



## Alternative Minimum Pen Space Allocation Policy

### Process to access alternative minimum pen space allocation in accordance with ASEL 3.0

Live Animal Export Branch

#### 1 Purpose

- 1.1 This policy outlines the criteria that exporters must meet to access the alternative minimum pen space allocation, as provided for under Tables 10a, 10b, 11b and 12b of the [Australian Standards for the Export of Livestock \(ASEL\) 3.0](#) and as provided for under the heavy cattle or buffalo management plan guideline in the Approved Arrangement Guidelines.

#### 2 Scope

- 2.1 This policy applies to exporters seeking to access the alternative minimum pen space allocation as provided for under [ASEL 3.0](#) (s5.3.3 Tables 10a and 10b, s5.3.4 Table 11b and s5.3.5 Table 12b) and as provided for under the heavy cattle or buffalo management plan guideline in the Approved Arrangement Guidelines.
- 2.2 This policy sets out the criteria against which exporters must assess their own eligibility for access to the alternative minimum pen space allocation on a consignment by consignment basis.
- 2.3 This policy outlines instructions exporters must follow in order to gain and retain access to the alternative minimum pen space allocation, and includes record keeping requirements.
- 2.4 [Transitional arrangements](#) to this policy will apply for existing exporters from 1 November 2020 to 30 April 2021, and are outlined at sections 7, 8 and 9.
- 2.5 This document should be read in conjunction with relevant export legislation and standards listed under [Related material](#).

#### 3 Access criteria

- 3.1 Eligibility is to be self-assessed at the time of submission of a Notice of Intent (NOI), and be re-assessed at 10 working days prior to departure, on a consignment by consignment and market basis. To be eligible to access the alternative minimum pen space allocation, the exporter must meet all the following criteria. Exporters must:
  - **Criterion 1** have an approved arrangement that includes a clause stating the exporter's intention to use alternative minimum pen space allocation for eligible consignments.

- **Criterion 2** be at approved arrangement Performance Level 3, or at Level 2 for no more than 6 months, to gain access to the alternative minimum pen space allocation for the first time.
  - Exporters (including new exporters) at a provisional level or Performance Level 1 will be ineligible.
- **Criterion 3** be at Performance Level 3, or be at Level 2 for no more than 6 months, to retain or regain access to the alternative minimum pen space allocation. That is,
  - If an exporter has been accessing the alternative minimum pen space allocation while at an approved arrangement Performance Level 3 and drops to Level 2, they may only continue to access the alternative minimum pen space allocation if they are at Level 2 for 6 months or less, before regaining Performance Level 3.
  - If an exporter remains at Performance Level 2 for greater than 6 months, they are required to use the default pen space, and will only regain access to the alternative minimum pen space allocation when Performance Level 3 is achieved.
  - If an exporter drops to Performance Level 1, they are required to use the default pen space, and will only regain access to the alternative minimum pen space allocation when Performance Level 3 is achieved.
- **Criterion 4** have exported at least 10,000 cattle or at least 3 consignments during the previous 24 month period prior at the time of self-assessment to the market for which they are intending to use the alternative minimum pen space allocation.
- **Criterion 5** have an overall average voyage mortality rate of 0.10% or less for the most recent 12 month period (based on total load/unload counts) for cattle voyages to the market for which the exporter intends to use the alternative minimum pen space allocation.

## 4 Loss of access

4.1 An exporter accessing the alternative minimum pen space allocation will no longer be eligible if the exporter:

- is identified to have used the alternative minimum pen space allocation when they did not meet the access criteria
  - the exporter will immediately be placed on approved arrangement Performance Level 1 (resulting in loss of access to the alternative minimum pen space allocation), unless there are exceptional circumstances
  - any further access to the alternative minimum pen space allocation will be dependent on achieving the appropriate approved arrangement Performance Level criterion (if all other criteria are also met)
- has had a notifiable voyage mortality incident in a cattle consignment to a market in which they access the alternative minimum pen space allocation
  - they will immediately lose access to the alternative minimum pen space allocation for that market for 3 months
  - any further access to the alternative minimum pen space allocation will be dependent on the outcomes of the notifiable mortality investigation

4.2 In the cases listed in [section 4.1](#), if an exporter:

- loses access to alternative minimum pen space allocation for a market 10 working days or less prior to the departure of a consignment to the same market
- the consignment will be able to proceed with access to the alternative minimum pen space allocation, unless otherwise advised by the department.

## 5 Instructions

5.1 Exporters must include their intention to use the alternative minimum pen space allocation in their approved arrangement, and the arrangement must be approved by the department in order to access it.

5.2 The exporter must have procedures in place to ensure they meet the access criteria in the alternative minimum pen space allocation policy before accessing alternative minimum pen space.

5.3 Exporters must self-assess their eligibility against the access criteria listed in [section 3](#) on a consignment by consignment basis, and for each market that they are accessing the alternative minimum space allocation.

- Exporters may access the alternative minimum pen space allocation based upon this self-assessment.

5.4 If eligible, the exporter must assess their eligibility with the access criteria at the time of submission of the NOI, and re-assess 10 working days prior to departure. The NOI must clearly indicate the exporter's intention to access the alternative minimum pen space allocation for that consignment and specify the market.

5.5 Exporters must keep records to demonstrate eligibility for the access criteria on a consignment by consignment, and market basis. Records will be retained by the exporter in accordance with consignment record keeping procedures in the approved arrangement. Some examples of relevant supporting documents include but are not limited to:

- consignment records for each LNC that utilised the alternative minimum pen space allocation
- performance level rating notices
- records demonstrating the number of cattle from consignments exported during the previous 24 month period to the market for which they used the alternative minimum pen space
- evidence to support calculations of an overall average voyage mortality rate
  - The average mortality rate is calculated as the sum of each voyage mortality rate (%) from all cattle consignments to that market in the previous 12 months, divided by the total number of voyages.
  - This includes all cattle voyages to that market and is not limited to those consignments that accessed the alternative minimum pen space allocation.
- evidence to support that no notifiable voyage mortality incidents for cattle to the market accessed had occurred in the 3 months prior to submission of the relevant NOI, and at 10 working days prior to departure.

5.6 Documents must be available at audit and may be requested at other times.

## 6 Non-compliances

- 6.1 Accessing alternative minimum pen space allocation without meeting the access criteria is a breach of ASEL.
- 6.2 If an exporter self-identifies that they have used the alternative minimum pen space allocation when they did not meet the access criteria, the exporter must immediately advise the department in writing. The department will move the exporter to Performance Level 1 as per [section 4.1](#).
- 6.3 If an exporter accesses the alternative minimum pen space allocation when they did not meet the access criteria and fails to notify the department immediately, the department may consider further regulatory action, taking into account the extent of the non-compliance.
- If the exporter is non-compliant over numerous consignments prior to self-identification, this will be a relevant consideration in any regulatory action.

## 7 Transitional arrangement access criteria

- 7.1 Transitional arrangements will apply from 1 November 2020 to 30 April 2021 to enable exporters who hold a licence on 1 November 2020 (existing exporters) to gain access to the alternative minimum pen space [allocation](#), irrespective of performance level or their previous 12 month average mortality rate.
- 7.2 During the transitional arrangement period, existing exporters will be exempt from meeting Criteria 2 to 5 listed in [section 3](#), from commencement, unless they lose access as outlined in [section 8](#)
- Exporters licensed from 1 November 2020 (new exporters) must meet all of the criteria listed in [section 3](#) to gain and retain access.

## 8 Loss of access during transitional arrangements

- 8.1 An existing exporter accessing the alternative minimum pen space allocation during the transitional arrangement period will no longer be eligible if:
- The exporter has had a notifiable voyage mortality incident in a consignment to a market in which they access the alternative minimum pen space allocation
    - they will immediately lose access to the alternative minimum pen space allocation for that market for 3 months
    - any further access to the alternative minimum pen space allocation will be dependent on the outcomes of the notifiable mortality investigation.
  - the exporter has an unacceptable audit outcome or receives an impact rating Level 3 or above
    - where a review of the LECR is requested, access will be lost for the period of review. If the LECR is downgraded, access may be regained
    - in all other circumstances, access to alternative minimum pen space allocation during the transitional arrangement period may be regained only once Performance Level 2 is achieved

## 9 End of the transitional period

- 9.1 Transitional arrangements will end on 1 May 2021.

9.2 Existing exporters (exporters who were licenced to export on 1 November 2020) must meet Criteria 1 to 4 in [section 3](#) to retain access to the alternative minimum pen space allocation from 1 May 2021.

- Between 1 May 2021 and 31 October 2021, to meet Criterion 5, existing exporters must have an overall average voyage mortality rate of 0.10% or less since 1 November 2020
- From 1 November 2021, exporters must have an overall voyage mortality rate of 0.10% or less for the most recent 12 month period (based on total load/unload counts) for cattle voyages to the market for which the exporter intends to use the alternative minimum pen space allocation

9.3 Exporters will lose access from 1 May 2021 in the cases outlined in [section 4](#).

## 10 Acronyms and definitions

Term	Definition
approved arrangement	The approved arrangement for the export of livestock. A legal arrangement that prescribes the processes and practices that will be undertaken by the exporter to meet the Australian Standards for the Export of Livestock (ASEL), importing country requirements and relevant Australian Government legislation and other requirements for the export of livestock.
LNC	LNC is the prefix for all livestock export consignments. Livestock NOI CRMP
Market	For the purposes of this policy, market means a country.
NOI	Notice of Intention: the notice of intention to export livestock, received by the department from an exporter
Notifiable voyage mortality	Refers to the mortality rate per voyage of a species (refer table 22 in ASEL 3.0). For the purposes of this policy, it does not include circumstances where only the average daily mortality rate has met or exceeded a notifiable mortality level.
Performance level rating	A rating given by the department based on an exporter's performance (audits and consignment impact ratings) demonstrating compliance.

## 11 Related material

- [Approved arrangements guidelines](#)
- *Export Control Act 2020*
- *Australian Meat and Live-Stock Industry Act 1997*
- Australian Meat and Live-Stock Industry (Export Licensing) Regulations 1998
- Australian Standards for the Export of Livestock (ASEL) 3.0