

## ESCAO Checklist

The requirements for a proposed arrangement for ESCAO are contained the [ESCAO approved form](#). This checklist is aligned with the approved form and suggests evidence of systems and processes that an applicant should include in their proposed arrangement.

For the purpose of this checklist, the ‘applicant’ means the third party provider of assurance services (TPPAS) applying for an approved arrangement to carry out exporter supply chain assurance operations (ESCAO). This includes the company director and all persons in positions of management and control.

Please refer to the [Export Control \(Animals\) Rules 2021](#) (the Rules) and the [Export Control Act 2020](#) (the Act) for your reference in this checklist.

### Declaration to be provided by the applicant

DECLARATION	REFERENCE	PROVIDED (Y/N) AND REFERENCE IN APPLICATION SUBMISSION
<p>A declaration stating:</p> <p>(a) the interests (if any), direct or indirect and pecuniary or otherwise, of the applicant that conflict or could conflict with the applicant’s ability to properly carry out the exporter supply chain assurance operations covered by the arrangement; or</p> <p>(b) if the applicant has no such interests—that fact.</p>	<p>Export Control (Animals) Rules 2021 s 5-10(2)</p>	

**Commitment statement**

COMMITMENT	REFERENCE	SUPPORTING EVIDENCE/DOCUMENTATION	PROVIDED (Y/N) AND REFERENCE IN APPLICATION SUBMISSION
<p>The applicant is committed to:</p> <p>(a) meeting the objects referred to in section 3 of the Act that are applicable to the exporter supply chain assurance operations covered by the arrangement; and</p> <p>(b) complying with the requirements of the Act in relation to those operations; and</p> <p>(c) carrying out those operations in accordance with the arrangement.</p>	<p>Export Control (Animals) Rules 2021 s 5-10(3)</p> <p><i>Export Control Act 2020 s 3</i></p>	<p>Commitment statement from applicant to this effect.</p>	

**Requirements relating to the proposed arrangement**

ITEM	REQUIREMENT	REFERENCE	SUPPORTING EVIDENCE/DOCUMENTATION	PROVIDED (Y/N) AND REFERENCE IN APPLICATION SUBMISSION
(a)	<p>The applicant has an appropriate governance structure in place.</p>	<p>Export Control (Animals) Rules 2021 s 5-12</p>	<p>i. Company constitution.</p> <p>ii. Organisational chart, including details of the board, senior management and governing committees.</p>	

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			<ul style="list-style-type: none"> <li>iii. List of key individuals holding governance roles, their qualifications, and responsibilities.</li> <li>iv. List of names and positions of all company employees.</li> <li>v. Terms of references/charters for board and governance committees.</li> </ul>	
(b)	<p>The applicant applies to the department for approval of significant variations to the approved arrangement.</p>	<p>Export Control (Animals) Rules 2021 s 5-21</p> <p><i>Export Control Act 2020</i> s 164(2)(c)(ii) and s 186</p>	<ul style="list-style-type: none"> <li>i. Procedures for reporting, as soon as practicable, the following to the department:                             <ul style="list-style-type: none"> <li>a. Variation/s to the business structure of the holder of the approved arrangement,</li> <li>b. The TPPAS enters into administration (within its meaning under the Corporations Act 2001) or is to be wound up by a court or voluntarily,</li> <li>c. Variation/s (other than to correct a minor or technical error) to the assurance rules and/or assurance standards provided by the approved arrangement,</li> <li>d. Removal or addition of a country in relation to which assurance services are provided, and</li> <li>e. Variations that may have the effect that carrying out assurance</li> </ul> </li> </ul>	

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			<p>services/operations in accordance with the approved arrangement will no longer ensure compliance with the relevant requirements under the Export Control Act 2020.</p> <p>ii. Documented acknowledgement that variations should not be implemented without prior approval by the department.</p>	
(c)	<p>The applicant is independent of regulated parties in the delivery of its assurance services and there is a system in place to manage conflicts of interest that may exist.</p>	<p>Export Control (Animals) Rules 2021 s 5-10(2) and 5-27</p>	<p>i. A conflicts-of-interest register for the board and governance committees.</p> <p>ii. Procedure to ensure that staff in management/control or decision-making positions must not, for a period of at least two years prior to commencement or at any time during approval, be an owner, board member, employee or close family member of any certified entity.</p>	
(d)	<p>The applicant has systems in place to ensure they have sufficient competent and qualified personnel to deliver assurance services and decision-making authority is defined.</p>	<p>Export Control (Animals) Rules 2021 s 5-12</p>	<p>i. Organisational chart with clear reporting lines, detailing roles and individuals assigned to management and control/ or decision-making roles.</p> <p>ii. Position descriptions for individuals in a management, control or decision-making roles.</p>	

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			iii. Record of qualifications, training and/or skills of personnel.  iv. System for identifying training needs and maintaining/assessing ongoing personnel competence.	
(e)	The applicant can offer assurance services in all countries accessed by Australian exporters. Where this is not possible for one or more countries, the proposed arrangement must include details for consideration by the department of the reasons why assurance services cannot be provided.	Export Control (Animals) Rules 2021 s 5-13	Program implementation plans for market roll-out.	
(f)	The applicant demonstrates and maintains high standards of integrity and accountability for its decisions.	Export Control (Animals) Rules 2021 s 5-10	i. Code-of-conduct and internal policies and procedures for the applicant’s board, governing committees and personnel.  ii. Corporate values statement.	
(g)	The applicant has a system for internal audit that: <ul style="list-style-type: none"> <li>• periodically reviews the compliance of its</li> </ul>	Export Control (Animals) Rules 2021 s 5-16(3)	i. Procedure, including scope, frequency and audit schedule, for internal auditing and reporting.	

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	<p>operations with relevant legislation</p> <ul style="list-style-type: none"> <li>• is documented and audit reports and the management and resolution of nonconformities are available.</li> </ul> <p>This system for internal audit includes a review of:</p> <ul style="list-style-type: none"> <li>• certified parties audit reports, outcomes and risk assessments and associated risk ratings</li> <li>• complaints, investigations, nonconformities and corrective actions</li> <li>• activities of and decisions made by the company, certification bodies and auditors in relation to assessment activities undertaken including audits, identification, issuing and recording of nonconformities,</li> </ul>		<ul style="list-style-type: none"> <li>ii. For the previous 12 months:                             <ul style="list-style-type: none"> <li>a. internal audit records and reports</li> <li>b. corrective action requests, evidence of corrective action and closing out of nonconformities.</li> </ul> </li> </ul>	

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	assessment of corrective action, closing out of nonconformities, granting of certifications or the suspension or withdrawal of certification <ul style="list-style-type: none"> <li>• decisions and activities of governance committees whose scope relates to assurance services</li> <li>• complaints handling and the effectiveness of the procedure</li> <li>• the process for monitoring trends in conformance and its effectiveness in identifying issues or areas for improvement.</li> </ul>			
(h)	The applicant has a wind-up plan to ensure ongoing control, traceability and acceptable animal welfare outcomes for exported Australian feeder and slaughter livestock as	Departmental policy	Wind-up plan, covering the scope described.	

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	certified entities transition to traditional ESCAS arrangements, in the event of: <ul style="list-style-type: none"> <li>• a complete wind-up of the company,</li> <li>• the wind-up of assurance services in an active market,</li> <li>• the revocation or suspension of the applicant’s accreditation, or</li> <li>• the applicant not renewing its lapsing accreditation.</li> </ul>			
(i)	The applicant has a system and procedures in place to accurately report to the department on their performance as required under relevant legislation.	Export Control (Animals) Rules 2021 s 5-11(2), 5-17 and 5-18	i. Reporting and information-sharing policy.  ii. Procedures for quarterly reporting to the department on assurance operations covered by the proposed approved arrangement.  iii. Procedures to ensure that if the Approved Arrangement ceases to be in force, the applicant will report to the department on exporter supply chain	



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			<p>operations carried out in accordance with the Approved Arrangement during the reporting period, after the period covered by the most recent report given to the department as soon as practicable after the approved arrangement has ceased to be in force.</p>	
(j)	<p>The applicant has within its assurance standards and/or rules, a system for dealing with identified non-conformities with the assurance standards and/or rules by an entity, which include that the assurance given in relation to an entity in accordance with the approved arrangement may be removed (i.e. the certification of an entity may be suspended or revoked by the applicant as a result of a sufficiently severe non-conformity, or one that has not been satisfactorily addressed).</p>	<p>Export Control (Animals) Rules 2021 s 5-16</p>	<p>Assurance rules and standards under which the exporter supply chain assurance operations will be carried out.</p>	
(k)	<p>The applicant has developed and published</p>	<p>Export Control (Animals) Rules 2021</p>	<p>i. Assurance standards and/or rules that articulate requirements consistent with</p>	

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	<p>standards that are at least equivalent to ESCAS principles with respect to:</p> <ul style="list-style-type: none"> <li>• animal welfare</li> <li>• control through the supply chain</li> <li>• traceability through the supply chain</li> </ul> <p>independent auditing.</p>	<p>Chapter 5, Part 2, Division 1</p>	<p>ESCAS principles.</p> <ul style="list-style-type: none"> <li>ii. Documented comparison of the applicant’s assurance standards with ESCAS requirements of animal welfare, control, through-chain traceability and independent auditing, demonstrating how each of these ESCAS requirements are met.</li> <li>iii. Documented processes and procedures to deliver assurances to these standards.</li> <li>iv. Assurance rules and/or standards detail the roles and responsibilities of each supply chain entity with regards to each ESCAS principle.</li> <li>v. Documented comparison between current ESCAS requirements and the applicant’s assurance standards and rules, with a procedure for periodic review.</li> <li>vi. The process for developing standards is consistent with international standard development procedures such as those required by the International Organization for Standardization (or</li> </ul>	

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			equivalent) and includes: <ul style="list-style-type: none"> <li>a. documented process for consulting with interested stakeholders and the public in the development of assurance standards and rules</li> <li>b. procedures for how consultation comments have been considered</li> <li>c. membership and qualifications of standard development committee members</li> <li>d. decision-making roles, responsibilities and authority of committee members</li> <li>e. terms of reference for committee overseeing the development and maintenance of the standards committees operate to high standards of governance and conduct.</li> </ul>	
(l)	The applicant has a system in place to ensure the notification of all relevant certified entities within a given market in the event	Departmental policy	Documented procedures and demonstration of a system that: <ul style="list-style-type: none"> <li>a. allows immediate notification of supply chain disruptions,</li> </ul>	

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	of a supply chain disruption.		b. identifies all potentially affected certified entities and notifies them accordingly.	
(m)	The applicant has a system in place to ensure that no Australian livestock remain with entities which have had their certification revoked.	Departmental policy	Procedures and records of audits of entities within a short timeframe of certification suspension/revocation.	
(n)	The applicant has a system to ensure consistent auditing of certified entities against assurance rules and standards.	Export Control (Animals) Rules 2021 s 5-16	Auditor guidance manual provided by applicant to certification bodies.	
(o)	There are systems for the scheduled ad hoc review of assurance rules and standards, by the committee described in item 2, to ensure consistency with ESCAS principles.	Export Control (Animals) Rules 2021 s 5-16	i. Assurance rules and standards review process, including frequency, scope and triggers for evaluation. All elements of the assurance rules and standards provided by the approved arrangement should be reviewed by the committee annually.  ii. Procedures to ensure the assurance rules and standards are reviewed and revised accordingly when amendments are made to ESCAS policies and procedures.	

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			<ul style="list-style-type: none"> <li>iii. Procedures for and evidence of consultation on reviewed assurance rules and standards.</li> <li>iv. Decision-making roles, responsibilities and authority of committee members.</li> </ul>	
(p)	<p>The applicant requires that a certified entity will facilitate and provide timely access for the applicant to its systems, facilities, procedures, records, livestock and personnel, including where its certification is suspended or withdrawn, in instances where the applicant still needs to carry out procedures relevant to its assurance operations.</p>	<p>Departmental policy</p>	<ul style="list-style-type: none"> <li>i. Documented rules, standards, and policies, which require certified entities to grant access as described to applicant personnel, including when their certification has been suspended or withdrawn, for the following purposes:                             <ul style="list-style-type: none"> <li>a. audits and evaluation of previously certified entities,</li> <li>b. investigation of complaints</li> <li>c. undertaking and verification of corrective actions, and/or</li> <li>d. implementation and verification of contingency plans.</li> </ul> </li> <li>ii Documented agreements with certified entities.</li> <li>iii Access facilitation as a condition of entity certification.</li> </ul>	
(q)	<p>The applicant ensures that certification bodies providing auditing, assessment and</p>	<p>Departmental policy</p>	<ul style="list-style-type: none"> <li>i. Documented procedure for selecting and approving certification bodies</li> </ul>	

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	<p>certification services are independent of the entities they are auditing, have no conflict of interest and possess an appropriate level of competence and expertise. Certification bodies should be accredited by an appropriate authority such as a member of the international body for accreditation of Conformity Assessment Bodies – the International Accreditation Forum (IAF).</p> <p>Accreditation should be to an international standard. For example,</p> <ul style="list-style-type: none"> <li>• ISO/IEC 17065:2012 Conformity assessment – requirements for bodies certifying products, processes, and services or,</li> <li>• ISO 17021:2015 Requirements for bodies providing audit</li> </ul>		<ul style="list-style-type: none"> <li>ii Applicant procedures for approving and auditing of certification bodies includes the verification of auditor qualifications and certification body accreditation.</li> <li>iii. Procedures to ensure that, as conditions of their approval, certification bodies:                             <ul style="list-style-type: none"> <li>a. have not, for a period of at least two years prior to approval or at any time during approval, been an owner, board member, employee or close family member of the company, any certified entity, and</li> <li>b. have not, for a period of at least one year prior to approval or at any time during approval, been a provider of products, services or solutions which would assist a certified entity in conforming with the assurance services, other than those required to audit, evaluate and certify the certified entity.</li> </ul> </li> </ul>	

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	and certification of management systems.			
(r)	The applicant requires certification bodies to have a risk-based approach to external auditing of certified entities, with external audits occurring at least annually.	Departmental policy	<ul style="list-style-type: none"> <li>i. Standards which include provision for external audits and risk assessments by certification bodies.</li> <li>ii. Definitions of the risk assessment and risk ratings, and its impact on audit frequencies.</li> <li>iii. Risk assessment system used to determine the audit frequency of certified entities. Factors considered should include:                             <ul style="list-style-type: none"> <li>a. critical factors which impact a certified party's ability to maintain conformity,</li> <li>b. type of operation, and</li> <li>c. history of nonconformity.</li> </ul> </li> <li>iv. Procedure to ensure this risk assessment is consistently and correctly applied by certification bodies providing auditing and certification services.</li> </ul>	
(s)	External auditors are approved by an approved certification body before offering services and do not conduct audits where a	Departmental policy	<ul style="list-style-type: none"> <li>i. Procedure requiring certification bodies to request applicant approval for approving/recruiting external auditors                             <ul style="list-style-type: none"> <li>a. documents submitted with this request.</li> </ul> </li> </ul>	

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	<p>conflict of interest exists or potentially exists.</p>		<ul style="list-style-type: none"> <li>ii. Documented applicant requirements of certification body for external auditor recruitment.</li> <li>iii. Declarations accompanying external auditor recruitments (from certification bodies) that the external auditor has not:                             <ul style="list-style-type: none"> <li>a. for a period of at least two years prior to approval or at any time during approval, be an owner, board member, employee or close family member of the company, any certified party, and,</li> <li>b. for a period of at least one year prior to approval or at any time during approval, be a provider of products, services or solutions which would assist a certified party in conforming with the assurance services, other than those required to audit, evaluate and certify the certified party.</li> </ul> </li> <li>iv Documented procedure for selecting and approving external auditors.</li> <li>v Samples of contracts between the certification body and its external auditors.</li> </ul>	



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(t)	External auditors have the appropriate skills and competencies required to undertake the scope of the audit required and commit to ongoing professional development.	Departmental policy	<ul style="list-style-type: none"> <li>i. Documented procedures and prerequisites for external auditor recruitment include that auditors:                             <ul style="list-style-type: none"> <li>a. have a lead auditor qualification in quality management systems or equivalent</li> <li>b. demonstrate knowledge and skills relevant to the scope of certification they will conduct audits against,</li> <li>c. undertake specific training in auditing under the applicant assurance rules and/or standards, and,</li> <li>d. must not provide direction to the certified party on how to conform with the assurance services.</li> </ul> </li> <li>ii. Procedures for documenting:                             <ul style="list-style-type: none"> <li>a. Training and qualification records of external auditors</li> <li>b. Auditor rotation (if applicable) retained by certification body and accessible to applicant upon request</li> <li>c. External auditor ongoing professional development.</li> </ul> </li> </ul>	

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			iii. Documented procedure for annual review of auditor competency and audit of certification bodies	
(u)	Internal auditors of certified facilities have the skills and competencies necessary to conduct the scope of their audits, receive appropriate training to do so, are impartial and do not audit their own work area.	Export Control (Animals) Rules 2021 s 5-16(3) and departmental policy	<p>i. Documented procedures by certification bodies to verify the quality management and internal audit system of certified entities, made available to the applicant upon request.</p> <p>ii. The applicant's procedures for the review and audit of certification bodies includes assessment of the certification bodies procedures referenced in point (i) above.</p>	
(v)	The applicant has a system for auditing the certification body's management of nonconformities.	Export Control (Animals) Rules 2021 s 5-11(2)	<p>i. Procedures for auditing certification bodies.</p> <p>ii. Procedures for recording audits/verification of certification body activities, including the escalation of nonconformities, corrective action requests and close-outs, and the suspension/certification revocation of certified entities.</p>	
(w)	The applicant has a system for handling and managing third party (e.g., animal welfare groups, industry, and the public) complaints	Export Control (Animals) Rules 2021 s 5-11(2) and departmental policy	<p>i. Complaints policy.</p> <p>ii. Record keeping policy (with minimum record retention in accordance with relevant legislation).</p>	

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	and nonconformities, including complaints referred by the department.		<ul style="list-style-type: none"> <li>iii. Procedures for recording nonconformities and for making these records available to the department upon request.</li> <li>iv. Provisions for the categorisation of non-compliances, escalation and notification processes.</li> </ul>	

#### Requirements relating to the applicant for the approved arrangement

ITEM	REQUIREMENT	REFERENCE	SUPPORTING EVIDENCE/DOCUMENTATION	PROVIDED (Y/N) AND REFERENCE IN APPLICATION SUBMISSION
1	The applicant must be an Australian company.	Export Control (Animals) Rules 2021 s 5-10(1)(a)	<ul style="list-style-type: none"> <li>i. Australian company number.</li> <li>ii. Certificate of incorporation or registration.</li> <li>iii. Status confirmed with Australian Securities &amp; Investment Commission.</li> </ul>	

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2	The applicant for an approved arrangement and its employees must not hold a livestock export licence.	Export Control (Animals) Rules 2021 s 5-10(1)(b)	(Department to verify against list of export licence holders).	