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Meat Export Policy

Significant and non-significant variation of an Establishment approved arrangement by the holder under the *Export Control Act 2020*



Overview

Under the *Export Control Act 2020* ('the Act'), the holder of an approved arrangement:

- must obtain the Secretary's prior approval to make and implement a significant variation of an approved arrangement (AA)
- may make a non-significant variation of an AA without seeking the Secretary's approval, but must make a record of each variation; including the reasons for that variation
- for the purpose of this policy, the holder of the (Establishment) AA is also the occupier of the same Establishment.

Purpose

The purpose of this policy is to provide guidance on significant and non-significant variations of an Establishment AA made by the holder.

It is a condition for prescribed goods that are meat commodities (includes red meat, wild game meat, poultry meat, and rabbit and ratite meat) to be produced at a registered establishment where the operations to produce the goods is undertaken in accordance with an AA. Chapter 5 of the Act, and the various commodity rules, set out the requirements and conditions for the AA.

The preparation and use of Establishment approved arrangements is supported by approved arrangement guidelines for meat commodities:

- Guideline for Approved Arrangement - Meat
- Guideline for Approved Arrangement - Wild Game Meat
- Guideline for Approved Arrangement - Poultry

The guideline details the controls and processes to be included in the approved arrangement, including all legislative requirements and conditions for AA approval. Note: AA guidelines are subject to update, so applicants should ensure they refer to the most current version.

In some instances, the commodity rules may prescribe that an AA is required in other circumstances such as for certification operations (e.g. halal certification by Approved Islamic Organisations, organic certifiers). This policy does not apply to an AA dealing with these certification operations and or the export of live animals.

For reference, Attachment 1 contains the provisions from the Act and Rules relevant to this policy.

Significant approved arrangement variations

Significant AA variations are those that have potential to either adversely affect compliance or have the potential to adversely affect the accuracy of assessing compliance by authorised officers and auditors. Approved arrangement variations that are significant are listed below.

Personnel

Variations to persons in management or control including:

- removing or adding persons in management or control, and
- changes in personnel involved in specific tasks who are in management or control including:
 - those making declarations about compliance (e.g. meat transfer certificate declarations, application for export permit, etc.)
 - those manufacturing, supplying, possessing, altering or using official marks; including persons responsible for control of official marks, official marking devices (e.g. packing room supervisor) and official mark/devices ordering forms

Operational

Significant operational variations include:

- adding new operations not currently utilised or performed by the Establishment
- adding operations for the preparation of animal food, pharmaceutical material and non-export goods
- using an alternative regulatory arrangement approved under the Act; and
- preparation of export goods using a technique different to the Australian Standard, or not covered by the current AA.

Wholesomeness or Fitness for Human Consumption

Significant wholesomeness/fitness for human consumption variations include changes that:

- may jeopardise wholesomeness/fitness for human consumption[^], or
- affect the ability to assess whether the wholesomeness/fitness for human consumption of prescribed goods has been jeopardized[^]

[^] Most likely will involve changes to HACCP programs, including product flow charts, hazard analysis, hazard audit tables, Critical Control Point (CCP) monitoring and CCP verification activities

Product Integrity

Significant product integrity variations include:

- changes that affect the ability to ensure export product integrity is retained

Deciding whether a change is a significant or non-significant variation

It is accepted that on occasion, what constitutes a significant AA variation may be interpretive and depend on the context in which the change is presented. When the holders of the establishment AAs are unsure of the AA variation designation, they should discuss this with departmental authorised officers.

Application for a significant approved arrangement variation

To make a significant AA variation of an Establishment AA, the holder must apply to the department for approval. Significant variations must be submitted to the department using an EX26b form and must be approved prior to the variation being implemented. Failure to seek prior approval of a significant variation may be considered a critical non-compliance or result in civil or criminal penalties.

Decision on an application for a significant variation

The Secretary, or their sub-delegate, (i.e. decision-maker) must make a decision on the application within the consideration period (i.e. 120 days) that applies to application for variations of an AA.

The decision-maker must consider whether the variation, or the combined effect of 2 or more variations, is significant. The decision-maker must consider all the matters listed in [section 164 of the Export Control Act 2020](#) when making their decision.

The departmental policy for consideration periods is set out in Departmental Policy: *Consideration periods for accredited properties, registered establishments, approved arrangements and export licences: Export Control Act 2020*.

Notification of approval

If the significant variation of the AA is approved, written notice of the approval will be given to the holder of the approved arrangement.

Refusal to approve

The decision-maker may refuse the AA variation application if relevant matters listed in [subsection 161\(3\) of the Act](#) have not been met.

Notification of proposed refusal to approve

In accordance with procedural fairness policies, if the decision-maker forms the view that the application to vary the approved arrangement should be refused, a written notice will be given to the applicant. The written notice will include the reasons for the proposed decision and ask the applicant for any additional information or reasons that the proposed decision should not be made.

This decision is a reviewable decision.

Non-significant approved arrangement variations

In general, anything that does not meet the criteria of a significant variation is non-significant.

Non-significant variations can be made to the AA by the holder without departmental approval.

The Establishment should make the OPV aware of non-significant variations being made at the weekly meeting.

The non-significant variation changes must be documented in the AA, including reasons for the variation, as soon as practicable after being made or implemented. The variation of the AA takes effect on the date the change is made to the AA.

Non-significant variations will be assessed during regular audits of the establishment.

A documented summary of non-significant variations made since the last system audit should be provided to the DAWE Audit Team during the entry meeting.

Attachment 1: Significant variations of an approved arrangement that require approval by the Secretary

Commodity rule	Rule	Significant variations prescribed under subparagraph 164(2)(c)(ii) requiring approval by the Secretary
Export Control (Meat and Meat Products) Rules 2021	5-50	<p>For variations of an approved arrangement for a kind of export operations for meat or meat products (other than an approved arrangement for Halal meat certification operations):</p> <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (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.
Export Control (Poultry Meat and Poultry Meat Products) Rules 2021	5-40	<p>For variations of an approved arrangement for a kind of export operations for poultry meat or poultry meat products:</p> <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (i) making declarations; (ii) manufacturing, supplying, possessing, applying, altering or interfering with an official mark;

		<p>(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 poultry meat or poultry meat products, or goods containing prescribed poultry meat or poultry meat products;</p> <p>(iv) manufacturing, supplying or possessing an official marking device;</p> <p>(c) a variation of the export operations that might:</p> <p>(i) jeopardise the wholesomeness of the prescribed poultry meat or poultry meat products or affect the ability to ensure their integrity; or</p> <p>(ii) adversely affect the ability to accurately assess whether the wholesomeness of the prescribed poultry meat or poultry meat products has been jeopardised;</p> <p>(d) a variation that will provide for operations to prepare poultry meat or poultry 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 poultry meat or poultry meat products for export;</p> <p>(e) a variation that will provide for a technique to be implemented in carrying out operations to prepare the prescribed poultry meat or poultry meat products for export that is different from the technique required to be implemented by the Australian Poultry Meat Standard;</p> <p>(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 poultry meat or poultry meat products for export.</p>
<p>Export Control (Rabbit and Ratite Meat and Rabbit and Ratite Meat Products) Rules 2021</p>	<p>5-47</p>	<p>For variations of an approved arrangement for a kind of export operations for rabbit meat, ratite meat, rabbit meat products or ratite meat products:</p> <p>(a) a variation of the person who manages or controls the export operations;</p> <p>(b) a variation of the functions a person is permitted to perform in accordance with the approved arrangement, including the following:</p> <p>(i) making declarations;</p> <p>(ii) manufacturing, supplying, possessing, applying, altering or interfering with an official mark;</p> <p>(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 rabbit meat, ratite meat, rabbit meat products or ratite meat products, or goods containing prescribed rabbit meat, ratite meat, rabbit meat products or ratite meat products;</p> <p>(iv) manufacturing, supplying or possessing an official marking device;</p> <p>(c) a variation of the export operations that might:</p> <p>(i) jeopardise the wholesomeness of the prescribed rabbit meat, ratite meat, rabbit meat products or ratite meat products or affect the ability to ensure their integrity; or</p> <p>(ii) adversely affect the ability to accurately assess whether the wholesomeness of the prescribed rabbit meat, ratite meat, rabbit meat products or ratite meat products has been jeopardised;</p> <p>(d) a variation that will provide for operations to prepare rabbit meat, ratite meat, rabbit meat products or ratite 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 rabbit meat, ratite meat, rabbit meat products or ratite meat products for export;</p>

		<p>(e) a variation that will provide for a technique to be implemented in carrying out operations to prepare the prescribed rabbit meat, ratite meat, rabbit meat products or ratite meat products for export that is different from the technique required to be implemented by the Australian Meat Standard;</p> <p>(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 rabbit meat, ratite meat, rabbit meat products or ratite meat products for export.</p>
<p>Export Control (Wild Game Meat and Wild Game Meat Products) Rules 2021</p>	<p>5-37</p>	<p>For variations of an approved arrangement for a kind of export operations for wild game meat or wild game meat products:</p> <p>(a) a variation of the person who manages or controls the export operations;</p> <p>(b) a variation of the functions a person is permitted to perform in accordance with the approved arrangement, including the following:</p> <ul style="list-style-type: none"> (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 wild game meat or wild game meat products, or goods containing prescribed wild game meat or wild game meat products; (iv) manufacturing, supplying or possessing an official marking device; <p>(c) a variation of the export operations that might:</p> <ul style="list-style-type: none"> (i) jeopardise the wholesomeness of the prescribed wild game meat or wild game 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 wild game meat or wild game meat products has been jeopardised; <p>(d) a variation that will provide for operations to prepare wild game meat or wild game 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 wild game meat or wild game meat products for export;</p> <p>(e) a variation that will provide for a technique to be implemented in carrying out operations to prepare the prescribed wild game meat or wild game meat products for export that is different from the technique required to be implemented by the Australian Meat Standard or the Australian Wild Game Meat Standard;</p> <p>(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 wild game meat or wild game meat products for export.</p>

Attachment 2: Definitions

Approved arrangement (AA)

An approved arrangement under Chapter 5 of the *Export Control Act 2020*.

An arrangement for a kind of export operations in relation to a kind of prescribed goods approved by the secretary.

An approved arrangement:

- documents the controls and processes to be followed when undertaking export operations in relation to prescribed goods for export
- enables the secretary to have oversight of specific export operations.

Authorised officer

A Commonwealth officer or State or Territory officer who is authorised under the Act.

Auditor

An approved auditor or an authorised officer whose functions and powers under the Act include conducting an audit.

Holder of an approved arrangement

The person or entity, such as a company, who has been granted approval by the Secretary for the approved arrangement.

The decision-maker

The Secretary, or the Secretary's **delegate** or sub-delegate.