listed abattoir—to give to the consignee a declaration in a form approved by the Secretary for the purposes of this Part and signed by a person who is designated in the consigning property's accreditation as a person who may sign the declaration; and

(vi) to ensure that clause 47 is complied with in relation to declarations given under subparagraph 52.1(f)(iv); and

(vii) to keep each document made or received (including copies of declarations referred to in subparagraph 52.1(f)(iv) made or received) that are relevant to show at audit whether there is continuing compliance with the requirements of clause 52 for a period of two years after the document is made or received by the manager as the case may be; and

(g) the manager must agree to give consent to an officer of the European Commission to enter the property for the purposes of the Act.

Feedlot requirements

53.1 For paragraph 51.3(b) the requirements for a feedlot are that:

(a) the property must have a property identification code allocated by the State or Territory authority responsible for stock identification in the State or Territory where the feedlot is located; and

(b) the manager of the property must have a management system in place that ensures that:

(i) all animals of the bovine species held on the property can be traced and identified; and

(ii) all animals of the bovine species for slaughter for meat or meat products for export to a member State of the European Union are kept separate at all times from other animals held on the property; and

(iii) each animal of the bovine species for slaughter for meat or meat products for export to a member State of the European Union that is admitted to the property is identified by an animal identification tag and can be traced to the property from which it came; and

(iv) each animal of the bovine species for slaughter for meat and meat products for export for to a member State of the European Union that is admitted is accompanied by an original declaration of the kind referred to in subparagraphs 52.1(f)(v) or 53.1(c)(iv); and

(v) a record is made of all transactions and movements of animals of bovine species including records of all animals of the bovine species admitted to the property and moved from the property; and

(vi) a record is made of the number of animal identification tags purchased for use on the property; and

(vii) a record is made of the number of animal identification tags that have been lost or stolen, including details of the loss or theft; and

(viii) a record is made of all other matters necessary to demonstrate that the requirements of subparagraphs 53.1(b)(i) to 53.1(b)(iv) are met; and

(c) the manager must give to the Secretary, the following written undertakings:

(i) not to use a HGP on any animals to which this Division applies that are, or will be, held on the property; and

(ii) that it can be established that the all animals of the bovine species for slaughter for meat or meat products for export to a member State of the European Union that are or will be, held on the property are or will be animals for which have not been treated with a HGP; and

(iii) to move an animals of the bovine species for slaughter for meat or meat products for export to a member State of the European Union to the property only from another accredited property; and

(iv) for each consignment of animals of the bovine species for slaughter for meat or meat products for export to a member State of the European Union that leaves the property to go to another accredited property or an EU-listed abattoir—to give to the consignee a declaration in a form approved by the Secretary for this Division and signed by a person who is designated in the consigning property's accreditation as a person who may sign the declaration; and

(v) to ensure that clause 47 is complied with in relation to declarations given under subparagraphs 53.1(c)(iv); and

(vi) to keep each document made or received (including copies of declarations referred to in subparagraphs 52.1(f)(v) or 53.1(c)(iv)) that are relevant to show at audit whether there is continuing compliance with the requirements of clause 53 for a period of two years after the document is made or received by the manager as the case may be; and

(d) if animals of the bovine species for slaughter for meat or meat products for export to a member State of the European Union are sold the National Livestock Identification System Database must be notified at the time of sale of the new ownership details of the animals; and

(e) the manager must agree to give consent to an officer of the European Commission to enter the property for the purposes of the Act.

Saleyard requirements

54.1 For paragraph 51.3(b) the requirements for a saleyard are that:

(a) the manager of the property must have a management system in place that ensures that:

(i) all animals of the bovine species for slaughter for meat and meat products for export for to a member State of the European Union are kept separate at all times from other animals held on the property; and

(ii) each animal of the bovine species for slaughter for meat and meat products for export for to a member State of the European Union that is admitted to the property for sale is individually identified and is accompanied by an original declaration of the kind referred to in subparagraphs 52.1(f)(v) or 53.1(c)(iv); and

(iii) compliance with this Division by all users of the saleyard is monitored;
and

(b) the manager must give to the Secretary the following undertakings:

(i) to confirm the status of animals to which a declaration referred to in subparagraphs 53.1(d)(v) or 54.1(d)(v) applies using the National Livestock Identification System Database;

(ii) to keep records of the sale of each animal of the bovine species for slaughter for meat or meat products for export to a member State of the European Union for 2 years after the sale;

(iii) if an animal of the bovine species for slaughter for meat or meat products for export to a member State of the European Union is sold—to ensure that the

National Livestock Identification System Database is notified at the time of sale of the new ownership details of the animals;

(iv) to keep each document made or received (including copies of declarations referred to in subparagraphs 52.1(f)(v) or 53.1(c)(iv)) that are relevant to show at audit whether there is continuing compliance with the requirements of clause 54 for a period of two years after the document is made or received by the manager as the case may be.

Accredited property register

55.1 If the Secretary approves the application, the Secretary must:

(a) enter the property on the accredited property register; and

(b) by giving the manager written notice tell the manager of the property when the entry is made.

Period of accreditation

56.1 The accreditation has effect for a period of 12 months after the day the Secretary enters the property on the accredited property register unless the accreditation ceases to have effect in accordance with clause 58.

56.2 If the Secretary is satisfied as to the matters specified in clause 51 the Secretary may, on receiving a written application made by the manager of an accredited property, renew the accreditation.

56.3 An accreditation of a property that is renewed:

(a) takes effect when the Secretary gives the manager of the property written notice of the renewal; and

(b) continues to have effect indefinitely unless the accreditation ceases to have effect in accordance with clause 58.

Inspection of accredited properties

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

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

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

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

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

- (a) inspect records held at the property; or
- (b) carry out testing to determine whether animals at the property have been treated with HGP.

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

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

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

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

How does accreditation end

58.1 The accreditation of a property ceases to have effect on the day the Secretary receives written notice from the manager of the property withdrawing the property from accreditation.

58.2 The accreditation of a property ceases to have effect if the manager to whom written notice is given under clause 55 ceases to operate the property.

58.3 The Secretary may by written notice given to the manager revoke the accreditation of a property if:

- (a) the manager of the property has not complied with an undertaking made for this Division; or
- (b) the Secretary is no longer satisfied in relation to the property as to a matter referred to in paragraphs 51.1(b) or 51.1(c); or
- (c) the manager has failed to make available to an authorised officer a document that, under these Orders the manager is required to keep; or
- (d) the manager has failed to comply with subclause 57.4; or
- (e) the manager has failed to consent to the access to the property by an authorised officer, or has failed to provide reasonable assistance to the authorised officer,

for the purposes of the authorised officer performing functions or exercising powers under these Orders (including carrying out testing of animals).

58.4 The revocation has effect:

- (a) when notice of it is given to the manager; or
- (b) on a later day specified in the notice.

Notice to be given to the manager

59.1 If the Secretary decides:

- (a) not to accredit a property or not to renew the accreditation of a property; or
- (b) to revoke the accreditation of an accredited property;

the Secretary must give the manager a written notice of the decision.

59.2 The notice must:

- (a) set out the reasons for the decision; and
- (b) tell the manager of his or her right to apply for reconsideration of the decision.

Note: For reconsideration of the Secretary's decision see Divisions I and II of Part 10 of these Orders.