



Export Meat Operational Guideline

6.7 Returned meat and meat products



Purpose

This document outlines the requirements for returned Australian meat and meat products intended for re-export. If evidence from the owner/importer is provided that the returned product will be accepted by the state/territory authority onto the domestic market and that the official marks have been defaced, this guideline does not apply.

Context

Meat and meat products certified under the *Export Control Act 2020* may be returned to Australia for many reasons including commercial factors. The product may also be detained in the importing country or have issues in transit. Exporters may seek to return the consignment to Australia with the intent to re-export, subject to assessment of the product against the eligibility requirements of the returned product to the desired market.

Legislative basis

Under the *Export Control Act 2020* and subordinate legislation, there are requirements relating to the export of meat and meat products of red meat animals, wild game, poultry, ratite and rabbits. These products must:

- comply with the provisions of the relevant rules
- comply with relevant importing country requirements.

These requirements still apply and must be validated for product that has previously been exported from Australia (left Australian shores) and has been returned to Australia, where an exporter intends to re-export the product.

All consignments of returning Australian meat and meat products are conditionally non-prohibited goods under the *Biosecurity Act 2015* and are subject to import conditions if they are approved to be brought back into Australia.

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Principles

In order for the product to be deemed eligible for return, the department must be able to ensure that biosecurity controls have been maintained.

In order for product to be deemed eligible for re-export, the department must conduct an assessment and be able to verify the wholesomeness and integrity of the product and that the product meet's importing country requirements. The assessment may involve an on-site inspection of the product.

Importing the product back into Australia

Importers are advised to check import conditions in [BICON - Australian Biosecurity Import Conditions](#), searching for 'Returning Australian products' and follow links.

Biosecurity inspection procedures as well as import conditions depend on whether the original Australian government container seals on the returning product are intact or not.

Original government container seals not intact

If original Australian government container seals are not intact, an import permit is required to facilitate entry back into Australia. An import permit must be issued before the goods enter Australian territory. At inspection, biosecurity officers will conduct a full unpack and inspection of the product to confirm that product description, weights and quantities match Australian export documentation. Officers must inspect labelling and official marks to confirm Australian origin. If the product does not meet biosecurity inspection standards, it may be condemned.

Original government container seals intact

If the original official Australian government container seals are intact, then an external inspection of the container will be conducted by a biosecurity officer. They will visually inspect the container and confirm that the original Australian government seal is intact and matches the health certificate for this container.

Re-export of returned Australian meat and meat products

To be re-certified for re-export, the meat and meat products must be assessed and verified as complying with departmental requirements for re-exported meat and meat products as outlined in this guideline.

As part of the assessment process, the department may examine the physical state of the product, relevant documentation and temperature records. Further investigation may require microbial sampling and other laboratory testing to be completed.

Re-export eligibility criteria and assessment requirements

Re-export eligibility is assessed against the following criteria:

- product integrity
- product wholesomeness (via temperature history)
- official government or commercial control
- reason for return
- the import requirements for the new destination export markets.

Product integrity and wholesomeness

These are some example scenarios for product intended to be re-exported:

- where seals are intact and were confirmed by a biosecurity officer to match the health certificate – further on-site inspection for re-export may not be required, and the product is **likely to be eligible for re-export** provided the assessment finds no product integrity or wholesomeness issues

- seals are not intact but new importing country government seals have been applied – re-export on-site inspection is required and the product is **likely to be eligible for re-export** provided the assessment finds no product integrity and wholesomeness issues
- seals are not intact but the shipping company has applied new seals – re-export on-site inspection is required and the product **may be eligible for re-export**, provided the assessment finds no product integrity and wholesome issues
- seals are not intact or product is in a different container – re-export on-site inspection is required but the product **may not be eligible for re-export**, depending on the outcome of the assessment of product integrity and wholesomeness (NB in these cases the product integrity is generally considered to have been lost).

Official government or commercial control

Re-export eligibility and inspection requirements for the following official government or commercial control scenarios:

- Where product was kept in commercial control with intact seal and supporting documents (before reaching the overseas country), it will need re-export inspection but is **likely to be eligible for re-export** as the product is considered to have been kept under commercial control.
- Where product was kept under commercial control with intact seal and supporting documents in an overseas port or on water, it is **eligible for re-export** to another country without returning to Australia after assessment to establish the product is meeting new destination country requirement.
- Where product was kept in government control once it reached the overseas country, it will need re-export inspection but is **likely to be eligible for re-export** as it is considered to have been kept under official control.
- Where product was released onto the overseas market after passing through the overseas government control, it is considered to have lost official control and is not likely to be eligible for import and is **no longer eligible for re-export**.

Reason for return.

Re-export eligibility and inspection requirements for product subject to the following return scenarios:

- Where product was officially rejected by the importing country authority – needs re-export on-site inspection and **may not be eligible for re-export to the same market** in its current form **but may be eligible for other markets**, dependent on assessment results and rejection reason.
- Where product was returned voluntarily for commercial reasons – may require re-export on-site inspection and **may be eligible for re-export** provided the assessment finds no product integrity and wholesomeness issues.

Information required to be provided to support assessment

The department will require the following information to support the assessment of the returned meat and meat products:

- export documentation
- temperature history
- reason for product's return
- transport history
- intended future use/market destination
- non-manipulation certificate (where applicable).

Export documentation

Export documentation such as a health certificate and the export permit support the department's assessment activities and assists in verifying the product's export eligibility.

Reasons for product's return

Information of the meat and meat products, being either:

- commercial reason to return product
- evidence of official rejection advice from the importing country authority.

Temperature history of the product

Owners/exporters are responsible for ensuring sea freight shipping container temperature logs of the affected product are provided to the department as evidence that temperature requirements were maintained. Inadequate records may result in more expensive and time-consuming inspection, such as microbial sampling and laboratory testing. It may also limit market access.

Products will be downgraded or condemned where either:

- it is confirmed that products have not been maintained at an acceptable temperature
- it is not possible to establish that the products have been maintained at an acceptable temperature:

Transport history

Transport history for a product includes shipping details, evidence of storage by the overseas authority and confirmation that the original container and container seals are intact.

If the product is not in the original container or does not have the original Australian government container seals, further information is required and will be requested during assessment for an import permit.

Intended future use/market destination

The owner/exporter must advise the department of their intentions for the product so that the most efficient and convenient arrangements for re-inspection can be determined (including whether the owner/exporter intends to re-export the product or distribute it to the domestic market).

If product has been rejected by an importing country authority, the product will not be eligible for certification for re-export to that market.

Importing country requirements may affect the product's ability to be re-exported to particular markets.

Insufficient or false information

Failing to provide information requested by the department may result in the application to return consignments to Australia and/or re-export consignments being denied.

Knowingly providing false or misleading information may result in criminal penalties. See the *Criminal Code Act 1995* Part 7.4 – False or misleading statements.

Assessment completion

Once the export assessment is completed, the product's owner(s) will be notified of the final disposition of the meat, including export-eligibility and any market restrictions.

Market specific requirements for returned meat for re-export

Australia's requirements for re-export of product must be met before export certification may be considered, including:

- assessment of wholesomeness and integrity (additional to biosecurity import inspection)
- where rejection has been due to contamination, processing defect or pathology then the product must meet acceptable results at re-inspection.

Compliance with importing country requirements will then be assessed by the department and certification will be given where market requirements have been met. It should be noted that:

- the product cannot be exported to any market without an assessment being conducted
- where the product has been rejected due to contamination, processing defect or pathology, the product cannot be re-exported to the overseas market that rejected the product in that form without examining the physical state of the product, and subject to further treatment.

Cold store requirements

Establishments and cold stores where the product passes through must be listed by the importing country authority, where markets have listing requirements. Additionally, China has correlation requirements where China's import authority, the General Administration of Customs of China (GACC) has approved specific independent cold stores to be used in conjunction with integrated establishments.

Packaging requirements

If returned products is stamped with the words 'Refused entry', the product must be repackaged as per export legislation.

Records must be kept of the re-work so the original packing establishment can be traced.

Investigations of returned product

Where integrity or wholesomeness issues have occurred, an investigation may be required.

Records should be maintained of all investigations for the returned product.

Integrity issues with returned product

Some integrity issues that require investigation may include:

- seal and health certificate do not reconcile
- incorrect labelling (official mark use, etc.)
- incorrect information on the health certificate
- broken seals.

Wholesomeness issues with returned product

Some wholesomeness issues that require investigation may include:

- temperature abuse
- processing defect (hair, migrating grass seeds, etc.)
- zero tolerance contamination (faeces, ingesta or milk)
- broken seals.

Party that conducts the investigation

The investigation is performed by the party responsible for auditing the originating establishment, whether this is the Audit and Assurance Group (AAG), the Area Technical Manager (ATM) or the State Regulatory Authority (SRA).

The Field Operations Manager (FOM) who oversees the area where the establishment is located, consults with the relevant party to facilitate the investigation.

Industry assistance with investigation

Establishment management are required to provide information in order to assist the department conduct their investigation.

Related Material

The following related material is available on the internet:

- Webpage: [Biosecurity Act 2015](#)
- Webpage: [Export Control Act 2020](#)
- Webpage: [Export Control \(Meat and Meat Products\) Rules 2021](#)
- Webpage: [Export Control \(Wild Game Meat and Wild Game Meat Products\) Rules 2021](#)
- Webpage: [Export Control \(Rabbit and Ratite Meat and Rabbit and Ratite Meat Products\) Rules 2021](#)
- Webpage: [Export Control \(Poultry Meat and Poultry Meat Products\) Rules 2021](#)
- Webpage: [Criminal Code Act 1995](#)
- PDF: [Australian standard for the hygienic production and transportation of meat and meat products for human consumption \(AS4696\)](#)

Attachment 1: Roles and responsibilities

Returned meat product owner

- Responsible for contacting the department to:
 - advise of the returned product and where the product is intended to be sent
 - arrange for appropriate inspections (biosecurity and meat export).
- Responsible for contacting the state/territory authorities and defacing official marks on the returned meat product, where the returned meat product is intended to be sent to the domestic market.
- Responsible for providing documentation to support the department's assessment of the returned product's eligibility for re-export.
- Responsible for complying with departmental investigations and records associated with the returned product.

Food Biosecurity Imports

- Responsible for ensuring that importation of biological products (including returned meat products) meet Australia's import requirements.
- Responsible for issuing import permits where container seals on returned meat product are not intact.
- Responsible for providing notification of intended return of meat export consignments to the Meat Export Branch via returlexportfood@agriculture.gov.au.

Meat Export Branch

- Responsible for assessing whether returned meat products are eligible to be re-exported to an overseas market(s).
- Responsible for actioning notifications of returned meat consignments that are intended to be re-exported from Australia or distributed to the domestic market.
- Responsible for liaising with regional staff to organise inspection of returned meat product intended for re-export, where required.
- Responsible for organising investigations of establishments, where required.

Pathway Operations – Cargo Branch – Assessment

- Responsible for assessing commercial documentation for imported cargo to ensure compliance with Biosecurity Import Conditions (BICON) and/or import permit conditions.
- Issuing the importer with direction for release of goods subject to biosecurity control or for further actions such as inspection, onshore treatment, export or disposal to mitigate biosecurity risk.
- Providing notification of intended return to Meat Export Branch via returnedexportfood@agriculture.gov.au

Veterinary and Export Meat Branch

- Responsible for on-site inspections and assessments of returned meat and meat products to assist in determining if it meets Australia's re-export requirements (including importing country requirements for the proposed market).
- Responsible for providing an inspection report to the Meat Export Branch via returnedexportfood@agriculture.gov.au.

Attachment 2: Definitions

Container seals

Tamper-evident locking devices. Official department seals have unique individual numbers and are marked with the department's official mark.

Health certificate

A document accompanying consignments of exported meat and meat product with details including the container number and seal number, type and amount of products, where it was produced, and its eligibility for certain markets.

Integrity

The integrity of goods is ensured if the identity or composition of the goods (in relation to any condition, restriction or other description that applies in relation to the goods) is all of the following:

- ascertainable
- maintained without loss, addition or substitution
- not confused with that of any other goods.

Wholesomeness

As defined in the Australian Meat Standard AS 4696. When used in relation to meat and meat products, means that the meat and meat products may be passed for human consumption on the basis that they comply with all of the following:

- are not likely to cause food borne disease or intoxication when properly stored, handled and prepared for their intended use
- do not contain residues in excess of established limits
- are free of obvious contamination
- are free of defects that are generally recognized as objectionable to consumers
- have been produced and transported under adequate hygiene and temperature controls
- do not contain additives other than those permitted under the Food Standards Code
- have not been irradiated contrary to the Food Standards Code
- have not been treated with a substance contrary to a law of the Commonwealth or a law of the State or Territory in which the treatment takes place.