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Outline of the Export Control (Poultry Meat and Poultry Meat Products) Rules 2021

Improved agricultural export legislation



Introduction

Australia's new agricultural export legislation began on 28 March 2021. It comprises the *Export Control Act 2020* (the Act), and the Export Control Rules 2021 (the Rules) which set out the operational requirements that must be met to export specific goods from Australia (e.g. poultry meat).

The Export Control (Poultry Meat and Poultry Meat Products) Rules 2021 (the Poultry Rules) specify how the export of poultry meat and poultry meat products are regulated. They set out:

- which poultry meat and poultry meat products are regulated
- the prescribed export conditions that must be complied with.

At the commencement of the new legislation, the Poultry Rules replaced the previous legislation relating to poultry meat, including the Export Control (Poultry Meat and Poultry Meat Products) Orders 2010. The regulatory controls and oversight in the previous legislation have been maintained.

The Poultry Rules set out the rules for regulating the export of poultry meat and poultry meat products. The Poultry Rules must be read with the Act.

Structure and content

Chapter 1 – Preliminary

This chapter outlines the Poultry Rules and defines key terms.

Many definitions are the same as in the Australian Standard for the Construction of Premises and Hygienic Production of Poultry Meat for Human Consumption (AS4465:2005).

Chapter 2 – Exporting goods

This chapter sets out which poultry meat and poultry meat products are prescribed goods. These are the goods that will be regulated under the new export legislation.

The chapter specifies conditions for the export of prescribed poultry meat and poultry meat products from Australia. It also outlines some poultry meat and poultry meat products that are not prescribed goods, such as tallow derived from poultry.

In some cases, exporters can apply for an exemption from certain provisions in the Act and the Poultry Rules. Chapter 2 details what is required for an exemption, including:

- applications for an exemption, conditions of exemption and the period of effect of an exemption
- matters the Secretary of the Department of Agriculture, Water and the Environment must consider when granting or revoking the exemption.

Chapter 2 also covers when and how government certificates are issued.

Chapter 3 – Accredited properties

This chapter does not apply to poultry meat and poultry meat products.

Chapter 4 – Registered establishments

This chapter sets out the:

- requirements for registration of an establishment
- subsequent conditions of registration
- process for suspending and revoking registration
- process for allocating inspection services.

Chapter 5 – Approved arrangements

This chapter sets out the:

- requirements for a proposed arrangement to be approved
- process to apply for an approved arrangement, including required information
- subsequent conditions for approval, including those relating to preparation and transportation, trade descriptions, official marks, traceability, integrity, inspection services and management practices
- process for applying for an alternative regulatory arrangement
- circumstances in which an approved arrangement may be varied, suspended or revoked.

Chapter 6 – Export licences

This chapter does not apply to poultry meat and poultry meat products.

Chapter 7 – Export permits

This chapter specifies the validity period for export permits. It also sets out:

- circumstances in addition to those listed in the Act when an export permit may be varied, suspended and revoked
- other matters, including when an export permit is no longer in force.

Chapter 8 – Other matters relating to export

When an exporter gives notice of intention to export, they must meet certain requirements. Chapter 8 sets out these requirements, which include giving notice as soon as possible, and who the notice must be submitted to.

The chapter also sets out:

- the requirements for trade descriptions
- the use, manufacture and possession of official marks and official marking devices.

Chapter 9 – Powers and officials

This chapter covers audits, including:

- how an audit is to be conducted
- what the audit report must include
- the process for dealing with any non-compliance found during an audit
- the application and approval process for approved auditors.

Chapter 9 also outlines the powers and functions of authorised officers, in addition to those found in the Act.

Chapter 10 – Compliance and enforcement

This chapter sets out the:

- process that must be followed if a sample is taken for the purposes of monitoring or investigating compliance with the Act
- process for dealing with things seized when exercising investigative powers.

Chapter 11 – Miscellaneous

This chapter sets out:

- reviewable decisions in addition to those in the Act
- general requirements for records management
- storage requirements for samples of poultry meat and poultry meat products
- matters relating to compensation for damaged or destroyed poultry meat or poultry meat products
- matters relating to Commonwealth liabilities and circumstances in which the liabilities are taken to have been paid.

Further information

Email: exportlegislation@agriculture.gov.au

Web: agriculture.gov.au/market-access-trade/improving-export-legislation